

Frequently Asked Questions (FAQ) on.....

**The Scheduled Tribes and Other
Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006**



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Frequently Asked Questions on FRA - 2006

The *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (commonly referred to as the Forest Rights Act or FRA) was enacted with the explicit objective of addressing the historic injustice inflicted upon Scheduled Tribes and other traditional forest dwellers. These communities had long been denied legal recognition of their customary rights over ancestral lands and habitats, particularly during the consolidation of State forests under colonial rule and, subsequently, in independent India.

The Act represents a transformative legislative intervention by Parliament to undo this injustice. It overrides conflicting provisions of earlier forest laws, including the Forest (Conservation) Act, and formally recognises a comprehensive range of rights—individual, community, and community forest resource rights—of forest-dwelling communities. By doing so, it seeks not only to restore tenure security but also to strengthen livelihoods and promote sustainable forest governance.

A central feature of the Act is the pivotal role accorded to the Gram Sabha. It is the Gram Sabha that initiates the process of determining forest rights, verifies claims, and ultimately certifies the completion of rights recognition prior to any diversion of forest land.

The FRA recognises a bundle of rights, including individual forest rights, community rights, community forest resource rights, and habitat rights for PVTGs. This comprehensive framework provides significant scope for the empowerment of tribal and forest-dependent communities, enabling them to secure their livelihoods while conserving forest ecosystems.

This FAQ on the Forest Rights Act, 2006 is intended to enhance awareness among officials, practitioners, and other stakeholders to facilitate its effective implementation. It is designed as a reference resource to guide readers in understanding the provisions of the law, along with relevant guidelines issued by the Ministry of Tribal Affairs, Government of India, and respective State Governments.

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I. An Introduction to the Forest Rights Act-2006

What is the purpose of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

The Forest Rights Act, 2006 recognises and vests forest rights over forest land in Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers whose rights were not recorded or recognised during the colonial and post-colonial forest governance regimes. The Act aims to address this historical injustice, ensure livelihood and food security, promote ecological balance, and strengthen the role of forest-dwelling communities in conservation and sustainable management of forests. The Act also provides for making claims and establishes institutional mechanisms and procedures for verifying, examining, approving, recording, and issuing titles for such claims.

When did the Forest Rights Act and its Rules come into force?

The Forest Rights Act came into force on 31 December 2007. The Forest Rights Rules were notified on 1 January 2008 and were subsequently amended in 2012. These Rules lay down the procedure for recognition and vesting of forest rights.

Why is 13 December 2005 a crucial date under the Forest Rights Act?

The date 13 December 2005 is significant because it is the cut-off date fixed by law for determining eligibility for recognition of forest rights regarding cultivation and habitation. This was the date on which the Bill was introduced in Parliament. All occupations and uses of forest land that existed before this date must be examined under the Forest Rights Act for possible recognition of rights. Only occupations that began after this date, and which are not approved by the competent authorities under the Forest Rights Act,

can be treated as encroachments. The date has no relevance in Community Forest Rights and Resource Rights where occupation is not involved.

Can occupation prior to 13 December 2005 be treated as illegal encroachment?

No. Occupation of forest land prior to 13 December 2005 cannot be treated as encroachment. Such occupations are recognised and vested under the Forest Rights Act for eligible forest dwellers. These occupations must be examined through the procedure prescribed under the Act. Treating pre-2005 occupation as encroachment is contrary to the Act and amounts to a violation of law. The law is equally applicable to all types of forests including core zones of tiger reserves and national parks.

Who is a Forest Dwelling Scheduled Tribe under the Forest Rights Act?

A Forest Dwelling Scheduled Tribe is a member or community of Scheduled Tribes who primarily reside in forest or forest land and/or depend on forests or forest land for bona fide livelihood needs. Such persons must have occupied forest land prior to 13 December 2005. The definition also includes Scheduled Tribe pastoralist communities.

Is the date of forest notification relevant for determining eligibility of Other Traditional Forest Dwellers?

No. The date of notification of a forest area under any forest law is not relevant for determining eligibility under the Forest Rights Act. Eligibility depends on residence and dependence prior to the cut-off date.

While calculating the required seventy-five years, can periods of residence in different villages be added together?

Yes. Section 2(o) of the Forest Rights Act does not require claimants or their ancestors to have lived in the same village for seventy-five years.

The requirement is that they must have been forest dwellers for seventy-five years, even if this period spans different villages. This condition applies to the forest-dwelling community as a whole and not to each individual claimant separately. Evidences mentioned in rule 13(1) can be used for the purpose of proving three generations' residence; i.e. a signed statement by an elderly person who has seen and known three generations of the claimant OTFD can be used as an evidence.

What is meant by "forest land" under the Forest Rights Act, 2006?

Under Section 2(d) of the Forest Rights Act, forest land means land of any description falling within any forest area. The definition is deliberately broad to ensure that communities are not excluded due to technical classifications. Forest land includes reserved forests, protected forests, deemed forests, and unclassified forests. It also includes forest land recorded in any government record, whether under forest or revenue departments. Importantly, forest land inside wildlife sanctuaries and national parks is also covered under the Act. The legal status, ownership, or notification of the land does not determine the applicability of the Forest Rights Act.

Is the Forest Rights Act applicable to forest lands falling within village revenue boundaries?

The Government clarified that forest lands located between reserved forest boundaries and village revenue boundaries, as well as forest lands situated within village boundaries, fulfil the criteria of eligibility in terms of "forest land" as defined under Section 2(d) of the Act. Accordingly, eligible claimants may seek recognition of forest rights and grant of pattas under Rule 8(h) of the Forest Rights Rules, as amended in 2012, vide File No. SOWO3-11024/62/2020-AD-COTW, dated 15-08-2020.

Is the Forest Rights Act applicable in Municipal areas?

Yes. Section 1(2) of the Forest Rights Act extends its application to the whole of India, except the former State of Jammu and Kashmir. Section 2(d) defines forest land broadly to include land of any description falling within any forest area, regardless of its location. Therefore, the Forest Rights Act applies to forest lands even if they are situated within Municipal areas. This position is consistent with the interpretation laid down by the Supreme Court of India in the Godavarman case. The Ministry of Tribal Affairs has also clarified this through its letters dated 29 April 2013 and 5 March 2015.

What does “primarily reside in and depend on the forest or forest land for bona fide livelihood needs” mean in this context?

The word “primarily” qualifies residence and not dependence. It does not require continuous residence inside forest land. Persons may live in villages or habitations outside forest land while depending on forests for their bona fide livelihood needs. Seasonal migration, pastoral movement, or temporary absence does not disqualify a claimant, as clarified in guidelines issued by the Ministry of Tribal Affairs in 2008.

What is meant by “bona fide livelihood needs”?

Bona fide livelihood needs include meeting the livelihood requirements of the individual and family, exercising forest rights under Section 3(1) of the Act, and selling surplus produce arising from the exercise of such rights as per Memo 5758/LTR-1/2008 –SW of 2008.

Is forest livelihood limited to mere subsistence?

No. The Forest Rights Act does not restrict forest dwellers to subsistence-level living. It recognises their right to a dignified and secure livelihood consistent with constitutional values.

What does “occupation of forest land” mean under the Forest Rights Act?

Occupation is not limited to physical possession. It includes customary use, traditional use, intermittent or seasonal use, and shared use with other members of the community.

If one member of a forest-dwelling family, such as a spouse, is a Government servant or holds a permanent salaried job, does that disqualify the family from claiming rights under the Forest Rights Act, including as Other Traditional Forest Dwellers?

No. The Forest Rights Act does not disqualify individuals or families merely because one member holds a Government or salaried job. The Act does not require forest dwellers to be solely or primarily dependent on forests for their livelihood. If the family otherwise satisfies the eligibility conditions under the Act, they are entitled to claim forest rights. The employment status of one member does not affect the rights of other eligible members, nor can a State Government introduce such a disqualification.

Can Other Forest Dwellers (non-tribals) in the Scheduled Areas of Andhra Pradesh and Telangana claim individual forest rights over forest lands under the Forest Rights Act?

The rights recognized under the Forest Rights Act are not in derogation of the existing rights of the Scheduled Tribes(See section 13). The A.P. Scheduled Area Land Transfer Regulation I of 1970 prohibits the State from assigning any rights over immovable property situated in the Scheduled Areas in favour of non-tribals. The Regulation prohibits the transfer of land in favour of non-tribals, whether from tribals or from non-tribals.

In the *Samata* judgment (1997), the Supreme Court held that the State is to be treated as a non-tribal for this purpose. Therefore, a non-

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tribal in the Scheduled Areas cannot seek forest rights over forest land under occupation. The Government of Andhra Pradesh has also issued an order (G.O.Ms No 102 SW(LTR-1 Department dated 06-06-2008S) in this regard.

II. Explanation of Forest Rights

What kinds of rights are recognised under the Forest Rights Act, 2006?

The Forest Rights Act, 2006 recognises a comprehensive set of individual and community-based rights of Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers. The rights recognised under the Act broadly include individual forest rights, community rights, rights over minor forest produce, Community Forest Resource rights, habitat rights of Particularly Vulnerable Tribal Groups, development rights, conversion rights relating to forest settlements, and rehabilitation rights.

What are individual forest rights under the Forest Rights Act?

Individual forest rights include the right to hold and live on forest land under individual or common occupation for habitation and for self-cultivation for livelihood; rights in or over disputed lands where claims are under dispute; the right to convert pattas, leases, or grants on forest land into titles; and the right to in situ rehabilitation, including alternative land, where forest dwellers were illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation prior to 13 December 2005. These rights can also be claimed by a community where community cultivation is in practice or pattas were issued in the name of a village community or Gaonburra (traditional headman).

These rights are recognised for forest land that was under occupation prior to 13 December 2005, including land located in villages where the claimant is not necessarily a resident, subject to the maximum ceiling of four hectares prescribed under the Act. Individual forest rights are heritable but cannot be alienated or transferred. The ceiling is applicable only to rights

claimed u/s 3(1). It does not apply in cases of conversion of old pattas/ leases or of forest villages.

What are community rights recognised under the Forest Rights Act?

Community rights refer to traditional and customary rights exercised by communities over forest areas. These include rights over minor forest produce such as fodder, leaves, roots, tubers, fruits, herbs, and other traditional forest produce; rights over fish and water bodies; grazing rights; rights to fuelwood; traditional seasonal access of nomadic or pastoral communities; habitat rights of Particularly Vulnerable Tribal Groups and pre-agricultural communities; conversion of forest villages, old habitations, unsurveyed villages, and other settlements into revenue villages; recognition of pre-existing rights under any State law; rights relating to access to biodiversity, intellectual property, and traditional knowledge; and any other traditional rights other than hunting. These are not new rights but recognition of pre-existing customary practices of forest-dwelling communities.

What are Community Forest Resource Rights?

Community Forest Resource rights refer to the right of communities to protect, regenerate, conserve, and manage forest resources that they have traditionally used and conserved. These rights empower the Gram Sabha to take responsibility for sustainable forest management and to regulate access to and use of community forest resources in accordance with customary practices and conservation principles.

Is it valid to confer Community Forest Rights on Vana Samrakshana Samithis?

No. As per Rule 8(h) of the Forest Rights Rules, titles for Community Forest Rights shall be conferred on the village or Gram Sabha and not on Vana Samrakshana Samithis. The Ministry of Tribal Affairs has clarified that

titles conferred on Vana Samrakshana Samithis are invalid and has directed their withdrawal.

What are the rights of Individual Forest Rights claimants in the VSS area?

If any individual member has, at any time, occupied or was in possession of forest land that has subsequently been brought under the purview of Vana Samrakshana Samithis (VSSs), his or her rights shall be examined in the light of the provisions under Section 3(1)(m) read with Section 4(6) of the Act.

What is the status of grazing rights of pastoralist or nomadic communities living on revenue lands?

Residence on revenue land does not disqualify pastoralist or nomadic communities from claiming rights under the Forest Rights Act, provided the rights relate to forest land. Section 3(1)(d) of the Act specifically recognises grazing rights and seasonal access of nomadic and pastoralist communities, including settled and transhumant grazing practices.

Before which Gram Sabha should pastoralist or nomadic communities file their claims?

Claims should be filed before their own Gram Sabha. If grazing or passage rights extend across multiple villages, claims should also be filed before all concerned Gram Sabhas. Under the Forest Rights Rules, claims of pastoralist communities must be verified in their presence, and delayed claims should not be rejected merely on the ground of time limits, considering their migratory nature.

How are Community Forest Resource rights different from other community rights?

While general community rights relate to use and access to forest resources, Community Forest Resource rights go a step further by recognising

the authority of the Gram Sabha to manage and govern the forest resource itself. These rights place the community at the centre of forest conservation and decision-making.

What are habitat rights under the Forest Rights Act?

Habitat rights are special rights recognised for Particularly Vulnerable Tribal Groups. These rights cover the traditional habitat and territory of such groups and are not limited to individual land parcels. Habitat rights recognise the unique social, cultural, and livelihood relationship of such groups with their environment.

What are conversion rights recognised under the Forest Rights Act?

The Forest Rights Act recognises conversion rights relating to forest settlements. These include the right to convert forest villages, old habitations, unsurveyed villages, and settlements into revenue villages. The village to be converted includes the actual land use of the village in its entirety, including land required for current or future community uses such as schools, health facilities, and public spaces.

Why are conversion rights significant?

Conversion rights are significant because they provide security of tenure, access to basic amenities, and inclusion of forest settlements within the formal administrative framework. They address the long-standing neglect of forest villages and habitations. These rights also provide freedom or waiver from getting any clearances under the FCA 1980. This makes it easier for a small village get access to basic human facilities.

What rehabilitation rights are recognised under the Forest Rights Act?

The Act recognises the right to in situ rehabilitation for forest-dwelling communities who were illegally evicted or displaced from forest land without

proper rehabilitation prior to 13 December 2005. Such persons are entitled to rehabilitation on forest land in accordance with the provisions of the Act.

Are these rights subject to conservation and sustainable use?

Yes. The Forest Rights Act balances rights with responsibilities. The Gram Sabha and right holders are required to protect wildlife, forests, biodiversity, and ecological balance while exercising their rights. Sustainable use and conservation are integral to the framework of the Act.

What are community development rights using forest land under the Forest Rights Act?

The Forest Rights Act permits the diversion of forest land up to one hectare for each community development activity, subject to the condition that the felling of trees does not exceed seventy-five trees per hectare. The Gram Sabha is the authority to approve such proposals submitted by the user agencies. Further details are provided in the chapter on diversion of forest lands.

What is the overall objective of recognising these multiple rights under the Forest Rights Act?

The overall objective of recognising multiple categories of rights is to correct historical injustice, secure livelihoods, protect cultural identity, and promote democratic and community-led forest governance. The Act represents a shift from a control-oriented forest regime to a rights-based and participatory framework.

Does the Forest Rights Act override other forest laws?

Yes. Section 4(1) of the Forest Rights Act gives it overriding effect over earlier forest-related laws. This means that the recognition and vesting of forest rights under the Act take precedence over laws such as the Indian

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Forest Act, 1927, the Wildlife (Protection) Act, 1972, and the Forest (Conservation) Act, 1980. Actions under these earlier laws cannot be used to deny or nullify rights recognised under the Forest Rights Act.

III. Claimants and Institutions under the Forest Rights Act.

Who can be a claimant under the Forest Rights Act?

A claimant under the Act can be an individual, a family, a group of individuals, or an entire community seeking recognition and vesting of forest rights as provided under the Act.

Are Community Forest Resource rights individual rights or community rights?

Community Forest Resource rights are community rights. They are collective in nature and vest in the Gram Sabha or the village community as a whole, not in individual persons.

Which forms are used for claiming forest rights?

Individual Forest Rights are claimed using Form A, Community Rights are claimed using Form B, and Community Forest Resource Rights are claimed using Form C. These forms are prepared and submitted by the claimant in the case of individual rights, and by the Forest Rights Committee and/or the community group on behalf of the Gram Sabha in the case of community rights.

