

Implementation of Forest Right Act 2006 in Goa: A Case Study of Sanguem Taluka

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APRIL 2024

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DECLARATION BY STUDENT

I hereby declare that the data presented in this Dissertation report entitled, "Implementation of Forest Right Act 2006 in Goa: A Case Study of Sanguem Taluka" is based on the results of investigations carried out by me in the Master of Arts in Political Science discipline at D.D. Kosambi School of Social Science and Behavioural Studies, Goa University under the Supervision of Ms. Shraddha Naik and the same has not been submitted elsewhere for the award of a degree or diploma by me. Further, I understand that Goa University or its authorities / College will be not be responsible for the correctness of observations / experimental or other findings given the dissertation.

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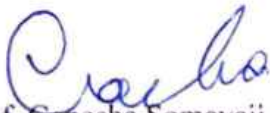


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PREFACE

The Forest Rights Act (FRA) of 2006 is a crucial law that aims to recognize and give rights to forest-dwelling Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) who have been living in forests for generations. This law is important because it allows these communities to claim ownership over the land they live on and use for their livelihoods. The Forest Right Act was created to address the historical injustices faced by forest-dwelling people, who have often been marginalized and denied their rights. However, the implementation of the FRA has faced challenges, especially in areas where forest-dependent communities have struggled to prove their rights. This dissertation focuses on how the Forest Right Act is implemented in Sanguem Taluka, Goa, and looks at the difficulties and opportunities faced by forest communities in getting land rights under this law. By studying Sanguem Taluka as a case study, this research aims to understand the details of how the Forest Right Act work.

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ABBREVIATION USED

Entity	Abbreviation
Campaign for Survival and Dignity	CSD
Chhota Nagpur Tenancy Act	CTA
Common Minimum Programme	CMP
Directorate of Settlement and Land Records	DSLRL
District Level Committee	DLC
Door darshan	DD
Forest Conservation Act	FCA
Forest Dependent People	FDP
Forest Rights Act	FRA
Forest Rights Committee	FRC
Gram Panchayats	GP
Gram Sabha	GS
Indian Forest Act	IFA
International Labour Organization's Convention	ILOC
Joint Parliamentary Committee	JPC
Lok Sabha	LS
Master Plans India	MPI
Ministry of Environment, Forests and Climate Change	MoEFCC

Ministry of Tribal Affairs	MTA
National Forest Policy	NFP
Panchayats (Extension to Scheduled Areas) Act	PESA
Rajya Sabha	RS
Right to Information	RTI
Scheduled Tribes	ST
Scheduled Tribes and Other Traditional Forest Dwellers Act	FRA, 2006
Standard Operating Procedures	SOPs
State-Level Monitoring Committee	SLMC
Union Territory	UT
Wildlife (Protection) Act of 1972	WPA
Wildlife Trust of India	WTI

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ABSTRACT

The Forest Rights Act of 2006 (FRA) represents a landmark piece of legislation in India, it enacted by the Indian Government, represents a pivotal moment in environmental and social policy. It aims to rectify historical injustices faced by forest-dwelling communities, particularly Scheduled Tribes and traditional forest dwellers, recognizing and vesting their rights to forest land and resources. Departing from previous policies that led to community displacement, the FRA strives to empower marginalized groups, alleviate poverty, and promote sustainable forest management. However, its implementation faces challenges such as bureaucratic hurdles, awareness gaps, and resistance from authorities. This research centres on the complexities of FRA's impact in Sanguem taluka, Goa, addressing critical questions and hypotheses. The study aims to uncover challenges faced by forest communities in exercising FRA rights, analyse legal procedures for dispute resolution, and propose ways to strengthen the Act. Hypotheses emphasize the significance of awareness and education in FRA success, bureaucratic challenges, and the need for legislative amendments. Objectives involve quantitative and qualitative analyses, assessing claims resolution, understanding reasons for pending claims, and exploring the roles of local institutions. The scope extends to providing legal processes for claiming forest rights, utilizing Sanguem taluka as a case study. The research seeks to contribute policy suggestions for enhancing the FRA, employing a mixed-methods approach to comprehensively explore multifaceted issues.

CHAPTER -I

INTRODUCTION

The Forest Rights Act of 2006, also known as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, of 2006, is a landmark legislation enacted by the Government of India. It was introduced with the primary objective of rectifying historical injustices faced by forest-dwelling communities, particularly Scheduled Tribes, and other traditional forest dwellers, by recognizing and vesting their rights to forest land and resources.(BANDI, 2013).The Act represents a significant departure from earlier forest policies, which often led to the displacement of these communities. The introduction of the Forest Rights Act in 2006 marked a pivotal moment in India's environmental and social policy landscape. It aimed to address the longstanding grievances and struggles of forest-dependent communities who had historically been marginalized, dispossessed of their traditional lands and denied access to forest resources upon which they relied for their livelihoods and cultural practices.

The Act was introduced in response to the need for a legal framework that recognized and protected the customary and traditional rights of these communities to forest lands, including both individual and community rights. This legislation acknowledges the integral role of forest-dwelling communities in the conservation and sustainable management of forests, recognizing their collective knowledge and practices as essential for maintaining ecological balance. It recognizes their rights to forest land and resources, aiming to empower marginalized communities and promote social justice. The Act holds the potential to alleviate poverty, foster social inclusion, and support sustainable forest management. However, its implementation presents complex challenges, including bureaucratic hurdles, awareness gaps, and resistance from authorities. The Act's effectiveness in addressing these issues is central to the research. It evaluates the impact of FRA on economic empowerment, tenure security, and indigenous

knowledge preservation, while critically examining the legal framework and capacity-building initiatives.

This research addresses critical questions and hypotheses concerning the implementation of the Forest Rights Act (FRA) in Sanguem taluka, Goa. It seeks to uncover the challenges faced by forest communities in exercising their FRA rights, analyse the legal procedures available for dispute resolution, and propose ways to strengthen the Act for the benefit of forest-dependent communities. Hypotheses emphasize the role of awareness and education in FRA success, bureaucratic challenges, and the need for legislative amendments. The research objectives encompass assessing claims resolution, understanding reasons for pending claims, conducting legal analyses, investigating the role of local institutions, measuring awareness levels, and exploring the obstacles faced by forest departments in realizing forest rights.