Constitution of Committee and Initiation of Process.

What constitutes a “village” under clause (p) of Section 2 of the Forest Rights Act?

A village, as defined in clause (p) of Section 2 of the Forest Rights Act as villages as defined under the PESA Act, notified under Panchayat laws, forest villages, old habitations or settlements, and unsurveyed or unnotified traditional villages where no panchayats exist. This has been

further clarified under Rule 2A of the Forest Rights Rules introduced through an amendment to the FRA rules in 2012 operationally confirming that villages are hamlets or settlements.

What responsibility does every Panchayat have in identifying villages under the Forest Rights Act?

Every Panchayat is required to prepare a list of villages. This list must be approved by the concerned villages and forwarded to the Sub-Divisional Level Committee through a Panchayat resolution, as provided under Rule 2A(a) of the Forest Rights Rules, 2012. The Panchayat does not take part in decision-making on forest rights claims but facilitates the statutory process envisaged under the Act and the Rules.

What role does the Gram Panchayat play in activating FRA Gram Sabhas?

The Gram Panchayat has the responsibility to convene the first Gram Sabha meeting for the implementation of the Forest Rights Act in villages where such meetings have not been held earlier. This responsibility flows from Rule 3(1) of the Forest Rights Rules, 2012.

Role of the Gram Sabha

Who is the statutory authority to initiate and approve forest rights claims under the Forest Rights Act, 2006?

The Gram Sabha is the statutory authority empowered to initiate, verify, determine, and approve forest rights claims within its jurisdiction. This authority is conferred under Section 6(1) of the Forest Rights Act, 2006. The Act places the Gram Sabha at the centre of the recognition process to ensure community-based and participatory decision-making.

What is the meaning of Gram Sabha under the Forest Rights Act?

Under the Act, Gram Sabha means the assembly of all adult members of a village.

How are Gram Sabha resolutions passed under the Forest Rights Act?

Gram Sabha resolutions are passed by a majority decision in meetings held with the prescribed quorum, which is not less than one-half of all adult members of the village, of whom at least one-third must be women, as laid down under the Forest Rights Rules. These resolutions form the legal basis for recognition and management of forest rights.

How are disputes between Gram Sabhas resolved under the Forest Rights Act?

Disputes between Gram Sabhas are resolved through the Sub-Divisional Level Committee and District Level Committee mechanisms as provided under the Forest Rights Rules.

What powers does the Gram Sabha have in cases of violations relating to Community Forest Resources?

The Gram Sabha has the power to regulate access to Community Forest Resources and to stop activities that are detrimental to forests, wildlife, and biodiversity, as provided under Section 5 of the Act.

Role of the SDLC and DLC

What are the roles of the SDLC and the DLC?

The Sub-Divisional Level Committee examines whether the Gram Sabha has followed due process and scrutinises the claims. The District

Level Committee considers the entire record and takes the final decision on eligibility or ineligibility for forest rights. Only after the decision of the District Level Committee can the legal status of occupation be incorporated into the Record of Rights.

Who should be part of the SDLC besides officials?

The Sub-Collector or Revenue Divisional Officer shall chair the Committee, as per the orders of the Government of Andhra Pradesh. The Sub-Divisional Forest Officer shall be one of the members. The District Tribal Welfare Officer shall act as the Member Secretary in ITDA districts, and the Assistant Tribal Welfare Officer shall act as the Member Secretary in non-ITDA districts, as per G.O. Ms. No. 8 SW –LTR dated 23-01-2008.

Besides the officials, the Sub-Divisional Level Committee shall include three members nominated by the Zilla Parishad, in accordance with Rule 5(c) of the Forest Rights Rules, from among the MandalPrajaParishads, preferably from forest-dwelling communities, particularly Particularly Vulnerable Tribal Groups. One of the nominated members shall be a woman, preferably a Scheduled Tribe member in predominantly Scheduled Tribe areas.

Who should be part of the DLC besides officials?

The Collector and District Magistrate shall chair the Committee. The PO,ITDA is the Member Secretary in ITDA Districts, the District Tribal Welfare Officer in the non ITDA Districts. The District Forest Officer is one of the members of the DLC as per GO Ms No 8(2008)

Besides officials, the District Level Committee shall include three members of the Zilla Parishad nominated by the Zilla Parishad, as mandated under Rule 7(c) of the Forest Rights Rules, 2012. Similar preferences shall be followed in the nomination of members as in the case of the constitution

of the SDLC. This ensures democratic representation of local self-government institutions in the statutory authority responsible for final recognition of forest rights.

Why is proper composition of the District Level Committee legally important?

The District Level Committee is a statutory decision-making authority under the Forest Rights Act. Any decision taken by a committee that is improperly constituted or lacks mandatory Panchayat representation is legally unsustainable and liable to be invalidated, as it violates the procedure established by law.

Role of the State Level Monitoring Committee

What is the role of the State Level Monitoring Committee?

The SLMC communicates guidelines, builds capacity, monitors implementation of the Act, and issues instructions to line departments to ensure proper recognition and management of forest rights.

Who should be part of the SLMC besides officials?

The State Level Monitoring Committee, headed by the Chief Secretary to the Government. The Commissioner of Tribal Welfare is the Member Secretary. The members include the Secretaries of Panchayat Raj & Rural Development, Environment, Forests and Science & Technology, Revenue, and Tribal Welfare Departments, and the Principal Chief Conservator of Forests, along with three Tribes Advisory Council (TAC) members nominated by the Chairperson of the TAC as per G.O. Ms. No. 4 SW-LTR dated 21-01-2008.

What is the monitoring role of the SLMC in resettlements under the Rules?

In terms of Rule 10(e) of the Forest Rights Rules, 2012, the State Level Monitoring Committee is legally bound to monitor, review, and ensure

the legality and fairness of all resettlement processes arising out of forest land diversion under Section 4(2) of the Forest Rights Act, 2006, so that the constitutional and statutory rights of forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers are fully protected. An Expert Committee shall be constituted to examine the proposal for declaration of Critical Wildlife Habitat based on scientific and objective criteria. (*Government of India, Guidelines for Notification of Critical Wildlife Habitat, Ministry of Environment, Forest and Climate Change, 2018*).

What is the role of the Exclusive Committee and who should be part of the Committee?

The Exclusive Committee is constituted to act as a catalyst for the effective implementation of the Forest Rights Act and the Rules. The Committee is chaired by the Special Chief Secretary & Chief Commissioner of Land Administration, with the Director of Tribal Welfare as the Convenor. The other members include the Special Commissioner of Revenue, the Secretary, Panchayat Raj & Rural Development, the Additional Principal Chief Conservator of Forests, and the Director, Tribal Cultural Research & Training Institute (TCR&TI). The Committee is expected to meet as frequently as required for the expeditious implementation of the Forest Rights Act, as per G.O. Ms. No. 570 SW-LTR dated 22-08-2008.

IV. Gram Sabha-Led Procedures for Claiming and Verifying Forest Rights

Why is convening the first FRA Gram Sabha meeting important?

Convening the first meeting ensures that all eligible villages are activated under the Forest Rights Act, Gram Sabhas become functional for FRA implementation, and no forest-dwelling community is excluded from the forest rights recognition process due to administrative inaction. The Forest Rights Committee (FRC) is to be constituted at this first meeting. The FRC is responsible for field verification of the claims and submission of the report with the findings and recommendations to Gram Sabha for decision on the claims

What is the role of the Gram Panchayat Secretary in FRA Gram Sabhas?

Under Rule 11(6) of the Forest Rights Rules, 2012, the Gram Panchayat Secretary may assist the Gram Sabha by acting as Secretary to the Gram Sabha, if such assistance is required. This role is supportive and administrative in nature.

Is the Gram Panchayat Secretary an office-bearer of the Gram Sabha?

No. The Gram Panchayat Secretary acts as Secretary to the Gram Sabha and not as the Secretary of the Gram Sabha. The office-bearers of the Gram Sabha are elected from among its members in accordance with customary and democratic practices. However, in the Scheduled Areas of Andhra Pradesh and Telangana, Gram Sabhas have their own Secretaries for the conduct of official business under the PESA Rules, 2011 whose assistance may be sought as required by the Gram Sabha.

Can the Gram Sabha function independently without the Gram Panchayat Secretary?

Yes. If the Gram Sabha is capable of managing its own records, notices, and proceedings, it is fully empowered to function independently without availing the services of the Gram Panchayat Secretary.

Does the Gram Panchayat Secretary have any decision-making authority in the Gram Sabha?

No. The Gram Panchayat Secretary has no decision-making power in the Gram Sabha and is not authorised to influence or participate in the determination of forest rights claims under the Forest Rights Act.

Why is the Gram Sabha central to the implementation of the Forest Rights Act?

The Forest Rights Act recognises the Gram Sabha as the foundation of the rights recognition process. The Gram Sabha initiates claims, verifies evidence, decides on claims, protects Community Forest Resources, and plays a key role in forest governance. This central role is repeatedly emphasised in the Act, the Rules, and the guidelines issued by the Government of India, reflecting a shift towards a rights-based and community-centred approach to forest management.

Gram Sabha Level Procedure:

What is the first step in the Gram Sabha-level procedure for vesting of forest rights?

The first step is creating awareness among forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers about their forest rights under the Forest Rights Act, 2006 and the Rules framed thereunder. The Gram

Sabha must ensure that eligible persons are informed about the nature of rights, eligibility conditions, claim forms, evidence required, and the overall process of recognition of forest rights.

Within what time period should forest rights claims be submitted?

The Gram Sabha is required to call for submission of claims within a period of three months. This period may be extended by another three months, if necessary, provided reasons for such extension are recorded. The time limit is intended to facilitate orderly processing and not to deny genuine claims. There is no cut-off date for calling for claims as long as the process of recognition of rights is not completed.

Who is authorised to receive forest rights claims?

Only the Gram Sabha and the Forest Rights Committee constituted by it are authorised to receive forest rights claims. No other authority, including Revenue, Panchayat, or Forest officials, is empowered to receive, reject, or decide claims under the Act.

Forest Rights Committee:

Which committee is constituted by the Gram Sabha to process forest rights claims?

The Gram Sabha constitutes a Forest Rights Committee to assist it in the process of receiving, verifying, and placing forest rights claims before the Gram Sabha for decision.

Who should be part of the Forest Rights Committee?

The Forest Rights Committee shall consist of not less than ten and not more than fifteen members. At least two-thirds of the members must be from Scheduled Tribes, and at least one-third of the members must be women.

This composition ensures representation of forest-dwelling communities and gender equity. In the case of Other Traditional Forest Dweller villages, at least one-third of the members must be women. Care must be taken to ensure that, as far as possible, members are forest-dependent residents of the village.

As per the guidelines issued by the Government of Andhra Pradesh, all members of the Forest Rights Committee in Scheduled Areas shall belong to Scheduled Tribes. Literate persons may be preferred as members, to the extent possible. In PVTG–non-PVTG mixed habitations, a member of the PVTG community may be preferred as the Chairperson of the Forest Rights Committee, as per G.O. No. 102, SW (LTR), dated 06.06.2008.

What is the role of the Forest Rights Committee?

The Forest Rights Committee, after giving due intimation to the claimants, Gram Sabha and its members, the adjacent village Gram Sabhas in the case of community rights, and the concerned officers of the Forest and Revenue, shall visit the site, verify the claims and evidence submitted, prepare a rough sketch, make field notes, and submit their report with their findings and recommendations to the Gram Sabha, as provided under G.O. No. 102 issued in 2008.

What authority does the Gram Sabha confer on the Forest Rights Committee?

The Gram Sabha authorises the Forest Rights Committee to assist in receiving forest rights claims, explaining the nature and extent of forest rights to claimants, facilitating the collection of evidence, preparing maps of claimed lands, recording observations and findings, and submitting verification reports to the Gram Sabha for final decision. The Forest Rights Committee has no

authority to approve or reject claims; that power rests exclusively with the Gram Sabha.

Submission and Verification of Claims:

How is verification of claims carried out?

Verification involves fixing a date and time, issuing public notice to villagers and concerned officials, conducting a field visit to the claimed land, recording physical features, boundaries, land use, and evidence, and preparing maps and verification records. The process must be transparent and participatory.

Are Forest and Revenue officials required to be present during verification?

Forest and Revenue officials are required to be informed and are expected to be present during verification and to sign the proceedings. However, if they fail to attend despite due notice, the verification process shall proceed and cannot be stalled.

What happens if officials later object on the ground that they were not present during verification?

If officials raise objections before the Sub-Divisional Level Committee due to non-attendance, the claim may be remanded once for re-verification. If officials again fail to attend after due notice, the verification and decision of the Gram Sabha shall prevail.

What types of Individual Forest Rights are recognised under the Act?

The Act recognises individual rights relating to land for habitation and self-cultivation, disputed lands, conversion of pattas or leases, and in situ

rehabilitation for persons displaced due to development projects or conservation initiatives. These rights are covered under different clauses of Section 3(1) of the Act.

Is continuous cultivation mandatory to prove occupation of land?

No. Continuous cultivation on specific dates is not mandatory. Evidence of past or present cultivation or occupation is sufficient. The Act recognises the realities of shifting cultivation, seasonal use, and forced displacement. Rotational fallows are also considered in the holding for cultivation.

How are forest rights claims submitted at the Gram Sabha level?

Eligible forest dwellers submit their claims in the prescribed forms to the Forest Rights Committee. Claims may relate to Individual Forest Rights, Community Rights, or Community Forest Resource Rights and must be supported by documentary, oral testimony reduced to writing, or traditional evidence as permitted under the Act and Rules.

What verification process is followed after submission of claims?

After receiving claims, the Forest Rights Committee undertakes verification, which includes scrutiny of claim forms, examination of evidence, assessment of the nature and extent of the claimed rights, and classification of claims as individual or community-based. Verification must be conducted in a transparent and participatory manner.

Evidence for Forest Rights Claims:

What kind of evidence is required to prove forest rights?

As per Rule 13 of the Forest Rights Rules, any two admissible pieces of evidence are sufficient, provided they are verified by the Forest Rights

Committee and approved by the Gram Sabha. The Rules permit a wide range of evidence reflecting ground realities.

What types of evidence are admissible for forest rights claims?

Admissible evidence includes government records, forest and revenue maps, census and survey reports, voter identity cards, ration cards, tax or land revenue receipts, physical structures such as bunds, houses or wells, statements of village elders, and traditional or customary records. Both formal and informal evidence are recognised.

Field-Level Verification:

What is meant by public field verification?

Public field verification is an on-site verification of claims conducted openly in the presence of claimants, members of the community, and concerned government representatives. It ensures transparency, facilitates community participation, and helps resolve disputes relating to boundaries, extent, or eligibility.

For Individual Forest Rights, adjacent right holders must also be issued notice. For Community Rights, adjacent villages, including elders, Gram Sabha office-bearers, and Forest Rights Committees, must be informed about the filing of claims, field verification, and Gram Sabha meetings for decision-making, to ensure that overlapping or shared rights are properly recorded, verified, and approved.

How is the date for field verification fixed and communicated?

The Forest Rights Committee fixes the date and time for field verification and gives prior intimation to the claimants, the Gram Sabha, and representatives of the Forest and Revenue Departments. Adequate notice is essential to ensure the presence of all concerned.

What role do the Forest and Revenue Departments play during verification?

The Forest and Revenue Departments assist during verification by providing relevant forest and revenue records, helping in demarcation of land, indicating boundaries and extent, and placing official information before the Gram Sabha. Their role is facilitative and advisory, not determinative.

What preparations are made after completion of field verification?

After field verification, the Forest Rights Committee prepares maps indicating the extent of each claim, consolidates claim registers, compiles claimant details, and prepares a verification report for submission to the Gram Sabha. Surveys of Gram Sabha-approved claims are conducted by the Sub-Divisional Level Committee and attached to the claims before submission to the District Level Committee.

What is the process of re-verification of forest rights claims?

Re-verification involves fixing a date and time with prior intimation by the Forest Rights Committee, ensuring the presence of concerned officials and claimants, conducting field verification, and submitting findings to the Gram Sabha and the Sub-Divisional Level Committee. If officials fail to attend despite due notice, the decision of the Gram Sabha shall be final.

V. Statutory Procedures and Safeguards in Forest Rights Recognition: From Gram Sabha to District Level Committee

At the Gram Sabha Level:

What is the quorum for Gram Sabha meetings under the Forest Rights Act?

The quorum consists of at least fifty percent of the village members, of whom not less than one-third must be women, and at least fifty percent of the claimants must be present. This ensures inclusive and representative decision-making.

How does the Gram Sabha initiate the process for determination of forest rights claims?

The Gram Sabha initiates the process by preparing a list of claimants, maintaining the prescribed registers, and passing resolutions on forest rights claims after giving reasonable opportunity to all interested persons, including concerned Forest officials such as Forest Beat Officers and Forest Section Officers for their input. Reasons must be recorded for any acceptance, modification, or rejection of claims.

What assistance must the Sub-Divisional Level Committee provide to the Gram Sabha?

The Sub-Divisional Level Committee must assist the Gram Sabha by making available relevant records such as forest maps, revenue records, and electoral rolls to enable proper verification and determination of claims.

Where can an appeal against a Gram Sabha decision be filed?

An appeal against the decision of the Gram Sabha can be filed before the Sub-Divisional Level Committee within sixty days from the date of communication of the decision.

Can objections be raised at the Gram Sabha level?

Yes. Objections may be raised by any community member and those from adjacent villages in the case of community rights. The Gram Sabha is required to hear such objections, examine them objectively, and decide the claims based on facts, evidence, and customary practices.

What happens after the Gram Sabha passes a resolution on forest rights claims?

After passing the resolution, the Gram Sabha forwards the approved resolution along with verified claim forms with the evidence and maps to the Sub-Divisional Level Committee for further scrutiny and processing.

Who are the beneficiaries of the Gram Sabha-based forest rights process?

The process benefits forest-dwelling Scheduled Tribes, Other Traditional Forest Dwellers, and forest-dependent communities whose rights were historically unrecorded or inadequately recognised.

How does this procedure uphold the spirit of the Forest Rights Act, 2006?

By vesting decision-making authority with the Gram Sabha, the procedure upholds decentralisation, transparency, accountability, democratic decision-making, community control over forests, social justice, and constitutional protections for tribal and forest-dwelling communities, which form the core philosophy of the Act.

At the Sub-Divisional Level Committee:

What is the role of the Sub-Divisional Level Committee under the Forest Rights Act, 2006?

The SDLC is responsible for ensuring that claim forms, village-level documents, and relevant records are made available to Gram Sabhas and

Forest Rights Committees, examining forest rights claims forwarded by the Gram Sabha, scrutinising records and maps, considering objections, ensuring due process, and forwarding its recommendations to the District Level Committee for final decision.

When does the SDLC begin processing forest rights claims?

The SDLC begins processing claims only after receiving the duly passed Gram Sabha resolution along with claim forms, supporting evidence, and maps.

What documents are examined by the SDLC?

The SDLC examines the Gram Sabha resolution, maps prepared and approved by the Gram Sabha, and all supporting records and evidence submitted in support of forest rights claims.

What should the SDLC do if the Gram Sabha resolution is incomplete or lacks required information?

If the resolution lacks information or requires further examination, the SDLC must remand the claim to the Gram Sabha with recorded reasons. The SDLC shall not reject or modify the claim on its own in such cases.

What happens if objections are raised regarding absence during field verification?

If Forest or Revenue Department representatives raise objections stating that they were not present during field verification, the SDLC shall remand the claim to the Gram Sabha for re-verification following due procedure.

Who can raise objections against a Gram Sabha decision?

Objections may be raised by the claimant or by any concerned government department or agency. Such objections must be examined by the SDLC in accordance with the Rules and principles of natural justice.

What options are available to the SDLC while deciding on a claim?

The SDLC may accept the claim, reject the claim, or refer the claim back to the Gram Sabha for reconsideration. Every decision must be supported by recorded reasons and communicated to the claimant and the Gram Sabha.

Can the SDLC hear an appeal petition directly?

Yes. If the SDLC decides to hear an appeal petition directly, it must fix a date of hearing and issue written notice to the petitioner and the concerned Gram Sabha, providing at least fifteen days' prior notice.

Who must be present during an SDLC hearing?

The SDLC shall hear the petition in the presence of the petitioner and representatives of the concerned Gram Sabha.

What happens when a claim is referred back to the Gram Sabha by the SDLC?

When a claim is referred back, the Gram Sabha must convene a meeting within thirty days, hear the petitioner, examine objections, rectify deficiencies if any, pass a fresh resolution, and resubmit it to the SDLC with or without modification.

What is meant by consolidation of claims at the SDLC level?

After upholding Gram Sabha resolutions, the SDLC consolidates claim details and maps and prepares block-wise or taluka-wise draft records of proposed forest rights after reconciling them with available government records and with each other, to obtain a comprehensive and up-to-date picture of rights on forest lands, including overlapping rights.

How are meetings of the SDLC required to be conducted?

SDLC meetings must be notified in advance, with members informed of the date, time, venue, and agenda, ensuring transparency and collective decision-making.

What is the next step after the SDLC accepts the Gram Sabha recommendation?

After acceptance, the SDLC prepares the record of forest rights and forwards its recommendations along with all relevant records and a proper survey map to the District Level Committee for final approval.

What is the duty of the SDLC in cases of rejection or modification of claims?

In cases of rejection or modification, the SDLC must communicate the decision in writing, clearly stating the reasons, and inform both the Gram Sabha and the claimant.

Can a government agency object to the recognition of forest rights?

A government agency may raise objections or file an appeal. However, the SDLC must hear the claimant, and the appeal shall be decided only in the absence of the objecting agency's representative.

When should claims be remanded to the Gram Sabha?

Claims should be remanded when they are incomplete, when additional evidence or clarification is required, or when there is an error. Remand, not rejection, is the legally prescribed course in such situations.

Why is the SDLC process important in the recognition of forest rights?

The SDLC acts as a crucial institutional link between the Gram Sabha and the District Level Committee, ensuring verification, fairness, adherence to law, and protection of individual and community forest rights before final approval.

At the District Level Committee:

What is the role of the District Level Committee under the Forest Rights Act, 2006?

The DLC is the final statutory authority at the district level for recognition of forest rights. It examines SDLC recommendations, ensures due process, and takes a final decision to approve, modify, reject, or remand claims, while upholding the objectives of the Act.

At what stage does the DLC examine forest rights claims?

The DLC examines claims only after receiving recommendations from the SDLC, in a formally convened and duly notified meeting.

Which categories of claimants require special attention from the DLC?

The DLC must give special consideration to the claims of Particularly Vulnerable Tribal Groups, pastoralist communities, and nomadic tribes, with due sensitivity to their customary practices, mobility, habitat dependence, and vulnerability.

What happens when rights are claimed over forest land falling in more than one sub-division, district, or State?

Inter-SDLC, DLC, and State Level Monitoring Committee coordination must be initiated to address such claims.

What should the DLC do if the resolution received lacks adequate information?

The DLC must remand the claim to the Gram Sabha through the SDLC with recorded reasons and must not reject or modify the claim on its own.

Can objections be raised against SDLC recommendations?

Yes. Objections may be raised by the claimant or a government department. The DLC must examine them following principles of natural justice, hearing the claimant in the absence of the objecting department's representative.

How are meetings of the DLC conducted?

DLC meetings must be formally notified in advance, with all members informed of the date, time, venue, and agenda.

What options are available to the DLC while deciding a claim?

The DLC may approve, reject, modify, or refer the claim back to the SDLC. All decisions must be supported by recorded reasons.

What is the responsibility of the DLC after approving forest rights?

After approval, the DLC must direct incorporation of recognised rights into forest and revenue records within three months. Community Forest Resource lands must be entered separately.

Under which provisions of the Forest Rights Rules are titles issued for individual forest rights, community rights, and community forest resource rights?

Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, titles for individual, community, and community forest resource rights are issued in accordance with the Forest Rights Rules, 2007, as amended in 2012.

Under which rule are titles for Individual Forest Rights, CR and CFRR issued?

Titles for Individual Forest Rights and Community Forest Rights are issued under Rule 8(h), and Community Forest Resource Rights under Rule 8(i) of the Forest Rules.

What documents are provided to successful claimants?

Successful claimants receive a certified copy of the record of forest rights and the title deed.

Why are these safeguards important under the Forest Rights Act?

These safeguards protect the authority of the Gram Sabha, ensure fairness and transparency, prevent arbitrary rejection of claims, and help realise the objective of correcting historical injustice suffered by forest-dwelling communities.

Post Claim Support:

What is expected in post-recognition support?

Post-recognition support means helping forest rights holders use their recognised rights effectively. As required under Rule 16 of the Forest Rights Rules, States must ensure convergence of different government schemes.

This includes ensuring Aadhaar coverage, access to Kisan Credit Cards, bank linkage, and availability of priority sector lending. States should also use DA-JGUA as a convergence platform to bring together benefits from various departments.

The aim is to strengthen livelihoods and ensure that recognised forest rights lead to real economic and social benefits for the right holders.

What does the joint advisory of MoTA and MoEFCC (14th March 2024) say about post-claim support?

The advisory says that individuals and PVTGs who have been granted forest rights under Sections 3(1)(a) and 3(1)(e) of the Forest Rights Act, 2006 should be helped to properly use their forest land and access government schemes.

Under the PM JANMAN scheme, facilities such as pucca houses, electricity, drinking water, and support linked to agriculture are being provided to tribal families.

States and Union Territories are therefore required to give full support and handholding to forest rights holders and PVTGs to ensure these benefits reach them.

What activities can be taken up on forest land with issued titles?

As per the guidelines of the Ministry of Panchayati Raj, Government of India, land development activities can be undertaken on individual forest land with issued titles. These activities include trenches, hill terracing, farm ponds, horticulture, bund plantation, vegetable cultivation, and similar interventions, as part of livelihood enhancement measures.

Can Individual Forest Land Title holders raise crop loans on the basis of a Forest Land Patta?

Yes. Individual Forest Land title holders are eligible to access institutional credit from banks in the form of crop loans against their pattas in Andhra Pradesh, as per the minutes recorded in Lr. No. SLBC/210/647, dated 16-07-2025.

VI. Maintenance and Updating of Records of Forest Rights

What records are to be maintained at the Gram Sabha and Forest Rights Committee?

The Forest Rights Committee shall maintain separate registers for receipt of claims, enquiry and verification proceedings, minutes of meetings, and acknowledgements issued to claimants. The Gram Sabha shall maintain resolution books, claim registers, and dispatch registers relating to decisions and recommendations forwarded to the Sub-Divisional Level Committee.

What records are to be maintained by the Sub-Divisional Level Committee and District Level Committee?

The Sub-Divisional Level Committee and the District Level Committee shall maintain minutes books, draft and final Records of Forest Rights registers, details of appeals and their disposal, inspection and verification records, and dispatch registers.

Who is responsible for updating the Record of Forest Rights?

The Tahsildars and the Forest Range Officers are jointly responsible for maintaining and updating the Record of Forest Rights habitation-wise, based on the approvals granted by the District Level Committee.

How should the Record of Forest Rights be maintained under the Forest Rights Act?

The Record of Forest Rights shall be maintained in the proforma prescribed by the Chief Commissioner of Land Administration for consolidation of the rights of each beneficiary. This proforma was accepted

by the Tribal Welfare Department, Government of AP through G.O. Ms. No. 94, Social Welfare (LTR-1) Department, dated 10.09.2009.

Why is updating the Record of Rights important after recognition of forest rights?

Updating the Record of Rights gives legal recognition to forest rights, corrects existing wrong or incomplete entries, ensures security of tenure, enables access to government welfare and development schemes, and protects right holders from eviction or alienation.

How are Individual Forest Rights recorded and updated?

Individual Forest Rights are recorded through mutation in revenue records, issuance of patta or title documents, and entry of such rights as heritable but non-transferable, in accordance with the Forest Rights Act and Rules.

Does the Forest Rights Act recognise inheritance of forest rights?

Yes. The Forest Rights Act, 2006 recognises forest rights as vested and heritable. The Act itself is intended to recognise hitherto unrecognised inherited rights. Therefore, the age of the claimant, whether on 13.12.2005 or on the date of submission of the claim, including cases where the claimant was or is a minor, does not affect recognition of inherited rights.

Who are considered lawful descendants for inheritance of forest rights?

Lawful descendants generally include the legally wedded spouse, sons and daughters, and other legal heirs recognised under applicable personal law or customary law. In Scheduled Areas, customary succession practices

of tribal communities may be followed, provided they are not inconsistent with the Constitution or the Forest Rights Act.

Are women and daughters recognised as lawful descendants under the Forest Rights Act?

Yes. The Act mandates joint registration of forest rights in the name of both spouses and ensures recognition of women as equal right holders. Daughters have equal inheritance rights, and discrimination on the basis of gender is not permitted in recognition or succession of forest rights.

Are minor children recognised as lawful descendants?

Yes. Minor children are lawful descendants. Forest rights devolving upon minors must be safeguarded, and the Gram Sabha and implementing authorities are required to ensure protection of such rights in accordance with the Act and Rules.

Can customary law be applied in determining lawful descendants?

Yes. The Forest Rights Act and Rules recognise traditional and customary evidence. Customary succession practices of tribal communities may be applied while determining lawful descendants, so long as they are consistent with the Constitution and the Act.

What is the role of the Gram Sabha in identifying lawful descendants?

The Gram Sabha initiates and carries out the process of determination of forest rights. It verifies claims, examines family lineage and succession, considers customary evidence, and passes resolutions recommending recognition of rights and lawful heirs.

What is the role of the Tahsildar or revenue authorities in such cases?

Revenue authorities assist the Sub-Divisional and District Level Committees by providing records and verification support. Their role is administrative and facilitative. They have no authority to preside over or interfere in Gram Sabha proceedings and cannot override Gram Sabha findings without valid reasons recorded in writing.

Can a claim of lawful descent be rejected without assigning reasons?

No. Any rejection or modification of a claim must be supported by written reasons and must be communicated to the claimant and the Gram Sabha. Summary or unexplained rejection is not permitted.

Is a civil court decree mandatory for recognising lawful descendants under the Forest Rights Act?

No. The Act provides a self-contained mechanism for recognition of rights. Civil court decrees are required only in rare cases involving serious and unresolved disputes. In ordinary cases, Gram Sabha verification, customary evidence, and administrative enquiry are sufficient.

How are Community Rights and Community Forest Resource Rights recorded?

Community Rights and Community Forest Resource Rights are recorded in both forest and revenue records as Community Forest Resource or CFR, in the name of the concerned Gram Sabha, ensuring collective ownership, control, and management by the community.

VII. Minor Forest Produce(MFP)and Disposal

What rights are recognised over MFP ?

The Forest Rights Act, 2006 recognises ownership rights over Minor Forest Produce (Non-Timber Forest Produce) that has been traditionally collected by forest-dwelling communities. These rights include access to forest areas, collection, use, processing, storage, transport, value addition, and disposal of such produce. The rights vest in individuals and communities and constitute a critical source of livelihood security.

How is MFP defined under the Act?

Under Section 2(i) of the Forest Rights Act, Minor Forest Produce includes all non-timber forest produce of plant origin, such as bamboo, cane, tendu leaves, honey, wax, lac, medicinal plants, roots, tubers, and similar produce. The explicit inclusion of bamboo removes any ambiguity regarding its legal status.

Which provision grants ownership rights over MFP?

Section 3(1)(c) of the Forest Rights Act grants forest-dwelling communities the right of ownership, access to collect, use, and dispose of Minor Forest Produce, including bamboo, that has been traditionally collected.

Does ownership over MFP apply only within village boundaries?

No. Ownership rights over Minor Forest Produce are not confined to village boundaries. Section 3(1)(c) recognises rights over produce traditionally collected both within village limits and from forest areas outside village boundaries.