The Forest Rights Act (FRA) stands as a pivotal instrument aimed at rectifying historical injustices and empowering marginalized communities by securing their rights to forestland and resources. This comprehensive policy is designed to address issues of poverty alleviation, social inclusion, and sustainable forest management. However, its effectiveness is contingent upon a nuanced evaluation that delves into various dimensions. One critical facet is the economic impact, necessitating an analysis of the benefits and income generation for forest-dependent communities. Despite the Act's noble intentions, a substantial challenge lies in the implementation gap, where bureaucratic hurdles, lack of awareness, and resistance from forest department officials have hindered the rightful distribution of land titles and forest rights to eligible beneficiaries. Land tenure insecurity emerges as another concern, urging research to assess the extent to which the FRA has provided tenure security to forest-dwelling communities, as disputes and insecure tenure can undermine the Act's intended benefits. Additionally, understanding the role of legal awareness and capacity-building programs becomes imperative in ensuring that forest-dwelling communities are informed about their

rights and can navigate the legal processes embedded in the FRA. Beyond this, the impact of the FRA on indigenous knowledge is a crucial aspect worth exploring, particularly in terms of how the Act influences the preservation and transmission of indigenous knowledge related to forests, traditional resource management practices, and cultural heritage. In this intricate landscape, examining the legal framework and processes involved in FRA implementation further contributes to a holistic understanding of its impact. This multifaceted inquiry aims to shed light on the complexities surrounding the FRA, offering insights into both its successes and the persistent challenges that warrant attention and redressal.

In the context of Goa, the struggle for bringing the FRA ACT in Goa started in 2009 when the (GAKUVED) Gawda Kunbi Velip and Dhangar campaigned and sent letters to the central government regarding the implementation of FRA in Goa because the FRA Act came in the 2006 and it started implementing in the others states and in Goa, it did not come immediately. Still now the the problem is continued and still, the FRA is not completely implemented in goa most of the tribals and the other traditional forest dwellers are facing the problems. The government of Goa is till now not able to give the constitutional rights to tribals of Goa. (GAWAS, 2018-2019).

The Forest Rights Act of 2006, a cornerstone of social justice theory, represents a commendable effort by the Government of India to rectify historical injustices endured by forest-dwelling communities, particularly Scheduled Tribes and traditional forest dwellers. Enacted as a response to their prolonged marginalization, dispossession, and denial of access to ancestral lands, the Act seeks to empower these communities by recognizing and vesting their rights to forest land and resources. By acknowledging the integral role of forest-dwelling communities in the conservation and sustainable management of forests, the legislation aligns with social justice principles, aiming to redress historical wrongs and promote equitable access to resources. However, the implementation of the Forest Rights Act reveals complex challenges

that hinder its social justice objectives, including bureaucratic hurdles, awareness gaps, and resistance from authorities.

In the realm of environmental justice theory, the Act emerges as a vital instrument for balancing ecological conservation with the rights of forest-dependent communities. It represents a departure from past forest policies that disproportionately displaced these communities, recognizing their collective knowledge and practices as essential for maintaining ecological balance. Despite noble intentions, an implementation gap poses a substantial challenge, with bureaucratic hurdles and resistance hindering the equitable distribution of land titles and forest rights. Addressing this gap is crucial to ensuring that the Act fulfils its potential to not only rectify social injustices but also promote environmental justice by harmonizing the conservation of forests with the rights and livelihoods of those intimately connected to them.

1.1 Research Questions

1. Does Forest Right Act is properly implemented in the Sanguem Taluka?
2. What are the legal mechanisms and procedures available for appealing and resolving disputes related to forest rights under the FRA 2006?
3. How can the Forest Rights Act be strengthened and improved to better protect the rights and interests of forest-dependent communities in Sanguem Taluka?

1.2 Hypothesis

1. The Forest Right Act of 2006 is not properly implemented in Sanguem Taluka, Goa.
2. Lack of awareness among forest-dwelling communities is a major barrier to the successful implementation of the FRA 2006.

1.3 Objectives

1. To study the implementation of the Forest Right Act in Sanguem taluka.
2. To study the claims of the Forest Right Act and the process of claiming the land under Forest Right Act in Sanguem taluka.
3. To study the challenges faced by the forest dwelling communities and the Schedule Tribe face in Sanguem taluka for implementation of Forest Right Act.
4. To understand the role of panchayats and the other government institutions in implementing the Forest Right Act in Sanguem taluka.
5. To assess the level of awareness and understanding of the Forest Right Act 2006 among forest-dwelling communities and Tribal community in Sanguem Taluka.
6. To analyse the implementation challenges and barriers faced by forest departments in recognizing and vesting forest rights.

1.4 Scope And Limitation

Provide the legal processes and criteria for individuals and communities to claim forest rights. Conduct case study of Sanguem taluka and highlighting the experiences of communities in securing forest rights can help the people to use these resources. Research has the potential to make a significant contribution to understanding the challenges and opportunities for the implementation of the FRA in Sanguem taluka. Research could also provide valuable insights into how the FRA can be strengthened and improved to better protect the rights and interests of forest-dependent communities.

Provide policy suggestions for enhancing the FRA at the local and national levels following a thorough review of the legislative framework and processes, as well as the difficulties experienced by forest communities. Look into possible administrative improvements to speed

up the acquisition of forest rights. Studying strategies to speed up processing and deny requests while retaining the highest level of claim verification care.

1.5 Methodology

The research will employ a mixed-methods approach to address the objectives. Quantitative data will be collected from government records and reports to determine the number of claims resolved and pending in Sanguem taluka. Qualitative data will be gathered through interviews and surveys with forest-dwelling communities, local officials, legal experts, NGOs and Forest Right Committees. I will do two sets of questionnaire one I will do the personal survey of 20 forest right committee members and one I will circulate through the google form to 50 educated people of Sanguem taluka. A review of legal documents, policies, and academic literature will inform the analysis of legal mechanisms and procedures. The role of panchayats and government institutions will be explored through interviews and document analysis. Awareness levels will be assessed through surveys and discussions with forest-dwelling communities. Challenges and barriers faced by the forest department will be examined through interviews with department officials and field observations. Ethical considerations will be adhered to throughout the research.

1.6 Literature Review

1. Empowerment and Recognition of Rights:

"The Forest Right Act, 2006: Victory and Betrayal" by Manju Arora Relan* highlights the historic significance of the Forest Rights Act (FRA) in empowering marginalized communities by granting legal rights to their lands and resources. The article calls for stronger

implementation, aligning with social justice principles to protect the rights and livelihoods of these communities.

"The Forest Rights Act 2006: High Aspirations, Low Realization" by Armin Rosencranz* underscores the ambitious goals of the FRA in rectifying injustices against forest-dwelling communities, addressing historical inequities through the lens of social justice.

2. Transformative Impact and Implementation Challenges:

"Implementation of the Forest Rights Act: Undoing Historical Injustices" by Madhusudan Bandi* provides a comprehensive analysis of the FRA's transformative impact in rectifying historical injustices faced by marginalized forest communities. It acknowledges implementation challenges, linking conservation with social justice goals.