What does “ownership” of MFP mean under the Act?

Ownership under the Forest Rights Act is a substantive legal and economic right. It includes the right to access forest areas, collect produce, use it, process it, add value, transport it, and dispose of it for livelihood purposes. It is not a symbolic or limited right.

How do the FRA Rules define disposal of MFP?

Rule 2(d) of the Forest Rights Rules defines disposal to include selling, processing (individually or collectively), storing, transporting, and value addition of Minor Forest Produce within and outside forest areas. These activities may be undertaken by individual gatherers or through cooperatives, associations, or federations.

Does the right to disposal include processing and value addition of bamboo?

Yes. The right to disposal expressly includes processing and value addition. Forest-dwelling communities are legally entitled to cut, process, season, bundle, manufacture bamboo products, and add value for livelihood purposes.

Who holds ownership rights over bamboo on forest land?

Ownership rights over bamboo located on forest land vest in the Gram Sabha where community rights over Minor Forest Produce have been recognised and approved under the Forest Rights Act.

Why does the FRA override the Indian Forest Act in relation to bamboo?

The Forest Rights Act, 2006 is a later and special legislation enacted to recognise and vest forest rights in forest-dwelling communities and

therefore prevails over the Indian Forest Act, 1927. Section 4(1) of the Forest Rights Act gives it overriding effect over all other forest laws. The 2017 amendment to the Indian Forest Act, which removed bamboo from the definition of “tree” under Section 2(7), was made in compliance with the Forest Rights Act and the scientific fact that bamboo is grass, thereby resolving any inconsistency.

What is the position of the MoTA on bamboo?

The Ministry of Tribal Affairs(MoTA) has consistently clarified through guidelines and circulars that bamboo is Minor Forest Produce under the Forest Rights Act and that ownership and control over bamboo vest with forest-dwelling communities and Gram Sabhas, not with the Forest Department.

Who has the authority to issue transit permits for MFP?

Under the Forest Rights Act and Rules, transit permits for Minor Forest Produce, including bamboo, are to be issued by the committee constituted by the Gram Sabha or by a person authorised by the Gram Sabha. The Forest Department has no authority to issue transit permits for bamboo collected under recognised forest rights.

Can transit permit procedures restrict the right to sell or dispose of MFP?

No. The Forest Rights Rules clearly provide that transit permit procedures shall not restrict or abridge the right to disposal of Minor Forest Produce. Any procedure that limits sale, transport, processing, or value addition violates the Act and Rules.

Is payment of royalty or any fee required for collection of MFP?

No. Collection of Minor Forest Produce, including bamboo, under the Forest Rights Act is free of royalty. No fee, cess, or charge can be imposed on the collection, processing, transport, or sale of Minor Forest Produce by right holders unless specifically authorised by law.

Can the Gram Sabha regulate contributions from MFP?

Yes. Under Section 5 of the Forest Rights Act, the Gram Sabha has regulatory powers for conservation, management, and sustainable use of forest resources. In this context, the Ministry of Tribal Affairs' Community Forest Resource Guidelines dated 12.09.2023 (Clause 9(iv)) provide for contributions from the sale of forest produce towards Community Forest Resource management.

What is the overall legal effect of the FRA on bamboo governance?

The Forest Rights Act fundamentally alters bamboo governance by removing it from the control of the Forest Department under the Indian Forest Act and recognising it as a livelihood resource owned and managed by forest-dwelling communities through the Gram Sabha. Bamboo governance is thus regulated by the Forest Rights Act, its Rules, and constitutional principles of social justice and self-governance.

VIII. Community Forest Resource Rights and Management

What is the role of the Forest Department after recognition of Community Forest Resource rights?

After recognition of Community Forest Resource rights, the Forest Department is required to provide necessary technical and institutional support for wildlife and biodiversity protection, without interfering with the rights and authority of the Gram Sabha.

Why is Community Forest Resource management important under the Forest Rights Act?

Community Forest Resource management strengthens local self-governance, ensures sustainable use and conservation of forests, protects the livelihoods and cultural practices of forest-dwelling communities, and fulfils the constitutional and legal mandate to correct historical injustice while conserving forest ecosystems.

What is the Community Forest Resource Management Committee?

The Community Forest Resource Management Committee is an executive committee constituted by the Gram Sabha under Rule 4(1) (e) to manage the day-to-day affairs relating to Community Forest Resource rights and to carry out the decisions of the Gram Sabha, in exercise of its powers under Sections 3(1)(i) and 5 of the Act.

What are the norms for constitution of the Community Forest Resource Management Committee?

The Committee consists of five to eleven members. At least two-thirds of the members must be forest rights holders, and at least one-third

must be women. The Chairperson, Secretary, and Treasurer are elected by the Gram Sabha. The minimum tenure is three years, which may be extended up to five years.

What happens to existing forest management committees after constitution of the CFRMC?

All existing forest-related management committees at the Gram Sabha level stand replaced by the Community Forest Resource Management Committee once it is constituted under the Forest Rights Act framework.

How often should the Gram Sabha meet in relation to Community Forest Resource matters?

The Gram Sabha should meet at least once every six months to discuss Community Forest Resource matters. A minimum notice period of seven days must be given, except in cases of emergencies.

What are the key functions of the Community Forest Resource Management Committee?

The Committee executes the decisions of the Gram Sabha, prepares the Community Forest Resource Conservation and Management Plan, coordinates with government departments, maintains records and accounts, and ensures inclusion and participation of all forest rights holders.

What is a Community Forest Resource Management Plan?

It is a plan prepared by the Gram Sabha through the Community Forest Resource Management Committee for the sustainable, equitable, and community-led conservation and management of community forest resources.

Who approves the Community Forest Resource Management Plan?

The Community Forest Resource Management Plan is approved by the Gram Sabha. Approval by the Gram Sabha is mandatory before implementation.

How is the CFR Management Plan integrated with Forest Department plans?

After approval by the Gram Sabha, the Community Forest Resource Management Committee coordinates with the Forest Department to integrate the plan with forest micro plans or working plans, with necessary modifications to respect community rights.

What is meant by Community Forest Resource under the Forest Rights Act?

Community Forest Resource means customary common forest land within the traditional or customary boundaries of a village, including reserved forests, protected forests, sanctuaries, and national parks, to which the community had traditional access. This definition is provided under Section 2(a) of the Act and recognises long-standing community use and conservation practices.

Which provision of the Act recognises Community Forest Resource rights?

Community Forest Resource rights are recognised under Section 3(1)(i) of the Act. This provision vests rights in the community to protect, regenerate, conserve, and manage community forest resources that have been traditionally conserved or used by them.

What powers are vested in the Gram Sabha and forest rights holders under Section 5 of the Act?

Section 5 empowers and obligates the Gram Sabha and forest rights holders to protect wildlife, forests, and biodiversity; safeguard catchment areas and water sources; preserve ecological balance; conserve cultural and natural heritage; regulate access to community forest resources; and stop activities that are destructive to forests and wildlife.

What committee is required to be constituted under the Forest Rights Rules for carrying out Section 5 duties?

Under Rule 4(1)(e) of the Forest Rights Rules, the Gram Sabha is required to constitute a committee for the protection of wildlife, forests, and biodiversity to effectively carry out the duties specified under Section 5 of the Act.

In whose name is the Community Forest Resource bank account opened?

A single bank account is opened in the name of the Gram Sabha for managing funds related to Community Forest Resource activities.

What are the sources of funds for Community Forest Resource management?

Sources of funds include income from the sale of forest produce, government grants, support from non-governmental organisations, and funds provided by the Forest Department or other government agencies.

How are Community Forest Resource accounts audited?

Accounts are audited in accordance with Panchayati Raj rules and are subject to annual audit by a Chartered Accountant to ensure transparency and accountability.

What are the functions of the District Level Community Forest Resource Monitoring Committee?

The District Level Committee facilitates convergence of departmental schemes, ensures updating of forest and revenue records, supports Gram Sabhas, authorises opening of bank accounts, conducts training and awareness programmes, and monitors implementation of Community Forest Resource Management Plans. The DLMC also facilitates integration of the CFR conservation and management plans approved by the Gram Sabha with the Working/Management Plans of Forest Department as per the guidelines issued by MoTA in 2023.

Who is responsible in cases where Community Forest Resource Rights (CFRR) are not recognised in a village?

The District Level Committee shall ensure that Community Forest Resource Rights are recognised in all villages and that titles are issued accordingly. As per Section 12B of the Forest Rights Rules, 2012, in cases where Community Forest Resource Rights are not recognised in a village, the reasons for such non-recognition shall be recorded by the Secretary of the District Level Committee (DLC).

IX. Habitat Rights of the Particularly Vulnerable Tribal Groups

Why are habitat rights important for Particularly Vulnerable Tribal Groups(PVTGs)?

Habitat rights are important because Particularly Vulnerable Tribal Groups depend on a wide landscape for their survival, culture, and identity. Recognising only individual or village-level rights is inadequate for such groups. Habitat rights ensure protection of their customary territory as an integrated whole.

Who are Particularly Vulnerable Tribal Groups?

Particularly Vulnerable Tribal Groups are the most marginalised sections among Scheduled Tribes, characterised by declining or stagnant populations, pre-agricultural or subsistence livelihoods, low levels of literacy, and relative isolation. Owing to their distinct social, cultural, economic, and habitation patterns, they require special protection under law, including specific recognition of habitat rights.

Under which provision of the Forest Rights Act are habitat rights of PVTGs recognised?

Habitat rights of Particularly Vulnerable Tribal Groups are recognised under Section 3(1)(e) of the Forest Rights Act, 2006. This provision provides for recognition and vesting of rights, including community tenures of habitat and habitation, for primitive tribal groups and pre-agricultural communities.

Why is recognition of habitat rights for PVTGs important?

Recognition of habitat rights is crucial to protect PVTGs from displacement, secure their livelihoods, preserve their culture and identity, prevent diversion of forest land without due legal process, and ensure dignity,

survival, and continuity of their traditional way of life. It also fulfils the constitutional mandate to protect the most vulnerable tribal communities.

Which authority is responsible for facilitating habitat rights claims of PVTGs?

As per Rule 12B(1) of the Forest Rights Rules, 2012, the District Level Committee is responsible for facilitating the filing, examination, and recognition of habitat rights claims of Particularly Vulnerable Tribal Groups. The Rule places a proactive duty on the district administration to ensure that such claims are not left unaddressed.

What is meant by the floating nature of Gram Sabhas of PVTGs?

Many PVTGs are nomadic or semi-nomadic and do not reside permanently within the boundaries of a single village. Government of India guidelines recognise this floating or mobile nature of PVTG Gram Sabhas and allow flexibility in identifying appropriate Gram Sabhas and procedural mechanisms for filing and processing habitat rights claims.

What role does the Ministry of Tribal Affairs play in implementation of habitat rights?

The Ministry of Tribal Affairs issues policy frameworks, guidelines, advisories, and directions for recognition of habitat rights; provides financial and technical support to States; and offers hand-holding support through consultations, expert assistance, and coordination to ensure effective implementation of habitat rights under the Forest Rights Act.

What is the role of Tribal Research Institutes in recognition of habitat rights?

Tribal Research Institutes are entrusted, in Andhra Pradesh, with preparing State-level action plans, identifying and mapping PVTG habitats,

providing technical and GIS support, conducting capacity-building and training programmes, and facilitating claim filing, documentation, and evidence collection in coordination with District authorities and Gram Sabhas.

What are the main responsibilities of the District Level Committee in relation to habitat rights?

The District Level Committee must ensure that all habitat rights claims of PVTGs are duly considered, consult traditional and customary institutions of PVTGs, recognise habitats extending across district or State boundaries, conduct periodic review meetings, approve valid claims, and issue habitat rights titles in accordance with the Act and Rules.

What are the key steps involved in the recognition of habitat rights of PVTGs?

The process involves planning and consultations with PVTG communities, identification and mapping of customary habitats, resolution of inter-district or inter-State habitat issues, filing and verification of claims followed by approval, and digitisation of maps and updating of official records. These steps are elaborated in Government of India guidelines issued under the Forest Rights Act vide F. No.23011/17/2025-FRA (E-31214) dated 05.01.2026.

Who prepares and verifies habitat rights claims?

Forest Rights Committees prepare habitat rights claims and maps in consultation with PVTG communities. Gram Sabhas pass resolutions endorsing the claims. Sub-Divisional Level Committees verify the claims, and District Level Committees approve the claims and issue habitat rights titles.

PVTG communities themselves make the claims as a community, which may span a larger area where habitations of other communities may also

exist. The title is issued in the name of the PVTG community and not in the name of any particular Gram Sabha. The title specifies all habitations where the PVTG resides, and copies of the title are provided to all such habitations.

What happens after habitat rights are recognised?

After recognition of habitat rights, a geo-referenced and digitised map of the habitat is prepared, habitat boundaries are demarcated on the ground, Records of Rights are updated within three months, and copies of the titles and maps are provided to the concerned Gram Sabhas and traditional institutions of the PVTGs.

Is there financial support for implementation of habitat rights of PVTGs?

Yes. Government of India guidelines provide a tentative budget framework. Funds may be sourced through support from the Ministry of Tribal Affairs to Tribal Research Institutes, State government resources including Tribal Sub-Plan funds, and technical agencies engaged for mapping, training, and facilitation.

What is the indicative timeline for completion of the habitat rights recognition process?

The indicative timeline includes a preparatory and consultation phase of about six weeks, training and capacity-building over approximately twelve weeks, and completion of claim filing, verification, and approval within about twenty-four weeks. These timelines are suggestive and intended to ensure timely recognition without compromising due process.

X. Diversion of Forest Lands and Entitlements

Does the Gram Sabha have the authority to permit diversion of forest land for community purposes?

Yes. The Gram Sabha has the authority to permit diversion of forest land for certain community purposes, and this authority flows directly from the provisions of the Forest Rights Act, 2006 and the Rules made thereunder.

Under which provision of the Forest Rights Act can the Gram Sabha permit diversion of forest land?

The authority of the Gram Sabha to permit diversion of forest land for community purposes is derived from Section 3(2) of the Forest Rights Act, 2006.

For what type of works can forest land be diverted under Section 3(2) of the Act?

Forest land may be diverted only for community facilities managed by the Government, which are required to meet the basic needs of forest-dwelling Scheduled Tribes and other traditional forest dwellers.

Under what conditions can the Gram Sabha permit diversion of forest land?

The Gram Sabha may permit diversion of forest land provided that:

- ❖ the land required for each community facility does not exceed one hectare;
- ❖ the felling of trees involved does not exceed seventy-five trees per hectare;

- ❖ the proposed diversion does not adversely affect recognised forest rights, livelihoods, or customary and cultural practices of forest-dwelling communities; and
- ❖ the diversion is approved through a resolution passed by the Gram Sabha after due deliberation.

What are the permissible community facilities under Section 3(2) of the Forest Rights Act?

Permissible community facilities include schools, dispensaries or hospitals, anganwadi centres, fair price shops, electric and communication lines, tanks and other minor water bodies, drinking water supply schemes, water or rainwater harvesting structures, minor irrigation canals, non-conventional sources of energy, skill upgradation or vocational training centres, roads, and community centres, subject to the condition that forest land diverted for each facility does not exceed one hectare.

Is the consent of the Gram Sabha mandatory for diversion of forest land under Section 3(2) of the Act?

Yes. Prior informed consent of the Gram Sabha is mandatory for diversion of forest land under Section 3(2) of the Forest Rights Act, 2006. Such consent is statutory in nature and not merely consultative.

What is the procedure for diversion of forest land for community purposes?

The User Agency shall place a proposal before the Gram Sabha for its consent. After the Gram Sabha's recommendation, the proposal shall be submitted to the concerned Forest Range Officer for inspection of the area and for his opinion. Thereafter, the Forest Range Officer shall forward the proposal to the Divisional Forest Officer for approval.