"Forest Rights Act: Towards the End of Struggle for Tribals?" by Madhusudan Bandi* critically assesses the FRA's implementation in Chhattisgarh and Gujarat, utilizing a comparative approach. It examines the substantial differences between states, emphasizing the struggle of tribal communities and the role of FRA in recognizing their rights, aligning with indigenous rights theory.

3. Conservation, People's Rights, and Livelihoods:

"Forests, Rights and Conservation: Fra Act 2006, India" by Ashish Kothari, Neema Pathak, and Arshiya Bose, Kalpavriksh* explores the implications of the FRA for conservation, people's rights, and livelihoods. It emphasizes collaboration between advocates of wildlife conservation, human rights, and sustainable development, promoting a balanced approach that considers both local communities and wildlife.

The article exposing widespread violations of forest rights by Indian state governments sheds light on the challenges and poor implementation of the FRA. Despite legal provisions, the

article highlights the urgent need for improved enforcement, raising questions from a social justice perspective.

The case of Goa's slow implementation of the FRA reveals disparities among states. The central government's steps to address slow progress before tribal-dominated state elections align with both social justice and indigenous rights theories, emphasizing the need for equitable distribution of forest rights.

6. Indigenous Rights, Historical Injustices, and Advocacy:

The historical injustices faced by Scheduled Tribes in Goa emphasize the denial of customary rights to forest resources. The article advocates for the recognition of tribal rights over forests, aligning with both indigenous rights theory and social justice principles. It critiques inadequate government schemes and highlights threats from mining activities.

This thematic arrangement provides a comprehensive overview of the Forest Rights Act in India, integrating social justice and indigenous rights theories. It covers empowerment, recognition of rights, transformative impact, conservation, challenges, violations, slow implementation, and advocacy for social and ecological justice for tribal populations.

The article "The Forest Right Act, 2006: Victory and Betrayal" Manju Arora Relan provides a well-rounded perspective on India's Forest Rights Act. It celebrates the legislation's historic significance in granting forest-dwelling communities legal rights to their lands and resources, empowering marginalized groups. The article's positive aspect lies in its call for stronger implementation, emphasizing the urgent need to protect the rights and livelihoods of these communities, highlighting the importance of genuine commitment to creating lasting positive change. The methodology referred to in this article is qualitative research methodology. The author conducts a comprehensive examination of the Forest Rights Act (FRA) of 2006 in India by delving deep into its historical importance, achievements, and shortcoming.

"The Forest Rights Act 2006: High Aspirations, Low Realization" by Armin Rosencranz discusses the historical significance of the Forest Rights Act in India, which aims to rectify injustices against forest-dwelling communities. The article highlights the law's ambitious goals but points out the challenges in its implementation. It sheds light on the struggle of India's marginalized populations for land and resource rights. This article highlights the historical importance of the Forest Rights Act, addressing injustices against marginalized communities and the potential for empowerment. The article's methodology is not explicitly stated, but it appears to involve legal analysis and qualitative research.

"Implementation of the Forest Rights Act: Undoing Historical Injustices" by Madhusudan Bandi provides a thorough analysis of India's Forest Rights Act (FRA) of 2006. The article recognizes the FRA's role in rectifying historical injustices faced by marginalized forest communities, especially Tribals and indigenous groups. It underscores the FRA's transformative impact in empowering these communities, addressing implementation challenges, and aligning conservation with social justice goals. This article effectively showcases the transformative impact of the Forest Rights Act, highlighting its role in empowering marginalized forest communities. The article's methodology involves qualitative research, utilizing case studies and examples to illustrate the FRA's impact and challenges.

"Forest Rights Act: Towards the End of Struggle for Tribals?" by Madhusudan Bandi explores the historical struggle of India's tribal communities, recognized as Forest Dependent People (FDP), and their subsequent legal protection as 'Scheduled Tribes.' The article details their hardships during the colonial era when they were unjustly labeled as encroachers on their own land. The Forest Rights Act (FRA) is presented as a pivotal shift in recognizing tribal rights. The paper critically assesses the FRA's implementation in Chhattisgarh and Gujarat, highlighting the substantial differences between these states in terms of development and governance challenges, making it a compelling analysis of this significant legislation. It utilizes

a comparative approach, focusing on two contrasting states, Chhattisgarh and Gujarat, to understand the Act's impact.

This article *Forests, Rights and Conservation: Fra Act 2006, India* by Ashish Kothari, Neema Pathak and Arshiya Bose, Kalpavriksh assesses the implications of the Forest Rights Act (FRA) in India for conservation, people's rights, and livelihoods. It examines the historical context of forest-dependent communities and the challenges they faced. The article discusses the controversies surrounding the FRA, potential conservation impacts, and the need for clear implementation guidelines. It calls for collaborative efforts between advocates of wildlife conservation, human rights, and sustainable development to ensure that the FRA benefits both local communities and wildlife in the face of economic development pressures. The article emphasizes the need for careful and region-specific implementation, clarifications on community rights, and collaboration between civil society, government, and advocacy groups to maximize the FRA's potential while safeguarding conservation interests. The article primarily uses qualitative research methodology, incorporating interviews, analysis of legislation, and assessment of on-ground implementation to evaluate the implications and challenges of the Forest Rights Act in India.

This article exposes widespread violations of forest rights by Indian state governments, detailing 26 cases in 11 states where forest land is wrongly acquired for projects like mining and dams. Violations include forging tribal consent and neglecting public hearings. The Forest Rights Act (FRA) of 2006 aimed to address historical injustices but has seen poor implementation, with only 1.8 million titles issued for 14% of potential forest land. Additionally, community rights constitute only 3.5% of titles, hindering access for villagers. Despite legal provisions and a Supreme Court ruling in 2013, violations persist, emphasizing the urgent need for improved FRA enforcement. (Majumder, 2018).

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, rectifies historical injustices by recognizing the symbiotic relationship between forest-dwelling communities and their traditional resources. It grants individual and community rights, protecting against eviction and ensuring fair compensation. Emphasizing conservation, the Act entrusts responsibilities to forest rights holders for sustainable biodiversity use and ecological balance. Empowering Gram Sabhas, it fosters local decision-making. The Act aims to safeguard tribal livelihoods, food security, and provide basic development facilities, addressing the long-overlooked connection between indigenous communities and their ancestral forests, fostering sustainability and social justice. (Ministry Of Tribal Affairs Government Of India, 2023)