As per the guidelines issued by the Ministry of Tribal Affairs, the concerned Divisional Forest Officer (DFO) is competent to examine and approve proposals for diversion of forest land submitted by the User Agency. If the DFO does not approve the proposal, the District Level Committee shall take the final decision in the matter without delay, in accordance with the guidelines of the Ministry of Tribal Affairs vide letter No. 23011/15/2008-SG II dated 18 May 2009.

Is forest clearance under Forest (Conservation) Act, 1980 or Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 as it is now called required for forest diversion under Section 3(2) of Forest Rights Act?

No. Forest Rights Act, being a later law, overrides this 1980 Adhiniyam. More over Section 3(2) is specifically exempted from the purview of this 1980Adhiniyam.

Is wildlife clearance required under the Wildlife (protection) Act for Section 3(2) diversion if the diversion is in wildlife sanctuaries, national parks, Tiger Reserves or Eco Sensitive Zones around them?

No. Section 3(2) forest diversion is subject only to the explicit clearances conditions if prescribed in Forest Rights Act. Wildlife clearance is not specified as required under the law. The Tribal Affairs Ministry clarified vide OM F. No. 23011/23/2017-FRA(Pt.-1) (E-16944) dated 02.07.2025 clarified this, Further, wildlife clearance is required only for those projects that require environmental clearance under the Environment Protection Act, 1986 which is for the categories of projects listed under Environment Impact Assessment, 2006 notification. None of the Section 3(2) facilities fall within the scope of any of these categories of projects requiring environmental clearance.

Is the Forest Rights Act applicable when forest land is diverted for development projects?

Yes. The Forest Rights Act applies to all cases where forest land is diverted, whether for forestry or non-forestry purposes. Development projects such as roads, irrigation schemes, mining, power projects, schools, hospitals, or other public infrastructure cannot proceed unless forest rights are recognised and the Gram Sabha has given its consent. As clarified in guidelines issued by the Ministry of Tribal Affairs, compliance with the FRA is mandatory for every forest land diversion.

Is there any clarification issued by the Government of Andhra Pradesh in relation to the recognition of forest rights in the Polavaram submergence area?

The Government of Andhra Pradesh issued a clarification to the Project Officer, ITDA, Chintoor, stating that eligible claimants may seek recognition of forest rights in the diverted forest land for the Polavaram Irrigation Project, as per Memo No. SOWO3-11024/56/2020, dated 26-08-2020.

Can forest land be diverted first and FRA compliance completed later?

No. FRA compliance is a mandatory pre-condition and cannot be treated as a post-facto formality. Diverting forest land without first recognising forest rights and obtaining Gram Sabha consent violates the Act. Even where diversion has already taken place without FRA compliance, authorities remain legally bound to complete the FRA process and take corrective measures.

Which laws must be read together while acquiring land, especially forest land, affecting Scheduled Tribes and forest dwellers?

The Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 cannot be applied independently. The Panchayats (Extension to Scheduled Areas) Act, 1996 and the Andhra Pradesh PESA Rules, 2011; the Andhra Pradesh Scheduled Area Land Transfer Regulations, 1970; and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 must be read together harmoniously, particularly in Scheduled Areas, to safeguard the rights of tribal and forest-dependent communities during land acquisition.

Who is treated as an affected family under the LARR Act, 2013?

An affected family includes Scheduled Tribes and Other Traditional Forest Dwellers who have lost land due to acquisition and whose forest rights are recognised under the Forest Rights Act, 2006. It also includes families whose primary source of livelihood for at least three years prior to acquisition depended on forests or water bodies, such as gatherers of forest produce, hunters, fisherfolk, boatmen, and others whose livelihoods are adversely affected by land acquisition.

Who is considered a land owner under the LARR Act, 2013 in relation to forest land?

A land owner includes any person who has been granted forest rights under the Forest Rights Act, 2006 or who is entitled to receive patta rights under any law in force in the State, including assigned lands. Forest rights holders are therefore treated as land owners for the purposes of compensation and rehabilitation.

Who is regarded as a person interested in land acquisition proceedings?

A person interested includes all persons who claim an interest in the compensation payable for land acquisition. This includes Scheduled Tribes and Other Traditional Forest Dwellers who have lost forest rights recognised

under the Forest Rights Act, 2006, as well as persons having an interest in easements or other rights affecting the acquired land.

How are community forest rights dealt with when land is acquired?

When community rights recognised under the Forest Rights Act, 2006 are affected by land acquisition, these rights must be assessed and converted into monetary value. Compensation must be paid to the displaced individuals in proportion to their respective shares in such community rights.

Is recognition of forest rights mandatory before initiating land acquisition?

Yes. Recognition of all eligible rights of Scheduled Tribes and Other Traditional Forest Dwellers under the Forest Rights Act, 2006 and its Rules must be completed before initiating any land acquisition process. Land acquisition cannot proceed legally without completion of forest rights recognition.

What is the role of the Gram Sabha in land acquisition in Scheduled Areas and forest lands?

A written resolution of the Gram Sabha must be obtained confirming that all eligible claimants have received forest rights titles and that all community rights have been recognised and titled. Prior consent of the Gram Sabha is mandatory for acquisition of forest lands, whether individual or community forest rights are involved. The Gram Sabha's consent is also required for payment of compensation and for extending rehabilitation and resettlement benefits, in accordance with the Land Acquisition Act, the PESA Act, 1996, and the Andhra Pradesh PESA Rules, 2011.

XI. Wildlife Sanctuaries/ National Parks/Tiger Reserves

Is the Forest Rights Act applicable to wildlife sanctuaries and national parks?

Yes. The Forest Rights Act fully applies to wildlife sanctuaries and national parks. Forest-dwelling communities living in such areas are entitled to recognition of their individual and community forest rights. Any restriction of rights, relocation, or resettlement can take place only by following the procedure prescribed under the FRA, including consultation with and consent of the Gram Sabha. Evictions or relocations without completing the FRA process are illegal.

Under which law are Tiger Reserves notified in India?

Tiger Reserves are notified under Section 38V of the Wild Life (Protection) Act, 1972, as amended in 2006. The Act provides the legal framework for the declaration, management, and protection of Tiger Reserves.

What are the mandatory components of a Tiger Reserve?

Every Tiger Reserve must consist of two components:

- (i) Critical Tiger Habitat or Core Area, and
- (ii) Buffer or Peripheral Area.

Does the Forest Rights Act apply inside Tiger Reserves?

Yes. The Forest Rights Act, 2006 applies to all areas inside Tiger Reserves, including both Critical Tiger Habitats and Buffer Areas. There is no exemption for Tiger Reserves under the FRA.

What types of forest rights are applicable inside Tiger Reserves?

Individual forest rights, community rights, and Community Forest Resource rights are all applicable inside Tiger Reserves under the Forest Rights Act.

Are forest rights applicable inside Critical Tiger Habitats?

Yes. Forest rights are fully applicable inside Critical Tiger Habitats. Rights must be recognised and vested before any restriction, modification, or acquisition of rights can take place.

Can a Critical Tiger Habitat be made inviolate without recognising forest rights?

No. A Critical Tiger Habitat cannot be made inviolate without completing the recognition and vesting of forest rights as required under the Forest Rights Act. A Critical Tiger Habitat is, by definition, an area to be kept inviolate, meaning not harmed. The Wild Life (Protection) Act does not prescribe a separate procedure to make a CTH inviolate; this status is inherent, subject to compliance with the the provisions under Wild Life (Protection) Act which mandates compliance with FRA in terms of recognition of rights.

Which provisions of the Forest Rights Act govern the declaration of inviolate areas?

Section 4(2) of the Forest Rights Act governs the declaration of inviolate areas, including Critical Tiger Habitats, and prescribes strict conditions that must be fulfilled.

What happens if a Tiger Reserve or Critical Tiger Habitat is notified without following the FRA?

Such notification, besides violating Section 38 V of Wild Life (Protection) Act, violates Sections 3(1), 4(2), and 5 of the Forest Rights Act and is punishable under Section 7 of the Act. It is also legally unsustainable.

Who has the authority to act against violations of the Forest Rights Act in Tiger Reserves?

The Gram Sabha is the primary authority under the Forest Rights Act and may pass resolutions and issue notices regarding violations. The matter can be escalated to the Chief Secretary, who chairs the State Level Monitoring Committee under the FRA Rules.

Is wrongful eviction of forest dwellers from Tiger Reserves a criminal offence?

Yes. Wrongful eviction, dispossession, or interference with forest rights of Scheduled Tribes attracts the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended in 2016.

What legal requirements must be fulfilled before notifying a Critical Tiger Habitat?

Before notifying a Critical Tiger Habitat, the State must develop scientific and objective criteria for declaring the area inviolate, complete recognition of forest rights, ensure that rights are not adversely affected, constitute an Expert Committee, and consult the concerned Gram Sabhas.

What is the purpose of Buffer Areas in Tiger Reserves?

Buffer Areas are intended to promote co-existence between wildlife and human activities and to recognise and protect the livelihood, social, cultural, and developmental rights of local communities.

How are Buffer Area boundaries determined?

Buffer Area boundaries must be determined using scientific and objective criteria, in consultation with the concerned Gram Sabhas, and with the involvement of an Expert Committee.

Is relocation from a Critical Tiger Habitat compulsory?

No. Relocation from a Critical Tiger Habitat is not compulsory. It must be strictly voluntary with the forest dwellers demand relocation, as provided under the Wild Life (Protection) Act.

What conditions must be met before any relocation from a Critical Tiger Habitat?

Relocation can take place only after recognition of forest rights under the Forest Rights Act, lawful acquisition of rights under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR), and assurance that livelihoods and rights are not adversely affected.

Is consent required for relocation from a Tiger Reserve?

Yes. Informed consent of the Gram Sabha and the affected families is mandatory before any relocation programme is undertaken.

What role do experts play in relocation decisions?

Independent ecological and social experts must certify that human presence causes irreversible ecological damage and that no reasonable option of co-existence is available.

Can relocation occur if co-existence is possible?

No. If co-existence between wildlife and communities is possible, relocation is legally prohibited.

Which law governs compensation, resettlement, and rehabilitation in Tiger Reserve relocation?

Compensation, resettlement, and rehabilitation are governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Who are considered affected families under the LARR Act in Tiger Reserves?

Affected families include Scheduled Tribes and Other Traditional Forest Dwellers who lose forest rights, as well as forest-dependent communities such as NTFP collectors, fishers, grazers, tenants, and agricultural labourers.

What are the major entitlements available under the LARR Act?

Entitlements include compensation at market value with solatium, land-for-land particularly for Scheduled Tribes, housing, subsistence allowance, transport allowance, and resettlement benefits.

What facilities must be provided at resettlement sites?

Resettlement sites must have roads, drinking water, sanitation, schools, anganwadis, health centres, grazing land, access to minor forest produce, community centres, and places of worship.

Can Project Tiger guidelines override statutory laws?

No. Project Tiger guidelines are executive instructions and cannot override the Wild Life (Protection) Act, the Forest Rights Act, or the LARR Act.

Is the rupees fifteen lakh relocation package sufficient compensation?

No. The rupees fifteen lakh package represents only a part of the relocation assistance and is the Central Government's share per family. It does not substitute the full statutory entitlements under the law.

Can forest dwellers be evicted before completion of forest rights recognition?

No. Section 4(5) of the Forest Rights Act strictly prohibits eviction until the process of recognition and verification of forest rights is completed.

What is the role of the Gram Sabha in Tiger Reserve governance?

The Gram Sabha determines and protects forest rights, gives or withholds consent for relocation, and can initiate legal and administrative action against violations of the Forest Rights Act.

Why is this legal framework important for conservation and justice?

This framework ensures conservation with justice, protects tribal livelihoods and culture, balances wildlife protection with human rights, and promotes sustainable conservation through community stewardship.

XII. Determination of Encroachment and Protection against Evictions

What is the legally applicable meaning of “encroachment” under the Forest Rights Act, 2006?

Under the Forest Rights Act, 2006, the term “encroachment” has a limited and specific legal meaning. It refers only to occupation of forest land that has taken place after 13 December 2005, which is the statutory cut-off date prescribed under Section 4(3) of the Act. Any occupation of forest land prior to this date is not encroachment and is eligible for consideration under the FRA. Such determination must be made only through implementation of the FRA, as eviction without completion of the forest rights claim process constitutes an offence.

When can a person be legally confirmed as an encroacher?

A person can be legally confirmed as an encroacher only if the person does not fulfil the eligibility criteria under the Forest Rights Act and the claim for forest rights is finally rejected by the District Level Committee after following the complete procedure prescribed under the Act and Rules.

Can a person be treated as an encroacher before rejection of the claim?

No. Until the forest rights determination process is fully completed and a final decision is taken by the District Level Committee, no person can be treated as an encroacher.

Does the Forest Rights Act provide for eviction?

No. The Forest Rights Act does not provide for eviction. Instead, it expressly prohibits eviction until the recognition and verification of forest rights is complete.

What does Section 4(5) of the Forest Rights Act state?

Section 4(5) provides that no member of a Forest Dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under occupation until the recognition and verification procedure is complete.

Why is eviction before completion of the FRA process illegal?

Eviction before completion of the FRA process is illegal because Section 4(5) overrides all other laws and creates an absolute bar on eviction until forest rights are finally settled.

Does rejection of a forest rights claim automatically permit eviction?

No. Even after rejection of claims, the Forest Rights Act does not authorise eviction. Any eviction, if permissible, must follow procedures under relevant State laws and constitutional safeguards and cannot be automatic.

What is the present legal position regarding eviction after the Supreme Court orders of 2019?

The Supreme Court, in *Wildlife First and Others v. Union of India and Others*, kept its eviction order dated 13 February 2019 in abeyance by a subsequent order dated 28 February 2019. Therefore, evictions based solely on rejected forest rights claims remain on hold.

What are the consequences of illegal eviction in violation of the Forest Rights Act?

If eviction is carried out in violation of the Forest Rights Act or contrary to the Supreme Court's orders, the concerned officers may be liable for legal action, including proceedings for contempt of court.

What is the legally valid procedure to identify encroachment on forest land?

The only legally valid procedure to determine whether occupation of forest land is legal or illegal is the process of forest rights determination under the Forest Rights Act, 2006 and the Rules framed under it. No parallel, summary, or departmental process is permitted.

Can the Forest Department independently declare a person an encroacher?

No. The Forest Department has no independent authority to declare any person an encroacher. The institutional process laid down under the Forest Rights Act must be followed. Any such declaration without completing the FRA process is illegal.

Which authority determines whether occupation of forest land is legal or illegal?

The determination is made through the three-tier institutional mechanism provided under the Forest Rights Act. This includes the Gram Sabha and its Forest Rights Committee at the village level, the Sub-Divisional Level Committee at the sub-division level, and the District Level Committee at the district level. The District Level Committee is the final authority.

XIII. Procedure for Action on Violations of the Forest Rights Act

What actions are treated as violations under the Forest Rights Act?

Violations of the Forest Rights Act, 2006 include rejection of individual or community forest rights claims without issuing written and reasoned orders, which is mandatory under the Act and the Rules. Failure to communicate the decisions of the Sub-Divisional Level Committee or the District Level Committee to the claimants and the concerned Gram Sabha is also a violation. Diversion of forest land for non-forest purposes without completing the process of recognition and vesting of forest rights is prohibited.

Eviction, displacement, or removal of forest dwellers without following due process under the Act and the Rules is illegal. Ignoring Gram Sabha resolutions, conducting claim verification without the involvement of the Gram Sabha, and mechanically rejecting claims without proper inquiry also amount to violations.

These actions violate Section 4(5) and Section 6 of the Forest Rights Act and Rule 12 of the Forest Rights Rules, 2007, as amended in 2012.

What can the Gram Sabha do if reasons for rejection of claims are not communicated?

If reasons for rejection of forest rights claims are not communicated in writing to the claimants and the Gram Sabha, it constitutes a procedural illegality and a violation of the Forest Rights Act and the Rules. In such cases, the Gram Sabha may invoke Section 8 of the Forest Rights Act by

issuing a written notice or complaint to the State Level Monitoring Committee seeking action against the concerned Sub-Divisional Level Committee or District Level Committee. The Gram Sabha may allow a reasonable period, including sixty days, for corrective action. This power flows from Section 8 of the Act read with Rule 16 of the Forest Rights Rules, 2012.

What is the role of the State Level Monitoring Committee in such cases?

The State Level Monitoring Committee is responsible for monitoring and reviewing the implementation of the Forest Rights Act at the State level. It is empowered to examine complaints relating to violations of the Act and the Rules and to ensure that corrective and remedial action is taken. Upon receipt of a complaint or notice from the Gram Sabha, the Committee is expected to inquire into the matter, fix responsibility on erring officials, issue appropriate directions, and ensure compliance with the Act and the Rules. This responsibility arises from Section 8 of the Forest Rights Act read with Rule 16 of the Forest Rights Rules, 2012.

What remedy is available if the State Level Monitoring Committee fails to act within sixty days?

If the State Level Monitoring Committee fails to take action within a reasonable period, including sixty days, the Gram Sabha has the right to approach the appropriate court for relief. The Gram Sabha may seek judicial intervention to enforce the provisions of the Forest Rights Act and to challenge illegal rejection of claims, non-communication of orders, diversion of forest land without settlement of rights, or inaction by statutory authorities. Courts have consistently upheld the mandatory nature of compliance with the Forest Rights Act and the central role of the Gram Sabha. This remedy flows from the mandatory provisions of Sections 4, 6, and 8 of the Forest Rights Act, read with the Rules framed thereunder.

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- 4) Government of Andhra Pradesh G.O. Ms. No. 102, SW (LTR-1) Department, dated 06-06-2008.
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- 10) Government of Andhra Pradesh Minutes of the SLBC Meeting, Lr. No. SLBC/210/647, dated 16-07-2025.
- 11) Government of India, Guidelines for Conservation, Management and Sustainable Use of Community Forest Resources (CFR), Ministry of Tribal Affairs, dated 12-09-2023.
- 12) Government of India, Guidelines issued vide F. No. 23011/17/2025-FRA (E-31214), dated 05-01-2026.

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- 15) Indian Forest Act, 1927 (as amended up to 2017).
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- 18) Ministry of Tribal Affairs letters dated 29-04-2013 and 05-03-2015 (regarding municipal areas).
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- 20) Ministry of Tribal Affairs Vide Lr No 23011/28/2008 SG-II dated 03-12-2008.
- 21) Orissa Mining Corporation Ltd. vs. Ministry of Environment & Forest, (2013) 6 SCC 476.
- 22) Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- 23) Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (as amended in 2012).
- 24) T.N. GodavarmanThirumalpad vs. Union of India, (1997) 2 SCC 267.
- 25) Wildlife First v. Union of India, (2019) 3 SCC 213 (Interim Orders).

**Annexure-I-Guidelines for Management of CFR under
FRA 2006**

**No. 23011/09/2016-FRA
Government of India
Ministry of Tribal Affairs
(FRA Division)**

**ShastriBhawan,
New Delhi Dated: 12.09.2023**

To

1. The Chief Secretaries of all State Governments
2. The Administrators of all Union Territories
3. Principal Secretaries/ Secretaries in-charge of Tribal Development Department (All States /UTs)
4. Principal Secretaries/ Secretaries in-charge of Forest Department (All States / UTs)

Sub: Guidelines for Conservation, Management and Sustainable use of Community Forest Resources (CFR).

The undersigned is directed to enclose herewith a copy of the guidelines for Conservation, Management and Sustainable use of Community Forest Resources.

2. This is in supersession of previous guidelines of CFR management.
3. This has the approval of Competent Authority.

Yours faithfully,
(Nadeem Ahmad)

Under Secretary to the Government of India

Guidelines for management of Community Forest Resource (CFR) under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

1. INTRODUCTION:

1.1 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but their forest rights were not adequately recognized during the past. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 were notified on 1.1.2008 for implementing the provisions of the Act and to undo historical injustice with recognition and vesting of bonafide forest rights in Forest dwelling scheduled tribes(FDST) and Other Traditional Forest Dwellers(OTFD) with respect to use of forest land and resources thereby ensuring livelihood and food security, along with maintenance of ecological balance and strengthening community participation in conservation of the forests.

1.2 Since implementation of the Act, a large number of claims have been made for recognition and vesting of rights conferred under Section (1) of the Act. The State Governments have been receiving claims for recognition and vesting of Forest Rights from individuals as well community. A large number of claims have already been successfully disposed of by the State Authorities and Committees under the Act. As a result, a large number of individuals and communities are enjoying their rights and availing benefits.

1.3 Notably, Section 3(1) (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as Forest Rights Act or FRA) recognizes and vests rights to the community to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

1.4 Rule 8(i) stipulates that District Level Committee (DLC) has to ensure that a certified copy of the record of the right to community forest resource and title under the Act, (as specified in Annexure IV to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 and amended in 2012), is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of Section 3).

1.5 However, since multiple functionaries / authorities / departments are involved in regard to vesting of rights under Section 3(1) (i) and implementation of Section 5 of the Act, there is need for some clarity for due discharge of their duties so that the intent of the Act is translated in letter and spirit on the ground.

1.6 Ministry of Tribal Affairs (MoTA) has always been responsive to the concerns raised by forest dwellers. MoTA has organized training programmes and consultations for state officials, and has issued directives for effective implementation from time to time. MoTA has also provided funds to the State Governments under Article 275(1) of the Constitution for FRA implementation, and has advocated for use of funds available under existing sources including Tribal Sub-Plan (TSP) funds for Community Forest Resource (CFR) development.

1.7 In order to improve coordination at the field level with regard to CFR, and with a view ensure effective implementation of the Act, the following

guidelines are issued for compliance by all the State Governments/UT Administrations.

2. Objective:

To guide Gram Sabha and Forest Dwelling Scheduled Tribes (FDST) / Other Traditional Forest Dwellers (OTFD) Communities in managing their Community Forest Resource (CFR) as per provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the Forest Rights Act or FRA).

3. Relevant definitions and provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Rules made thereunder with regard to Community Forest Resource:

3.1 Community Forest Resources: As per Section-2 (a) of the Forest Rights Act, the “community forest resources” means customary common forest land within the traditional customary boundaries of the village or seasonal use of landscape (in the case of pastoral communities) including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access.

3.2 Duties attached to holders of forest rights, Gram Sabha and village level institutions: Section 5 of FRA stipulates duties by empowering the holders of forest rights, Gram Sabha and village level institutions in areas where there are holders of any forest rights to:

- a. Protect the wildlife, forest and biodiversity;
- b. Ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

c. Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

d. Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

3.3 Committee for Section 5 of the Act: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 as amended by the Ministry of Tribal Affairs in 2012, under Rule 4 (1) (e) provides that Gram Sabha shall constitute "Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act."

3.4 Mechanism to monitor and control the Committee: The Rule 4(1) (f) provides that Gram Sabha shall monitor and control the Committee constituted under clause 4(1)(e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled tribes and Other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

4. Claimant for recognition of rights under Section 3(1)(i):

4.1 As per Rule 2(1) (c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act. Rights under 3(1)(i) of FRA are "community right".

4.2 As per Rule 11(4) the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the Forest Rights Committee (FRC) shall also prepare the claims on behalf of Gram Sabha for "community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C.

4.3 The rights under Section 3(1)(i) shall be recognized and vested in terms of laid down procedure in the FRA and Rules made thereunder.

5. Meaning and definition of Gram Sabha and Village: the meaning of Gram Sabha and Village shall be as defined in Section 2(g) and section 2(p) respectively of the FRA.

6. The Gram Sabha shall pass its resolutions with a majority, ensuring quorum as under Rule 4(2).

6.1 The First meeting of the Gram Sabha, for the purpose of constituting the CFRMC, shall be convened by the Secretary of the concerned Gram Panchayat. The meeting of the Gram Sabha will be presided over by the traditional headman of the village or by the person elected as the chairperson from amongst its members.

6.2 Constitution of Community Forest Resource Rights Management Committee (CFRMC): The Gram Sabha shall constitute a committee required under Rule 4(1) (e) from amongst the members of the Gram Sabha to look after the day-to-day work as the executive arm of the Gram Sabha with regard to exercise of rights as mentioned in Section 3(1) (i) and duties as mentioned in Section 5 of FRA.

The norms for constitution of CFRMC will be as under:

- i. The CFRMC shall consist of 5 to 11 persons as members provided that at least two-third members shall be from the Forest Rights holders. It will also have at least one third women members.

- ii. CFRMC shall decide on a Chairperson, a Secretary and a Treasurer and inform SubDivision Level Committee (SDLC), District Level Committee (DLC) and the District Level Monitoring Committee constituted by the State Government / UT Administration related to CFR.
- iii. The tenure of the CFRMCs will be decided by Gram Sabha for a period of minimum of 3 years which can be extended by the Gram Sabha upto 5 years. In case of any vacancies. Gram Sabha will have powers to decide about new members.
- iv. The payment towards honorarium or other allowances, if any, to the members of CFRMC shall be decided by a resolution of the Gram Sabha and will be solely borne from the resources of CFRMC.
- v. Any existing Committee for forest resource management already constituted under FRA and Rules made thereunder or any other non statutory committee for forest resource vi. management at the Gram Sabha level shall be deemed to be replaced by the CFRMC.
- vi. Where Community Forest Resource right is recognized over a common forest patch being conserved and managed by more than one Gram Sabha, the CFRMC shall be constituted by a joint meeting of the Gram Sabhas concerned under guidance of SDLC.

6.3 Holding of Meetings of Gram Sabha: The Gram Sabha shall meet with quorum as and when required and in any case not less than once in six months to approve and review the plans made by CFRMC. The Secretary of the Gram Panchayat shall inform all the members not less than 7 days in advance. In case of emergency, the seven- day notice period may be waived for holding the meeting.

6.4 Functions of Community Forest Resource Management Committee (CFRMC):

- i. Carry out all executive functions as decided by the Gram Sabha from time to time and remain accountable and answerable to the Gram Sabha for its actions;
- ii. Prepare a draft conservation and management plan or related documents on behalf of the Gram Sabha as stipulated under Rule 4 (1) (e) & (f).
- iii. On behalf of the Gram Sabha / right-holder communities, coordination with other Departments / Committees for the protection of wildlife, forest and biodiversity. catchment areas, water sources and other ecologically sensitive areas located within which it has recognized forest rights.
- iv. Maintain records and documents relating to the functioning of Gram Sabha including executive and financial operations in respect of CFR management.
- v. Ensure that views of Forest right holders of all Gram Sabha(s), who depend on CFR areas are duly taken care of in CFR Conservation and Management Plan.

7. Preparation and Execution of CFR Conservation and Management Plan:

- i. The Conservation and Management Plan shall be known as "Community Forest Resources Management Plan" (CFRM Plan).
- ii. On receipt of a written communication from the Gram Sabha, the concerned government agency will provide an authenticated copy of information, records, maps or other documents, as the case may be, expeditiously.

- iii. The views of forest right holders should be considered while preparing CFRM plan.
- iv. Gram Sabhas concerned will meet together to arrive at consensus, failing which the matter will be referred to District Level CFR Monitoring Committee as constituted by the State Government / UT Administration related to CFR.
- v. After approval of CFRM Plan by the Gram Sabha, the CFRMC shall coordinate with Forest Department for its integration with the micro plans or working plans or management plans of the Forest Department as stipulated under Rule 4(1) (f).

8. Coordination between the stakeholders and concerned Departments: State Government will facilitate so that all the stakeholders and concerned Departments / authorities work in convergence for smooth implementation of provisions of FRA and Rules made there under in regard to vesting of right as mentioned in Section 3(1) (i) and conduct of duties as mentioned in Section 5 of FRA.

8.1 The State Level Monitoring Committee will

- i. Take action for communication of this guideline and capacity building to all appropriate bodies including Gram Sabha and members of SDLCs, DLCs, and line departments including the Forest Department.
- ii. Constitute District Level CFR Monitoring Committee for management of Community Forest Resource in the district in the light of Rule 12(b)(iv) and Rule 16 under FRA.
- iii. Monitor the progress of implementation of this guideline in the State.

- iv. Issue necessary instructions to all line departments including the forest department to extend the required support to the Gram Sabhas during development and execution of the plan or activities.

8.2 The District Level CFR Monitoring Committee (DLMC) will

- i. Facilitate convergence at District/ Block Level appropriately to implement this guideline including compliance of Rule 16 of FRA.
- ii. Facilitate integration of the CFR conservation and management plans approved by the Gram Sabha with the Working / Management Plans of Forest Department.
- iii. Issue an authorization letter for opening of current bank account in the name of Gram Sabha for operation of CFR management plan.
- iv. Facilitate updation of the Revenue and Forest Record of Rights regarding CFR as mentioned in 3(1)(i), the area so vested in a community should be duly incorporated / recorded as "Community Forest Resource" or "CFR" in forest and revenue records and the name of Gram Sabha or community(ies) as applicable [Rule 8(i)].
- v. In case of any misuse/fraud reported by the Audit or come to light during inspection of the Government officers, the same shall be dealt with as per the provisions of relevant rules.
- vi. Prepare an action plan for conducting of training / sensitization/ awareness programme for the line department officers, members of CFRMCS, PRI members and other stakeholders at a regular interval on implementation of FRA, rules and guidelines. Technical or knowledge support can be availed from State TRIs/ Universities or academic institutions / domain experts having expertise in the relevant fields. Training / sensitization/ awareness programme will also include the following:-

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- a. Their role and responsibilities;
- b. Financial management by CFRMC members, which includes record keeping, social auditing or mandated process as required under the State laws;
- c. the scope of convergence of various state and central government programs and schemes, guidelines or instructions issued by the State or Central Government pertaining to the Conservation and Management of CFRs.
- vii. Financial support for such trainings/ sensitization/ awareness programme can be availed from the Government of India (GoI) Scheme i.e. "Support to Tribal Research Institute (TRI)" and Grants under Article 275(1) of the Constitution. Due procedure of approvals under the scheme guidelines shall be followed.
- viii. Coordinate with all line departments including forest department to provide all required support to the Gram Sabha including relevant information, map and copy of the working or management plan;
- ix. Monitor & submit progress report of the implementation of CFR Conservation and Management Plan to the State Level Monitoring Committee from time to time:
- x. Provide all the required support to the Gram Sabha or CFRMC, as and when they require for development as well as execution of CFRM Plan.
- xi. Consider Gram Sabha as a bona fide implementing agency and provide funds wherever necessary from available relevant schemes for carrying out forestry activities including soil conservation, bamboo/ tendu and other MFP management, plantation, nursery raising, road construction, water harvesting structures or any restoration work.

9. Financial Management:

The Gram Sabha shall be responsible for revenue and expenditure thereof for its functioning related to CFRMC. Following norms should be followed:

- i. A single bank account shall be opened in a nationalized bank or Post Office in the name of Gram Sabha to carry out day-to-day activities related to the implementation of the CFRM Plan as approved by the Gram Sabha. This bank account will be operated by the office bearers of CFRMC authorized as signatories by a resolution of the Gram Sabha.
- ii. The Gram Sabha shall make procedural rules on the fund management including revenue sharing amongst right holders, budget and expenditure which will be subject to audit.
- iii. Auditing and accounting procedures related to financial management of the CFRMC shall be those prescribed for Gram Panchayat as per Panchayati Raj Rules/ regulation.
- iv. The fund for CFRMC can have following sources:
 - a. Agreed upon contribution from sale of forest produce towards management of CFR.
 - b. Grants for developmental activities related to CFR Management received from the Government.
 - c. Funds or grants received from other non-governmental agencies for development works related to CFR Management.
 - d. Funds provided by the forest department for forest development work if any.
- v. The office bearers involved in all finance related activities shall remain accountable to the Gram Sabha.