The Forest Rights Act of 2006, aimed at granting tribal communities rights to their land, has seen slow implementation, with less than half of the community forest rights claims being recognized over a decade after its enactment. According to statistics from the Ministry of Tribal Affairs, only 46% of community forest rights titles have been distributed nationwide. Tamil Nadu, Goa, and West Bengal are the worst-performing states, with Tamil Nadu not distributing any titles, while Goa and West Bengal have distributed 2.15% and 6.78%, respectively. Uttar Pradesh leads with 75% of titles distributed, followed by Madhya Pradesh (69.19%) and Jharkhand (52.43%). Ahead of elections in tribal-dominated states like Chhattisgarh, Madhya Pradesh, and Rajasthan, the central government is taking steps to address the slow progress. The Tribal Affairs Minister has urged states, especially those lagging behind, to expedite the settlement of claims, citing concerns about incomplete data from states like Kerala. (Sharma, 2018))

Goa's State-Level Monitoring Committee, led by the Chief Secretary, has decided to issue standard operating procedures (SoPs) for effective implementation of the Forest Rights Act, 2006. At a recent meeting, they discussed filing an application for a one-year extension in

processing pending forest rights claims. Approximately 55% of the 10,136 claims have undergone spot verification. However, concerns about discrepancies during verification were raised, prompting the call for SoPs. Members emphasized considering shifting cultivation in case reviews and ensuring claimants have the right to appeal rejections. Out of 10,136 claims, only 485 beneficiaries received land titles, with 45 claims rejected. (Goa to seek more time to settle forest rights claims, 2023)

The article explores the historical injustices faced by Scheduled Tribes Gawda, Kunbi, and Velip in Goa, emphasizing the denial of customary rights to forest resources. It delves into the impact of forest-related legislation, deforestation, and evictions, leading to the enactment of the Forest Rights Act in 2006. The paper advocates for the recognition of tribal rights over forests, highlights threats from mining activities, and critiques government schemes' inadequate implementation. Urging the need for effective tribal forest act implementation, it underscores the symbiotic relationship between tribal communities and nature, emphasizing their role in conservation. Overall, the article advocates for social and ecological justice for tribal populations in Goa. (Gawas, 2018-2019)

The Forest Rights Act (FRA) of 2006 in India is an important law that aims to correct past unfairness experienced by people living in forests, especially Scheduled Tribes and Other Traditional Forest Dwellers. It gives these communities legal rights over their lands and resources, recognizing their close connection to the forests. However, there have been difficulties in putting this law into practice, with reports of violations in different states, such as faking tribal agreement and ignoring public discussions. Several articles analyse the FRA and its implementation. "The Forest Right Act, 2006: Victory and Betrayal" by Manju Arora Relan praises the law's historic importance but calls for better implementation to safeguard the rights and livelihoods of forest communities. The article uses qualitative research to examine the FRA in detail. "The Forest Rights Act 2006: High Aspirations, Low Realization" by Armin

Rosencranz recognizes the FRA's ambitious goals but notes challenges in making it work. It discusses the struggles of India's marginalized groups for land and resource rights and the FRA's role in addressing these issues. The article seems to involve legal analysis and qualitative research. "Implementation of the Forest Rights Act: Undoing Historical Injustices" by Madhusudan Bandi analyses how the FRA has helped marginalized forest communities gain rights and address past injustices. It acknowledges the law's transformative impact but also discusses difficulties in its implementation. The article uses qualitative research, including case studies, to illustrate its points. "Forest Rights Act: Towards the End of Struggle for Tribals?" by Madhusudan Bandi explores the historical challenges faced by India's tribal communities and their legal protection as 'Scheduled Tribes.' It assesses the FRA's implementation in different states, highlighting differences in development and governance challenges. The article uses a comparative approach to understand the Act's impact. "Forests, Rights and Conservation: Fra Act 2006, India" by Ashish Kothari, Neema Pathak, and Arshiya Bose examines the FRA's implications for conservation, people's rights, and livelihoods. It discusses controversies surrounding the FRA, its potential impacts on conservation, and the need for clear implementation guidelines. The article calls for collaboration between advocates of wildlife conservation, human rights, and sustainable development to ensure that the FRA benefits both local communities and wildlife. The Forest Rights Act of 2006 has the potential to address past injustices and protect the rights of forest-dwelling communities. However, its implementation has faced challenges and violations. These articles emphasize the need for better enforcement, genuine commitment, and collaboration to make the FRA successful in empowering marginalized forest communities and promoting sustainability and social justice.

1.7 Chapterization

Chapter -1 - Introduction

This chapter will introduce the chapter and mention the research questions, objectives of the study, hypotheses, methodology and scope of the study.

Chapter – 2 – Understanding Forest Rights: A Theoretical Perspective

This chapter will highlight the significance of theoretical understanding of Forest Rights and provide the relation and relevance of the same.

Social justice theory

Indigenous right theory.

Property rights theory

Chapter – 3- Fra (Forest Right Act) In India And Goa

This chapter includes the existence of the Forest Right Act in India and in Goa . This chapter will focus on the critical study on the Forest Right Act and its implementation in Goa and the Sanguem taluka in specific in Goa. This chapter will also describe the historical background of Forest Right Act in India and Goa.

Chapter – 4 – Fra (Forest Right Act) In Sanguem Taluka

This chapter will include the case study on the Forest Right Act of 2006 in Sanguem taluka and detailed information on the Sanguem taluka forest-dwelling communities.

Chapter-5 Conclusion

This chapter concludes the study and tests the hypothesis in detail with regard to the implementation of the FRA (FOREST RIGHT ACT) in Sanguem Taluka, Goa.

CHAPTER -I

INTRODUCTION

The Forest Rights Act of 2006, also known as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, of 2006, is a landmark legislation enacted by the Government of India. It was introduced with the primary objective of rectifying historical injustices faced by forest-dwelling communities, particularly Scheduled Tribes, and other traditional forest dwellers, by recognizing and vesting their rights to forest land and resources.(BANDI, 2013).The Act represents a significant departure from earlier forest policies, which often led to the displacement of these communities. The introduction of the Forest Rights Act in 2006 marked a pivotal moment in India's environmental and social policy landscape. It aimed to address the longstanding grievances and struggles of forest-dependent communities who had historically been marginalized, dispossessed of their traditional lands and denied access to forest resources upon which they relied for their livelihoods and cultural practices.

The Act was introduced in response to the need for a legal framework that recognized and protected the customary and traditional rights of these communities to forest lands, including both individual and community rights. This legislation acknowledges the integral role of forest-dwelling communities in the conservation and sustainable management of forests, recognizing their collective knowledge and practices as essential for maintaining ecological balance. It recognizes their rights to forest land and resources, aiming to empower marginalized communities and promote social justice. The Act holds the potential to alleviate poverty, foster social inclusion, and support sustainable forest management. However, its implementation presents complex challenges, including bureaucratic hurdles, awareness gaps, and resistance from authorities. The Act's effectiveness in addressing these issues is central to the research. It evaluates the impact of FRA on economic empowerment, tenure security, and indigenous

connects with different philosophical and legal theories, highlighting its role in fixing past injustices and helping marginalized groups.

2.2 THEORIES

- **Property rights theory**
- **Social justice theory**
- **Indigenous right theory.**

Property rights theory

Aristotle believed that owning property satisfied a basic human need for possession and control. He disagreed with Plato's idea of sharing all property, arguing that it would lead to conflicts. Aristotle thought that people who work should enjoy the fruits of their labour, and everyone needs property to survive and to grow. (Nitish dixit). The Forest Rights Act of 2006 in India gives forest-dwelling communities legal rights to the land they have always lived on and used. This is similar to what Aristotle believed, that owning property is important because it satisfies our natural desire to possess and control things. Aristotle also disagreed with Plato's idea that everything should be shared, because he thought it would cause problems. The Forest Rights Act agrees with Aristotle, saying that it's important for individuals and communities to have rights over specific resources to avoid conflicts. Aristotle also thought that people who work hard should be able to enjoy what they earn. The Forest Rights Act supports this idea by giving forest-dwelling communities legal rights over forest resources. This helps these communities benefit from their hard work and traditional knowledge the Forest Rights Act of 2006 reflects Aristotle's ideas by recognizing the importance of property rights in fulfilling basic human needs, avoiding conflicts, and helping communities thrive by benefiting from their work and resources.

Marx described property in terms of its role in production. He distinguished between two types of property relations: one as a social relationship and the other as a legal one. The social relationship refers to an individual's control over the use and possession of means of production, while the legal relationship refers to the right to use and possess property. Marx also noted that the type of property changes with changes in the mode of production. He argued that private property, which he believed led to exploitation, should be replaced by socialist property. (Niranjana Raj, 2021) (Avineri, 1968). Marx's ideas about property can be seen in how the Forest Rights Act 2006 recognizes the close connection between indigenous communities and their land. Marx believed that private property could lead to exploitation. The Act acknowledges this by giving legal rights to communities over their traditional lands, aligning with Marx's call for a fairer system where property is based on use rather than profit. The Act also respects the communal ways in which these communities manage forests, which is different from how private property works. By giving communities control over forest resources, the Act aims to make them stronger economically and socially, which is why Marx advocated for a more equal sharing of property. Marx's theories help us understand why the Forest Rights Act is important for empowering marginalized communities and addressing past injustices.

Hegel believed that private property was essential for human freedom and development. He saw property not just as a means to freedom but as synonymous with freedom itself. In his *Philosophy of Right*, Hegel analysed property, along with personality and contract, as foundational to modern exchange and market economies. He argued that institutions, including private property, were necessary for individuals to develop as legal persons, distinct from other animals. Unlike animals, humans are free and create institutions that enable their freedom. Hegel viewed private property as the abstract right that supports human freedom, and he saw the institution of private property as a key element of social organization that enables

individuals to develop their capacities within a legal framework. (M. Blake Wilson, 2016)

Hegel believed private property was crucial for people's freedom and growth. He thought owning property was more than just having things; it was about being free to develop as individuals within society. This idea connects with the Forest Rights Act 2006, which aims to empower marginalized communities, especially indigenous and forest-dwelling groups, by recognizing their traditional rights over forest lands. The Act acknowledges these communities as legal entities with a role in managing and protecting forest resources. Hegel also stressed the importance of institutions, like private property, in supporting human freedom and development. The Act recognizes the communal way these communities manage forests, which aligns with Hegel's view that people create institutions to support their freedom. By recognizing and supporting these traditional institutions, the Act helps these communities develop within a legal framework. This mirrors Hegel's belief that private property and other social structures are vital for human freedom and progress.

John Locke believed that owning property is one of our most important natural rights. He said that everyone has the right to live, be free, and own things. According to him, if you work on land and make it useful, you should be able to own it. He thought that when we use our labour to improve something, like land, we should be able to call it our own. (J.P. DAY, 1966). John Locke believed that owning property is a basic right that everyone should have. He thought that if you work on land and make it better, you should be able to own it. This idea connects with the Forest Rights Act 2006, which aims to protect the rights of marginalized communities, like indigenous groups, to their traditional lands. The Act recognizes that these communities have taken care of the land for generations and should have legal rights to it. Locke's idea that ownership comes from working on the land also fits with the Act, which acknowledges the hard work these communities have put into managing the forests sustainably. Locke's views

support the goals of the Forest Rights Act by recognizing the importance of giving communities ownership over the land they have cared for and depended on for so long.

Property rights applicable to forest land

The property rights theories applicable to forest land are:

Schlager and Ostrom's theory of property rights examines different aspects of rights related to forests. They categorize these rights into two groups: first order rights and second order rights. First order rights include access and withdrawal, while second order rights include management, exclusion, and alienation. This theory highlights the importance of understanding the various rights involved in forest tenure, access, and management. ((Niranjana Raj, 2021) (Schlager and Ostrom, 1992). Schlager and Ostrom's ideas about property rights can help us understand the Forest Rights Act 2006, which is a law that focuses on how land and resources in forests are owned and used. Their theory talks about two main types of rights: first order rights and second order rights. First order rights are about the basic rights people have to access and use resources like forests. These rights are very important for communities that rely on forests for their way of life. The Forest Rights Act recognizes these rights by giving communities legal recognition and ownership over forest lands. This means that these communities have the right to use the forests for things like food, shelter, and income. Second-order rights are about how people manage, control, and protect resources. These rights are also crucial because they allow communities to look after the forests and use them in a way that doesn't harm the environment. The Act supports these rights by giving communities the power to manage their forests according to their traditional practices. This helps in preserving the biodiversity and natural balance of the forests. Schlager and Ostrom's theory helps us understand the different aspects of property rights related to forest management. By recognizing and protecting both first and second-order rights, the Forest Rights Act aims to empower marginalized communities and ensure that forests are managed in a sustainable way.

This aligns with Schlager and Ostrom's principles of supporting communities and preserving natural resources for the future.

Schlager and Ostrom's theory help us understand how people's rights to forests can be divided into two main groups: basic rights and management rights. Basic rights are about being able to get things from the forest, like food and materials for building homes. The Forest Rights Act gives communities legal recognition and ownership of forest land so they can use it for these things. Management rights are about being able to decide how to look after the forest and make sure it's not damaged. The Act lets communities manage their forests according to their traditions, which helps keep the forests healthy and diverse. This theory shows that to manage forests well, we need to respect both these types of rights. The Forest Rights Act aims to help communities and make sure forests are used in a way that keeps them healthy for the future.