- vi. All the expenses will be in line with the rules laid down, authorized and recorded in the proceedings of the Gram Sabha. The Gram Sabha should put a ceiling above which expenses may only be authorized through a resolution of the Gram Sabha.
- vii. The CFRMC needs to record all the receipts and payment details in the ledger and cash book and reconcile the account of Gram Sabha.
- viii. Payment of wages shall be made in a transparent manner and as far as possible cash payments may be avoided.
- ix. The CFRMC will review the statement of accounts (receipt and expenditure) along with asset register and Gram Sabha Resolution Register from time to time and at least once in every quarter and get the same ratified by the Gram Sabha.
- x. The statement of account of the Gram Sabha shall remain open for inspection by officer(s) duly authorised by the State Government.
- xi. The annual statement of revenue and expenditure shall be finalized by the Gram Sabha within three months of completion of the financial year and thereafter will be audited by Chartered Accountant and will be shared with the District Level CFR Monitoring Committee for information and record.

10. Settlement of disputes:

10.1 Disputes between two or more Gram Sabhas and redressal of grievance of Gram Sabha shall be dealt as per Rule 14(7) and Rule 15 (7). Disputes within members of Gram Sabha will be resolved in the meeting of Gram Sabha. Persons aggrieved by the decision of Gram Sabha can approach SDLC.

10.2 Violations of the Conservation of resources in the CFR area:

Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that adversely affects the wild-life, forest and bio-diversity in forest area or interferes with enjoyments of rights under 3 (1) (e) would be dealt with under the provisions of the relevant Acts. The forest department will provide necessary support to protect the wild-life and biodiversity as per the relevant Act.

Annexure –II-Use and Scope of forest land vested under FRA to Forest Dwelling Scheduled Tribe (FDSTs) and Other Traditional Forest Dwellers (OTFDs) under Section 3(1) (a) and Section 3 (1)(e)

(Ministry of Environment, Forest and Climate Change and Ministry of Tribal Affairs, GoI – DO No4-4/2020-FP dated 14th March 2024)

Issues:

Under Section 3(1) (a) of the FRA, 2006, individual rights are provided to hold and live in the forest land, under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.

To exercise the same, necessary facilitation for post claim support and hand holding to the holders of forest rights, as mentioned in Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, to carry out benefits under housing, agricultural and livelihood schemes, needs to be provided.

These may also include activities in individual title holder land, such as

- (i) Construction of house, including toilets under PMAY(G), PM JANMAN or other Government housing schemes of State Government.
- (ii) Construction of shelter/sheds for animal husbandry purposes and other livestock rearing activities.
- (iii) Provision for irrigation and drinking water facilities.

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- (iv) Construction of soil conservation and treatment structures facilitating agricultural activities.
- (v) Provision of electricity for household purposes, agriculture and allied activities.

Clarification:

Detailed advisories have been issued in this regard by the Ministry of Tribal Affairs and the Ministry of Environment Forest and Climate Change to the State Governments, to extend benefit of all schemes and programmes for upliftment and enhancement of livelihoods of right holders, as per Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007, as amended from time to time.

In this regard, MoEF&CC and MoTA have issued a joint advisory dated 6th July 2021 (**Annexure 1**). Thereafter, MoEF&CC reiterated these guidelines vide letter dated 12th December 2022 addressed to the State Governments, to proactively facilitate and ensure that the forest rights holders are extended necessary support for availing benefits under various Government schemes and programmes for improving their livelihoods and standards of living. (**Annexure 2**).

The individuals and PVTGs, who have been given rights under Section 3(1)(a) Section 3(1)(e) of the Act, should be facilitated to make use of vested forest land for availing benefits (as elucidated above) under relevant Government Schemes in a best possible manner. Ministry of Tribal Affairs has launched PM JANMAN, wherein facilities such as provision of pucca houses, providing electricity and water and its dovetailing with agriculture schemes are being provided to tribal families.

Thus, States and UT Governments are requested to provide all necessary support and hand holding to the holders of forest rights and PVTGs under provisions of Section 3(1)(a) and Section 3(1)(e) of FRA 2006.

II. Mechanism for land use for creating facilities under Section 3(2) of FRA under various Government schemes including PM JANMAN:

Issues:

The Section 3(2) of FRA, 2006 provides for diversion of forest land to carry out 13 developmental activities or facilities managed by the Government. These facilities include schools, dispensaries or hospitals, anganwadis, fair price shops, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor irrigation canals, non-conventional source of energy, skill up-gradation or vocational training centers, roads and community centres.

Under PM JANMAN scheme, there is provision of construction of roads, hostels, multi-purpose centers, anganwadikendras and providing telecom connectivity for the habitations, which lack these facilities. Instances have come to the notice of the Government of India, that in some cases, these facilities are not being allowed to be constructed in some states. These include:

- (i) Various components of a School, namely hostels, academic blocks, dining hall, kitchen etc.
- (ii) Construction of Multi-Purpose Centres (MPC) under PM-JANMAN meant for facilities mentioned under Section 3(2) of FRA, 2006 involving skill up-gradation, vocational training, community centres, anganwadis and dispensaries.
- (ii) Provision of road, electricity and mobile towers managed by Government.

Clarification:

The Ministry of Tribal Affairs has issued detailed guidelines vide letter no. 23011/15/2008-SGII dated 18.05.2009, giving detailed procedure for seeking approval for diversion of forest land for non-forest purposes to create facilities managed by the Government under Section 3(2) of FRA 2006. The detailed guidelines are attached at **Annexure 3**.

As per the guidelines issued by Ministry of Tribal Affairs, the respective Divisional Forest Officers (DFOs) are competent to consider and accord approval to the proposal submitted by the user agency. Further, if the DFO concerned does not approve the proposal, the District Level Committee shall take a final decision in the matter, forthwith.

Accordingly, States and UT Governments are requested to follow the guidelines issued by the Ministry of Tribal Affairs regarding these provisions for seeking approval for diversion of forest land for 13 facilities managed by Government under Section 3(2) of the FRA 2006, as also indicated under Rule 16 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, as amended from time to time.

This will enable providing basic amenities and livelihood as indicated in Para II above, to such claimants and communities under various government schemes, whose rights have been recognized and vested under the FRA 2006, provided that such diversion of forest land shall be allowed only if

- i. the felling of trees does not exceed seventy-five trees per hectare.
- ii. the forest land to be diverted for the purposes is less than one hectare in each case.
- iii. such development projects are recommended by the Gram Sabha.

Further, any project, wherein involvement of land is more than one hectare and not listed under the facilities mentioned under Section 3(2) of the FRA 2006, shall have be treated under the provisions of the “Van (SanrakshanEvamSamvardhan) Adhiniyam”, 1980 and Rules therein.

Gram Sabha and other stakeholder Government agencies responsible for implementation of FRA may also be provided all necessary facilitation, support and handholding to help holders of forest rights.

III. Implementation of Section 3(1)(i) and Section 5 of FRA, 2006 - Support of the Forest Department for preparation of the CFR Management Plan:

Issues:

Under Section 3(1) (i) of the FRA, 2006 right holders are provided with rights to protect, regenerate or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use.

Further section 5 of FRA 2006 entrusts upon holders of any forest right, Gram Sabha and village level institutions in areas where there are forest right holders, certain duties related to protection of wildlife, forest and biodiversity.

In this regard, FRA Rules provide that Gram Sabha shall constitute committee for protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of Section 5 of the Act.

Further, the Gram Sabha should monitor and control the committee to prepare a conservation and management plan for community forest resources, in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management

plans of the forest department with such modifications as may be considered necessary by the committee.

Clarification:

The guidelines for Conservation, Management and Sustainable use of Community Forest Resources, issued by MoTA vide letter No. 23011/09/2016-FRA dated 12-09-2023 (**Annexure 4**) need to be followed by Tribal Departments, Forest Departments, and Panchayati Raj Department in the States.

In this regard, the Ministry of Tribal Affairs plans to develop a few model community forest resource management plans, which shall be in consonance with the National Working Plan Code, 2023 and share them with the States. The State Tribal Research and Training Institutes along with the State Forest Training Institutes, need to jointly undertake training of Tribal Welfare Officers and Forest Officers, who will act as master trainers. These master trainers can, thereafter, undertake training and capacity building of Panchayati Raj Institutions including committee members of Gram Sabha, for developing community forest resource management plan and for its integration with the micro plans or working plans or management plans of the forest department. As the CFR management plans are scientific documents that require collection and analysis of field data, the Chairman of CFRMC may co-opt any officer from local Forest department to help the committee in preparation of such plans.

IV. Maintenance of record of rights:

Issues:

The incorporation of the forest rights in the revenue and forest records is essential, as it will help and facilitate the individual Forest Right Holders to avail benefits of various schemes of Government. Accordingly, the

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State Authorities need to be sensitized to complete the exercise of record of rights expeditiously.

Clarification:

The Ministry of Tribal Affairs has also issued guidelines, vide letter No.23011/06/2014-FRA dated 3rd March 2014, requesting all the State/ UT's for updating the record of rights in the revenue and forest records under the Revenue code/law, so as to mainstream the forest right holders and treat them at par with other land holders (Annexure 5)

Further, the Ministry of Environment, Forest and Climate Change has issued advisory to all States/ UTs vide letter dated 21.11.2022 for updating the revenue and forest records, wherever individual, community or community forest resource rights are recognized. (Annexure 6). The State/ UT Governments are requested to expedite the process as per the above guidelines issued by the Government.

The Department of Agriculture, Co-operation and Farmer's Welfare, vide letter dated 14th February, 2019, has issued directions to states for inclusion of rights of forest dwellers, who have been given "Pattas" under the FRA 2006 and also recommended that such right holders shall be eligible for receiving benefit of 'PM KisanSammanNidhi' subject to other eligibility conditions. In absence of updation of record of rights in revenue and forest records, the FRA patta- holders are not able to take benefit of PM KisanSammanNidhi. All states need to ensure that rights of FRA patta holders are updated in land records in a time bound manner.

Further the DLC /State Tribal Development Department should provide all relevant documents pertaining to rejected claims, along with their maps/ geo polygon to the State Forest Department.

Yours Sincerely,
(LeenaNandan)
(VibhuNayar)

Annexure-III- Procedure for seeking prior approval for diversion of forest lands for non -forest purposes.

Letter No 23011/15/2008-SG.II

Dated May 18, 2009

Government of India

Ministry of Tribal Affairs

Procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

—

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- i. the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
 - ii. the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.
2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition

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of Forest Rights) Act, 2006, the Central Government hereby lays down the following procedure:-

2.1 Definitions - In the procedure, unless the context otherwise requires:-

- a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;
- c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;
- e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;
- f) "Section" means a section of the Act;
- g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;
- h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

2.2 Submission of the proposals seeking approval for diversion of the forest land under subsection (2) of Section 3 of the Act.-

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- i. Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- ii. A quorum of atleast half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- iii. On receipt of a recommendation of the proposal by the Gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.
- iv. The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- v. The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- vi. The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.
- vii. After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand

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over the same to the User Agency under the supervision of the Gram Sabha.

- viii. If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
- ix. The District Level Committee will meet and take a final decision, with at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
- x. The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handing over the land to the User Agency.
- xi. The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the Secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.
- xii. The Nodal Officer will also monitor the progress.

FORM-A
[See para 2.2(i)]
(To be filled up by the User Agency)

1. Project details:
 - (i) Short narrative of the proposed project / scheme for which the forest land is required.
 - (ii) Details of the forest land required (two options to be indicated)
 - a. Location – Survey No./ Compartment No.
 - b. Extent of the area (in hectare)
 - c. Forest Division
 - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Justification for locating the project in proposed forest land(s)
 - (iv) Number of trees to be felled (per hectare) and number that will be kept standing
2. Detailed, purpose-wise break-up of the total forest land required with proposed building/activity area map.
3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed).
4. Recommendation of the Gram Sabha – Accepted/Rejected
[Please tick ("), as the case may be]. [Copy of the Gram Sabha resolution to be attached.

Signature of the authorized person for the User Agency
(Name in Block letters)

Address:

Date:

Place:

Serial No. of proposal _____

(To be filled up by the Range Forest Officer with date of receipt)

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest Officer)

Serial No. of proposal _____

1. Location of the project / Scheme:
 - (i) State / Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Proposed forest land(s) (two options to be indicated)
 - i. Location – Survey No./ Compartment No.
 - ii. Extent of the area (in hectare)
 - (v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.
2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).
3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name _____

Date:

Place:

Official Seal

Accepted / Not accepted with reasons to be recorded

Signature of the DRFO

Name _____

Official Seal

Date:

Place:

Annexure-IV- Recognition of Habitat Rights for PVTGs.

F. No. 23011/17/2025-FRA (E-31214)

**Government of India
Ministry of Tribal Affairs
(FRA Division)**

3rd Floor, KartavyaBhavan 1,
Central Secretariat, New Delhi-110001

Dated-05.01.2026

To
Secretaries / Principal Secretary,
Tribal Welfare Departments,
States (As per list)

Subject: Recognition and Vesting of Rights Including Community Tenures of Habitat and Habitation for Particularly Vulnerable Tribal Groups (PVTGs) and Pre Agricultural Communities Under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006- guidelines regarding.

Sir /Madam,

- 1 The Particularly Vulnerable Tribal Groups (PVTGs) represent some of the most marginalised and vulnerable communities in the country. The Forest Rights Act, 2006, specifically provides for recognition and vesting of habitat rights of PVTGs as a distinct category of forest rights, with the objective of securing their traditional habitats, livelihoods, culture, and way of life.
2. However, it has been observed that the progress in recognition and vesting of PVTG habitat rights across States has remained limited, and a large number of PVTG habitats are yet to be formally recognised and vested under the Act. Given the importance of habitat rights as a collective right and as a prerequisite for ensuring protection from displacement, forest diversion, and other external

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pressures without following the due process, there is an urgent need to expedite this process.

3. In this regard, the Ministry of Tribal Affairs has prepared Indicative steps (Annexure I) for the vesting of PVTG habitat rights, including a clear delineation of the roles and responsibilities of key stakeholders, such as the MoTA. Tribal Research Institutes District and Sub divisional Level Committees and supporting technical agencies. The Ministry has also worked out a tentative budget framework (Annexure II) for the vesting of PVTG habitat rights, covering activities such as identification and delineation of habitats, community consultations, capacity building, mapping, documentation, and facilitation of claims.
4. It is requested to initiate necessary action for recognition and vesting of PVTG habitat rights in a mission mode, in accordance with the provisions of the Forest Rights Act, 2006, while utilizing the indicative steps and roles shared by the Ministry and supplement wherever necessary.
5. In order to support States in this process, States may submit proposals under the "Support to Tribal Research Institutes (TRI)" scheme, as per tentative budget Framework provided at Annexure II, depending upon the number of PVTGs and habitats involved in the State. The proposals may be structured to cover preparatory, facilitation, and technical support activities required for vesting of habitat rights. It is further clarified that the State Tribal Welfare Departments may also top up the required funds from their own State resources, wherever necessary, to ensure timely and effective completion of the process.
6. It is requested to kindly accord priority to this matter and direct the concerned officers to take necessary steps for expediting the recognition and vesting of PVTG habitat rights in the States.

With regards,
Yours faithfully,
Encls.: As above.
ShambhuNath Pal)

Under Secretary to the Govt of India

Guidelines for Recognition and Vesting of Rights Including Community Tenures of Habitat and Habitation for Particularly Vulnerable Tribal Groups (PVTGs) and Pre-Agricultural Communities Under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations, but their forest rights were not adequately recognized during the past. The FRA under Section 3(1)(e) has the provision for recognition and vesting of rights including community tenures of habitat and habitation for PVTGs and pre agricultural communities.

Keeping in view the vulnerability of PVTGs amongst the forest dwellers, District Level Committee have been enjoined with the responsibility under the FRA Rules 12 B (i) to facilitate these communities and ensure that all Particularly Vulnerable Tribal Groups receive habitat rights and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

Roles & Responsibilities of Stakeholders:

A. Ministry of Tribal Affairs:

To facilitate the smooth implementation of the provisions under Section 3(1)(e) of the FRA relating to the recognition and vesting of rights, including community tenures over habitat and habitation for Particularly Vulnerable Tribal Groups (PVTGs) and pre-agricultural communities, the Ministry of Tribal Affairs shall develop policy frameworks/ guidelines and issues directions as and when required.

The Ministry shall support the States through the provision of grants/funds wherever necessary however State Governments are also encouraged to use their resources/funds including State TSP. Further, the Ministry shall extend necessary hand-holding support, including consultation with all stakeholders involved in the process.

B. Tribal Research Institute

- i. State TRIs will initiate the preparation of a comprehensive Action Plan for the vesting of Habitat Rights in the State for each Particularly Vulnerable Tribal Group (PVTG). The Action Plan shall include identification and delineation of habitats/pockets and mapping of traditional institutions.
- ii. Tribal Research Institutes (TRIs) shall facilitate the orientation of traditional institutions through structured training and capacity-building programmes.
- iii. Further, TRIs to provide hand-holding and facilitation support to the State for the vesting of Habitat Rights, wherever due, in accordance with the provisions of the FRA.
- iv. Prepare a comprehensive action plan for conducting training, sensitization, and awareness programmes for all stakeholders.
- v. The plan shall include activities for the determination of Habitat Rights, including demarcation and GIS-based mapping of habitats. It shall also cover the filing of claims, supported by the preparation of GIS maps clearly delineating the habitat areas.
- vi. Adequate training support shall be extended to traditional institutions, Forest Rights Committees (FRCs), Sub-Divisional Level Committees (SDLCs), and District Level Committees (DLCs) to ensure effective and uniform implementation of the process.
- vii. Provide continuous support till the recognition process.
- viii. TRIs may engage Technical Support Agency to support them in carrying out the above mentioned activities.

C. State Level Monitoring Committee will

- i. Take proactive action to ensure effective communication of this guideline and to build the capacity of all relevant bodies, including Gram Sabhas and members of the SDLCs, DLCs, and line departments, particularly the Forest Department.
- ii. Monitor the progress of implementation of the guideline across the State, and issue necessary instructions to all line departments, including the Forest Department, to extend the required support to Gram Sabhas and Forest Rights Committees (FRCs). Where necessary, facilitate the convening of joint meetings of District Level Committees (DLCs) to ensure coordinated implementation.

D. District Level Committee (DLC) will

- i. Examine whether all claims, particularly those of Particularly Vulnerable Tribal Groups (PVTGs) and pre-agricultural communities, have been duly considered and addressed in keeping with the objectives of the Act, as provided under Rule 8(b).
- ii. Ensure that all PVTGs receive recognition of their habitat rights through consultation with the concerned traditional institutions, and that claims for habitat rights are filed before the appropriate Gram Sabhas, wherever necessary, by duly recognizing the floating nature of Gram Sabhas of PVTGs, in accordance with Rule 12B(1).
- iii. Further, ensure that joint meetings of Gram Sabhas are convened wherever required to resolve issues relating to customary habitats of PVTGs claiming rights under Section 3(1)(e), and coordinate with other District Level Committees (DLCs) and the State Level Monitoring Committee (SLMC) to facilitate joint meetings in cases where the customary habitat extends across more than one district, as reported by the Forest Rights Committees (FRCs)

- iv. DLC is required to Monitor the progress of implementation across the District and also take review meetings with all stake holders and chalk out action plan.

Indicative steps for Vesting of Habitat Rights for Particularly Vulnerable Tribal Groups (PVTGs) under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006-reg.

The right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihood, social, economic, spiritual, sacred, religious, and other purposes. In some cases, the habitats of PVTGs may overlap with other rights of the communities/individuals. Some indicative steps for recognition of the Habitat Rights are as detailed below:

Step A:

- i. A District Level Committee (DLC) meeting can be called specially to prepare a detailed plan for recognition of Habitat Right of PVTGs. This can be facilitated by State TWDs and TRIs.
- ii. DLC can organize Consultation with traditional leaders of PVTG communities to decide the location and date of commencement process.
- iii. DLC can designate a nodal officer for facilitating the habitat recognition process at the ground level covering all likely Paras/Tolas/PVTG habitation of PVTGs of the Districts.
- iv. DLC will communicate and publicize the initiation of PVTG Habitat Rights recognition process in the district by providing information about the communities whose rights are thus to be determined through local and traditional means of communication. Services of Gram Sabha presidents of the respective settlements, civil society organizations, PVTG leaders etc can also be used to publicize and communicate this information.

Step B:

- i. DLC or nodal officer designated by DLC can meet with the Community leader of the Paras/Tolas/PVTG habitation and identify the area that can be claimed under the Habitat Right for each Para/Tola/habitation of the district.
- ii. DLC or nodal officer designated by DLC will get a tentative map prepared by marking out the boundary and landmarks of socio cultural, livelihood related coverage after consulting the Community leaders/Traditional institutions.
- iii. The rights under the FRA of Non-PVTGs residing in the area identified to be claimed under habitat rights will also be identified.
- iv. Habitat rights claims made over areas covering more than one state or district or PVTGs will also be identified.
- v. Documents needed for claiming habitat rights will be facilitated by SDLC/DLC.
- vi. Assistance may be provided in filing the claims as per claim form given in FRA Rules.

Step C:

For claims made over areas covering more than one state or district, the DLC may hold a meeting with the concerned government agencies, traditional leaders, and Gram Sabhas to resolve the possible conflicts and decision taken in the meeting can be notified to all concerned including respective Gram sabhas, Gram panchayats, SDLCs, DLCs and SLMCs.

Step D:

- i. FRCs will prepare the claim for recognizing habitat rights as per procedure detailed in FR Rules and also prepare map on behalf of Gram Sabhas.

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- Verify it through a physical verification process in consultation with forest and revenue officials and submit for Gram Sabha's consideration.
- ii. Gram Sabhas will send these claims along with resolution to all concerned SDLCs, in case the rights claimed cover inter-district or inter-state areas.
 - iii. SDLC should verify the claims as per the procedures outlined in the Rules and forward it to DLC for approval.
 - iv. DLC should also verify and approve the habitat rights claims as per the procedure outlined in the Rules and issue habitat rights title after due approval.
 - v. In case the habitat rights are claimed over areas spreading across districts or states, the respective DLCs may convene a special joint session to examine the claims and pass resolution.

Step E:

- i. After habitat rights are recognized, DLCs will prepare a final digitized map, geo-referenced, indicating the boundary as well as the landmarks specified in the map as per the claims. DLCs may seek support from state remote sensing agencies.
- ii. After issuance of habitat rights title, DLC should ensure that the recognized habitat rights area is clearly demarcated & incorporated in the Government records within three months (Rule 12A (9) of FR Rules) and copy of the RoR shall be provided to the right holder (Gram Sabhas and traditional institutions of the PVTGs)

Annexure- VI-Recognition of Forest Rights –Death cases of Title deed holders – Transmission of Rights and issue of title deeds to Lawful descendants

**GOVERNMENT OF ANDHRA PRADESH
TRIBAL WELFARE DEPARTMENT**

From:

Ms.Jahnvi M, I.A.S.,
Director of Tribal Welfare Department,
KoneruLakashmaiah street,
Vijayawada-10.,

To:

All The District Collectors,
The Project Officers of all ITDAs,
All the Dy.Directors/DTWOs/DSTW&EOs of Andhra Pradesh.

File No: SOW03-11024/57/2022-SPMO-COTW- Dt.13/10/2022

Sir/Madam,

Sub: TWD–RoFR –implementation of RoFR Act, 2006 – Recognition of Forest Rights –Death cases of Title deed holders – Transmission of Rights and issue of title deeds to Lawful descendants – clarification to field Officers issued– Regarding.

Ref:- 1. Sub section 4 of section 4 of RoFR Act 2006.
2. Clarification requested by the PO ITDA Srisailam.
3. Remarks of P.O.,s of ITDAs of R.C.Varam in East Godavari District
4. Remarks of DTWOs, of Guntur, Prakasam, Nellore, Kadapa and Chittoor.

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Kind attention is invited to the subject and references cited above.

In the ref 2nd, 3rd and 4th cited, the field Officers requested for clarification and stated in their remarks of their reports that specific guidelines are required for transfer of RoFR titles as the title books are to be signed by the District Level Officers in case of death of the title holders for transfer of Rights to the lawful descendants and the Act is not clear about the process.

In this regard it is clarified that the Act is clear as per the sub section 4.of Section 4 of RoFR Act, 2006. The same is reproduced below.

“4. (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.”

As per the above, the Right conferred by sub section 1 of Section 4 shall be heritable but not alienable or not transferable. Hence in case of the death of the Title deed holder, the right conferred can be transferred to the legal heirs and for deciding the Legal heirs, the Laws, Rules and procedures established in the Revenue Department have to be followed. After obtaining the “Legal heir Certificate from the competent authority in the Revenue Department, the Right conferred in the Name of demised Title deed holder may be transferred to the legal heirs/ Lawful descendants and titles may be issued to the Lawful descendants as it is done in case of web land/ Jirayat Land. The Original title deed in the name of demised title deed holder, Legal heir certificate, Aadhar card of demised title deed holder and Aadhar cards of legal heirs and the draft Title deed in the Name/ Names of legal heirs/ Lawful descendants may be circulated to the District officials for signatures in the new title deed . Accordingly the Right can be transmitted to the lawful descendants.

Yours faithfully JahnviMedida

Director of Tribal Welfare

Copy submitted to the Secretary to Government, Tribal Welfare Department , Government of Andhra Pradesh, Velagapudi for favour of kind information.

Annexure- VI- Claim Forms (A; B; and C)

FORM - A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

1. Name of the claimant(s)
2. Name of the Spouse
3. Name of the Father/Mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)
(b) Other Traditional Forest Dweller: Yes/No
(If a spouse is a Scheduled Tribe (attach authenticated copy of certificate))
10. Name of other members in the family with age:
(Including children and adult dependents)

Nature of claim on Land:

1. Extent of forest land occupied
 - a. For habitation,
 - b. for self-cultivation,if any:
(See Section (3(1) of the Act)

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2. Disputed lands if any:
(See Section 3(1)(f) of the Act)
3. Pattas/leases/grants, if any:
(See Section 3(1)(g) of the Act)
4. Land for in situ rehabilitation or alternative land, if any:
(See Section 3 (1)(m) of the Act)
5. Land from where displaced without land compensation:
(See Section 4 (8) of the Act)
6. Extent of land in forest villages, if any:
(See Section 3 (1)(h) of the Act)
7. Any other traditional right, if any:
(See Section 3 (1)(i) of the Act)
8. Evidence in support
(See Rule 13)
9. Any other information:

Signature/Thumb Impression of the
Claimant(s)

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007

Government of India
Ministry of Tribal Affairs

FORM - B

CLAIM FORM FOR COMMUNITY RIGHTS

[See Rule 11(1)(4)]

1. Name of the Claimant(s)
 - a. FDST Community : Yes/No
 - b. OTFD Community: Yes/No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as *nistar*, if any,
(See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any:
(See Section 3(1)(c) of the Act)
3. Community Rights
 - a) Uses or entitlements (fish, water bodies), if any:
 - b) Grazing, if any
 - c) Traditional resource access for nomadic and pastoralist, if any:
(See Section 3(1)(g) of the Act)

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4. Community tenures of habitat and habitation for PTGs and Pre-agricultural communities, if any:
(See Section 3(1)(e) of the Act)
5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
(See Section 3(1)(k) of the Act)
6. Other traditional right, if any:
(See Section 3(1)(l) of the Act)
7. Evidence in support:
(See Rule 13)
8. Any other information

Signature/Thumb Impression of the Claimant(s)

The Scheduled Tribes and Other Traditional Forest Dwellers

(Recognition of Forest Rights) Rules, 2007

Government of India

Ministry of Tribal Affairs

FORM - C

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See Section 3(1)(I) of the Act and Rule 11(1) and 4 (a)]

1. Village/Gramsabha:
2. Gram Panchayat:
3. T ehsil/Taluka:
4. District:
5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes/ Other Traditional Forest Dwellers indicated next to each member].

Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim. We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under Section 3(1)(i).

(Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)

6. Khasra/Compartment No.(s), if any if known:

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7. Bordering Villages:

(i)

(ii)

(iii)

(This may also include information regarding sharing of resource and responsibilities with any other Villages)

8. List of Evidence in support (Please See Rule 13)

Signature/Thumb Impression of the Claimant(s)
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012
Government of India
Ministry of Tribal Affairs

Inserted by Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012(vide Notification No
GSR No.669, dated 6th September 2012)

Other Publications of Author

01. గిరి'జన' జీవన సంఘర్షణ
02. ఆదివాసీల అరణ్యరోదన / Policies in Wilderness - A glimpse into Agency Areas
03. అభివృద్ధిలో ఆదివాసీలు?
04. అభివృద్ధిలో ఆదివాసీలు? బులెటిన్-2
05. అభివృద్ధిలో ఆదివాసీలు? బులెటిన్-3
06. అభివృద్ధిలో ఆదివాసీలు? బులెటిన్-4
07. ఆదివాసీ ప్రాంత ఉద్యమాల నేపథ్యం
08. ఏజెన్సీ ప్రాంతాలలో అమలుకాని గ్రామ పంచాయితీ పాలన
09. ఏజెన్సీ ప్రాంత వనరుల పరాయీకరణ - ఆదివాసీల నిరాశ్రయత
10. పోల"వరం" కాదు ఆదివాసీలకు శాపం
11. మద అదవుల ప్రాముఖ్యత - పరిరక్షణలో మన బాధ్యత
12. ఆదివాసీ ప్రాంతాల్లో ఉమ్మడి అటవీ యాజమాన్యం - పరిశీలన
13. ఆదివాసీల అటవీ హక్కుల గుర్తింపు చట్టం - 2006
14. అటవీ హక్కుల గుర్తింపు చట్టం 2006 లక్ష్యం - అమలు పరిస్థితి (తెలంగాణ)
15. అటవీ హక్కుల గుర్తింపు చట్టం 2006 లక్ష్యం - అమలు పరిస్థితి (ఆంధ్రప్రదేశ్)
16. సంక్షిప్త న్యాయదర్శిని
17. మన చట్టాలు తెలుసుకుందాం
18. పంచాయితీరాజ్ చట్ట సవరణ - వివరణ
19. ఏవి మానవ హక్కులు
20. ఏజెన్సీ ప్రాంత చట్టాలు - న్యాయ విద్య
21. జాతీయ గిరిజన విధాన ముసాయిదా 2006
22. గ్రామ పంచాయితీ అధికారాలు - బాధ్యతలు, పంచాయితీ సెక్రటరీ విధులు
23. హెచ్.ఐ.వి / ఎయిడ్స్ - మానవ హక్కులు
24. ఆంధ్రప్రదేశ్ షెడ్యూల్డ్ ప్రాంత పంచాయితీ రాజ్ నియమాలు
25. షెడ్యూల్డ్ ప్రాంత గ్రామ సభల నిర్వహణ - మార్గదర్శి
26. షెడ్యూల్డ్ ప్రాంత చట్టాలు
27. న్యాయ మార్గదర్శి - మన చట్టాలు, మన హక్కులు
28. Adivasis' Struggle for Identity & Survival - Series-1
29. Adivasis' Struggle for Identity & Survival - Series-2
30. Adivasis' Struggle for Identity & Survival - Series-3
31. Adivasis' Struggle for Identity & Survival - అభివృద్ధిలో ఆదివాసీలు?
32. Status of Adivasis / Indigenous Peoples land Series -7
33. Tribal Land Question
34. Implementation of Tribal Sub Plan Strategies - Impact on Livelihoods of Tribals in AP
35. Land Rights of Adivasis in Telangana & Andhra Pradesh
36. Promise and Performance of Forest Rights Act, 2006 - Telangana
37. Promise and Performance of Forest Rights Act, 2006 - AP
38. Leading Judgements on ST Community Certificates Issues
39. Gram Panchayats - Case Law Digest
40. Compendium of Agency Laws, Executive Orders & Judgements.
41. A Hand book - Scheduled Tribes - Governance in the Scheduled Areas of AP
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43. Scheduled Area in Andhra Pradesh : A Historical Background