When we look at the Forest Rights Act (FRA) using the idea of property rights, we see it deals with giving legal rights to marginalized communities. This is important because it acknowledges that these communities have historically used the land and resources, so they should have ownership and control over them. But putting these rights into practice is difficult because there are many obstacles that get in the way. The FRA aims to fix past wrongs and give these communities back what is rightfully theirs. However, there are problems with making this happen. Sometimes it's not clear who owns what land, and there are people who don't want to give up their control over it. The FRA also tries to balance conservation goals with the rights of people. It wants to make sure that people can still use the land for their livelihoods while also protecting the environment. But it's hard to enforce these rules and make sure everyone follows them. Recognizing the rights of indigenous people is a big part of the FRA. This is important because it protects their traditional ways of living and using the land. But there are still issues with making sure these rights are respected and that the government doesn't allow harmful activities, like mining, to damage their land. The FRA is meant to help marginalized

communities get back what's rightfully theirs. But there are many challenges in making this happen, including problems with enforcing the rules and protecting the environment.

Social justice theory

John Rawls's theory is based on the idea of a social contract, where everyone in society agrees to fair rules, similar to how philosopher Immanuel Kant saw it. Rawls said that a fair society should treat everyone's values and beliefs equally. He suggested that to create a truly fair society, people should imagine a scenario where they don't know anything about their own or others' backgrounds. In this imaginary situation, called the "original position," people would create fair rules that don't favour any specific group. The main idea of Rawls' theory is that justice should come from a process that doesn't consider differences between people, like how much money they have or how educated they are. This way, the rules of society would be fair and help everyone equally. (*J Jerusha Melanie, 2022*) (*A Theory of Justice, 1971*). John Rawls' theory of justice, emphasizing fairness and equality, can be connected to the theoretical framework of the Forest Rights Act 2006. Rawls believed in a social contract where everyone in society agrees to fair rules, similar to how philosopher Immanuel Kant viewed it. This aligns with the principles of the Forest Rights Act, which aims to recognize and protect the rights of marginalized communities, particularly indigenous and forest-dwelling groups, to their traditional lands. Rawls argued that a fair society should treat everyone's values and beliefs equally, which resonates with the Act's goal of empowering these communities and ensuring their rights are respected. His idea of the "original position," where people imagine a scenario without knowledge of their background, aligns with the Act's recognition of the communal nature of traditional forest management practices. Rawls' theory supports the notion that justice should be achieved through a process that does not consider differences between people. This aligns with the goals of the Forest Rights Act, which seeks to create a fair and equitable system for managing forest resources, benefiting all members of society equally.

Amartya Sen thinks that trying to find one perfect idea of justice like John Rawls did, is not practical. He believes this approach doesn't really solve the real problems people face. Sen prefers a more practical way of thinking about justice. He wants to focus on finding and fixing injustices that exist right now, rather than aiming for a perfect society in theory. Sen believes that to understand what is fair, people should talk openly and democratically. He thinks justice is not just about following fixed rules, but about continuously discussing and exploring what is right. Sen also thinks that to make fair decisions, people from different fields and communities should work together. This way, they can make smarter choices that improve people's lives. Sen's idea of justice is flexible, taking into account the specific needs of different situations, and it's all about finding real solutions to real problems (Charles Barclay Roger, 2010). Amartya Sen's ideas about fairness match well with the goals of the Forest Rights Act 2006. He believes that trying to find a perfect theory of fairness, like John Rawls did, isn't very helpful. Instead, Sen thinks it's more practical to focus on solving real problems that people face right now. He thinks fairness is about talking openly and fairly, and not just following strict rules. Sen also thinks it's important for people from different areas and communities to work together to make good decisions that improve everyone's lives. His views support the Forest Rights Act's goals of being fair, inclusive, and practical, and they help explain why it's important to address existing problems in collaborative and democratic ways.

John Rawls believed that society should be fair and treat everyone's values equally. He thought people should imagine a fair society where they don't know their background, so they can create fair rules. This idea is similar to the Forest Rights Act (FRA) of 2006, which aims to give indigenous and forest-dwelling communities fair rights to their lands. Amartya Sen thinks it's better to focus on solving real problems than aiming for a perfect theory of fairness. He believes fairness comes from talking openly and working together. Sen's ideas support the FRA's goals

of being fair and practical, and they explain why it's important to solve existing problems in fair and democratic ways. Rawls' and Sen's ideas about fairness help us understand the goals of the Forest Rights Act. They both emphasize fairness, equality, and working together to solve problems, which are important for managing forest resources fairly and sustainably.

In "Implementation of the Forest Rights Act: Undoing Historical Injustices," Madhusudan Bandi examines how the Forest Rights Act (FRA) helps marginalized forest communities, like Scheduled Tribes and Other Traditional Forest Dwellers, by giving them legal rights to their lands and resources. This law aims to fix the unfair treatment these communities faced in the past. From a social justice point of view, the FRA is a big step toward making sure everyone has fair access to natural resources. It acknowledges that forest-dwelling communities were treated unfairly in the past and aims to give them back control over their lands. This idea of fairness in sharing power and resources is an important part of social justice. The article also talks about challenges in making the FRA work as intended. Things like bureaucratic problems, lack of awareness among forest communities, and resistance from some groups make it hard for the FRA to fully help these communities. These challenges show that there are deeper issues of unfairness and unequal power in society that need to be addressed for the FRA to be successful. The article also connects efforts to protect forests with the goals of social justice. It says that by giving forest communities the power to manage and protect their forests, the FRA helps both the environment and these communities. This idea is called environmental justice, which is about making sure everyone gets a fair share of environmental benefits and burdens. "Implementation of the Forest Rights Act: Undoing Historical Injustices" shows how the FRA is an important tool for social justice. It aims to correct past injustices and empower marginalized communities. However, there are challenges to making it work, and addressing these challenges is crucial for the FRA to achieve its goals.

Indigenous right theory

United Nation Declaration of The Right of Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, is an important document that recognizes and protects the rights of indigenous communities around the world. It has 46 articles that outline the unique rights of indigenous groups and individuals related to their culture, society, economy, and politics. The Declaration emphasizes the importance of indigenous peoples being able to control their own destinies, make their own decisions, and preserve their cultures. A key aspect of the Declaration is its affirmation that indigenous peoples are equal to other peoples and should not face discrimination because of their differences. It strongly opposes any beliefs or practices that claim one group is superior to another based on nationality or culture. The Declaration also acknowledges the injustices indigenous peoples have faced in the past, such as colonization and loss of their lands, and asserts their rights to their lands, resources, and ways of life. One of the main principles of the Declaration is the right of indigenous peoples to self-determination, meaning they have the freedom to decide their political status and pursue their development. It emphasizes the importance of indigenous peoples being involved in decisions that affect them and calls for governments to work closely with indigenous communities in a spirit of cooperation. The Declaration also highlights the rights of indigenous peoples to maintain their cultures, languages, and traditional knowledge, as well as to have access to education, health care, and social support. The Declaration is a significant step forward in recognizing and protecting the rights of indigenous peoples worldwide. It calls for cooperation between governments and indigenous communities to ensure these rights are respected, leading to a more fair and inclusive future for everyone. (United Nations Declaration on the Rights of Indigenous Peoples, 2007).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Forest Rights Act 2006 are closely linked in their efforts to protect indigenous rights, especially regarding land and resources. UNDRIP recognizes the past injustices suffered by indigenous peoples, like losing their lands due to colonization. It states that indigenous groups have the right to their lands, territories, and resources. It also says they should have the freedom to make their own decisions and develop in ways that suit their needs. These ideas are similar to what the Forest Rights Act aims for. This Act wants to give forest-dwelling communities, including tribes and other traditional forest residents, rights over forests where they live. Both UNDRIP and the Forest Rights Act stress how important it is for indigenous peoples to be part of decisions that affect them. UNDRIP says governments should talk and work with indigenous communities. The Forest Rights Act says that communities should have rights over forests and a say in how they are managed.

UNDRIP also talks about how indigenous peoples should be able to keep and pass on their cultures, languages, and knowledge. This idea is similar to what the Forest Rights Act says about how forests are important for the lives and identities of forest communities. Both UNDRIP and the Forest Rights Act are about recognizing and protecting the rights of indigenous peoples. They both want governments and indigenous communities to work together to make sure these rights are respected. This cooperation is important for creating a fairer and more sustainable future for everyone.

Indigenous People in International Human Rights Law

International law has rules and platforms to help indigenous peoples. Some United Nations declarations, like the Declaration of the Rights of Indigenous Peoples, are widely supported and seen as part of how countries should act, even if they're not legally binding. These declarations, along with treaties and agreements, help indigenous peoples protect their way of

life when faced with projects that could harm the environment. While not all international cases have decided who counts as "indigenous," the UN Declaration of the Rights of Indigenous Peoples says these groups get to say who they are. People are debating whether projects need the "free, prior, and informed consent" of indigenous peoples, what counts as enough consultation, and if some projects are illegal under international law, even if consent or consultation happens. The Declaration of the Rights of Indigenous Peoples says people shouldn't be moved from their land without agreeing to it first. It also says governments should stop things that harm indigenous cultures or take their land without talking to them.

The International Labour Organization's Convention No. 169 also says governments need to talk to indigenous peoples before doing anything that affects their land. The Convention also stops discrimination against indigenous peoples when it comes to owning property. The argument about free, prior, and informed consent is ongoing. The UN General Assembly and some countries say consent is really important for protecting indigenous peoples' rights. But some, like Canada, worry this could give indigenous peoples too much power over what governments do on their land. International law helps protect indigenous rights when big projects are planned. It says talking and agreeing with indigenous peoples is crucial to keeping their communities safe and preserving their ways of life. (James S. Philips, 2015). The Forest Rights Act 2006 (FRA) in India is an important law that recognizes and gives rights to forest-dwelling Scheduled Tribes and other traditional forest dwellers. It aims to correct past injustices these communities faced, like being forced off their land, losing their way of making a living, and not having rights to forest resources. In the bigger picture of international law, especially the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization's Convention No. 169 (ILO C169), the FRA shares similar goals. UNDRIP outlines the rights of indigenous peoples, such as their right to decide things for themselves, control over their lands, territories, and resources, and the need for their agreement

in decisions affecting their land and resources. This connects with the FRA's aim of empowering forest communities by recognizing their rights over forest resources. ILO C169, a treaty country must follow, says governments must talk to indigenous peoples and get their agreement before making laws or decisions that affect them. It also stops discrimination against indigenous peoples in property matters, which fits with the FRA's goal of giving forest communities secure rights over their land.

The debates about free, prior, and informed consent (FPIC) and consultation mentioned earlier are important for the FRA too. Making sure forest communities are consulted and agree to decisions about their land is crucial for implementing the Act and respecting their rights. The Forest Rights Act 2006 in India supports the rights of forest-dwelling communities, similar to what's outlined in international laws like UNDRIP and ILO C169. Following these international standards can help make the FRA stronger and ensure forest communities are treated fairly and their rights are protected.

2.3 Connection between the theories

Social justice theory focuses on making sure that everyone in society has a fair share of resources and opportunities. It looks at how historical injustices, like colonization, have harmed indigenous communities and taken away their rights to land and resources. Indigenous rights theory is about recognizing the special rights of indigenous peoples to control their own land and resources. It says that these rights are fundamental and cannot be taken away, based on their history of living on and using the land. Property rights theory helps us understand how ownership and control over land and resources work. It looks at how having secure rights to land can encourage people to use it wisely and develop it sustainably. These theories are connected because they all aim to protect the rights of marginalized groups, especially indigenous peoples. Social justice theory wants to fix past wrongs and inequalities that have

hurt indigenous communities. Indigenous rights theory emphasizes the importance of recognizing indigenous peoples' unique ties to their land. Property rights theory helps us understand how to legally protect these rights and encourage sustainable land use. By combining these theories, policymakers and others can create fairer ways to manage land and resources that respect the rights and needs of indigenous peoples.

The Forest Rights Act (FRA) of 2006 in India is closely linked to social justice theory, indigenous rights theory, and property rights theory. The Act was introduced to address historical injustices and inequalities faced by forest-dwelling communities, especially indigenous peoples, regarding their rights to land and resources. The FRA is a manifestation of social justice theory as it aims to rectify past injustices caused by colonial and post-colonial forest policies that marginalized forest-dwelling communities. By granting legal recognition and rights to these communities over forest lands, the Act seeks to provide them with a fair share of resources and opportunities, ensuring their inclusion and participation in society. Indigenous communities have historically faced dispossession and alienation from their traditional lands. The FRA recognizes and upholds the special rights of indigenous peoples to control their land and resources. It acknowledges their historical occupancy and use of the land, aligning with indigenous rights theory's emphasis on the inalienable rights of indigenous peoples to their ancestral territories. The FRA is also influenced by property rights theory, particularly in its approach to land ownership and control. The Act provides a legal framework for recognizing and securing the property rights of forest-dwelling communities, ensuring that they have secure tenure over their lands. This aligns with property rights theory's view that secure property rights can lead to sustainable land use and development.

The Forest Rights Act (FRA) of 2006 aims to correct historical injustices faced by forest communities. These communities, especially indigenous peoples, have long been denied land and resources due to colonial-era policies that favored conservation over their rights. The FRA

gives legal recognition and rights to these communities, ensuring a fairer distribution of resources. The FRA also respects indigenous rights, recognizing their special connection to their ancestral lands. By acknowledging their historical use of forest land, the Act allows them to have a say in how their land is managed. The FRA promotes sustainable land use by providing secure land rights to forest communities. This encourages them to invest in and develop their land, benefiting both the environment and their economic well-being. The Forest Rights Act of 2006 is a crucial step towards achieving social justice, protecting indigenous rights, and ensuring sustainable land use. It shows a commitment to creating a fairer and more equitable society for all.

CHAPTER -III

FOREST RIGHT ACT IN INDIA AND GOA

3.1 Introduction

This chapter discusses the historical context of India's relationship with its forests and indigenous communities, highlighting the impact of pre-colonial legacies, colonial rule, and post-independence policies. It explores how indigenous communities relied on forests for their livelihoods and cultural practices during the pre-colonial era. The chapter then delves into the changes brought about by colonial forest policies, such as the Indian Forest Act of 1927, which centralized forest management and promoted commercial forestry, leading to the marginalization of indigenous communities. It also discusses the oppressive nature of laws like the Criminal Tribes Act of 1871, which further marginalized certain communities. After gaining independence, India focused on nation-building and development, implementing policies to protect the rights of indigenous communities and promote sustainable forest management. The Forest Rights Act of 2006 was a key development, aiming to correct historical injustices and promote inclusive forest governance.

The chapter also highlights the role of the Wildlife Trust of India in supporting the implementation of the Forest Rights Act and promoting conservation efforts. Finally, it touches upon the state of Goa's history under Portuguese rule and its current status as a separate state, discussing the challenges and efforts related to the implementation of the Forest Rights Act in the state. This chapter discusses the population of Goa, particularly focusing on the Scheduled Tribes, who make up about 10.23% of the total population. It highlights that most of the Scheduled Tribe population lives in rural areas, with South Goa district having a higher concentration compared to North Goa district.

The chapter then shifts its focus to the implementation of the Forest Rights Act of 2006 in Goa. It notes that this act recognizes the rights of tribal people and other forest-dwelling communities over forest resources. However, it highlights that the implementation of this act in Goa has been slow, with only 485 beneficiaries receiving land titles out of 10,136 claims as of 2023. Efforts to expedite the process, such as the formation of forest dwellers committees in talukas and the involvement of officials from other states, are mentioned. Despite these efforts, challenges such as lack of documentation by claimants, manpower shortages, and delays in the verification process are highlighted as hindrances to progress. Recent developments, such as the commitment of Goa Chief Minister Pramod Sawant to settle all eligible cases under the Forest Rights Act by 2027, are seen as a positive step towards resolving the issues surrounding the act's implementation in the state. However, the chapter concludes by noting that there is still much work to be done to ensure that the rights of tribal communities and forest dwellers in Goa are recognized and protected.

3.2 INDIA



FIGURE- 3.1: Map of India (*Adobe stock*)

India is a large country in southern Asia, bordered by several countries and oceans. It has a population of around 1.43 billion, making it the most populous country in the world. India is made up of 28 states and 8 Union Territories, with New Delhi as the capital. Hindi is the mostly spoken language of India, but English is also widely spoken in cities. There are 21 other languages spoken across the country. The main religions in India are Hinduism, Islam, Christianity, and Sikhism, with other religions also represented. India's literacy rate is 61%, and the average life expectancy is 67.14 years. The country's economy is strong, with the rupee as its currency. India is known for its natural resources such as iron ore, coal, and diamonds. It is also a major player in outsourcing industries and information technology. Geographically, India has diverse regions including mountains in the north, plains, deserts, and a southern peninsula.

3.3 Pre-colonial legacy

Alfred Crosby (1986) talked about 'ecological imperialism,' which means that when Europeans expanded and migrated to the New World, they brought with them weeds, animals, and diseases that harmed the natural environment and people living there. Gadgil and Guha (1992) believed that colonialism in India brought significant changes to the environment. Although Europeans didn't create new Europe in India by destroying the local population and their resources, they did change how food was produced and how the environment was used. They made three main changes. People started producing food not just for themselves but to sell. Local communities and groups became less important, and individuals became more important. Traditional ways of using resources were no longer followed because people started using markets to get what they needed.

Richard H. Grove (1998) disagreed with this idea. He said that even before colonial times, South Asian states were already controlling forests and cutting down trees quickly. This control

over forests started around 800 A.D., became stronger during the Mughal period, and continued with later states. States like the Marathas, Cochin, Travancore, and the Amirs of Sind had complete control over forests for money and other reasons. Although there were disagreements over forest control before colonial times, they were not as serious as during colonial times. Before colonial times, there might not have been perfect balance in how people used the environment, but there were enough farmland, less state control, and people had different levels of rights to use land. (egyankosh.ac.in).

3.4 Ecological Warfare and The Forest Acts

In the 19th century, large-scale logging began due to increased demands from European entrepreneurs and the colonial state, surpassing earlier rulers' demands. Contractors extensively logged teak forests in the Western Ghats for the Bombay marine and in the Berars by Palmer & Company. The expansion of coffee and tea plantations after 1840 further accelerated logging. By around 1860, the demand for timber grew significantly for shipbuilding, iron smelting, and other industries. This high demand led to the depletion of Oak forests in Britain, making Indian teak highly sought after for shipbuilding. Commercial interests and the revenue-oriented colonial land policy also contributed to deforestation. Forests were viewed as obstacles to expanding settled agriculture. Peasant cultivators, facing heavy land-revenue assessments, moved to hills or poorer soils and cleared forests for cultivation. Drawing from their experiences in Ireland and Scotland, the British significantly expanded cultivable land by clearing forests in Northern India after 1860, impacting the nomadic and pastoral economy of the plains. The expansion of railways after the 1850s also contributed to deforestation. European and indigenous contractors profited from utilizing wood for commerce, especially as fuel for railways before the opening of coal mines. The railways' expansion, from 1349 kilometers in 1860 to 51,658 kilometers in 1910, increased the demand for railway sleepers. Teak, sal, and deodar were the most suitable timbers for sleepers, with sal and teak forests

initially supplying railway lines in Peninsular India. Later, deodar forests in the sub-Himalayan region of Kumaon and Garhwal were also utilized. (egyankosh.ac.in).

The colonial Forest Acts had serious negative effects on nomadic, pastoral, and indigenous communities that relied on hunting, gathering forest resources, and shifting cultivation. These laws separated agriculture from forests, eliminated many traditional rights of rural and tribal people, and favoured commercial interests over local needs. They banned grazing and shifting cultivation, disrupting villagers' lives and replacing valuable plant species with commercially profitable ones. (egyankosh.ac.in).

3.5 Impact of Colonial Forest Policy on Indigenous Communities

Colonial rule

The beginning of British colonialism in India started with competition against the Portuguese. The English and Dutch set up trading companies in 1600 and 1602, respectively, to challenge Portuguese dominance at sea. The Dutch focused on Indonesia, while the English established their first trading post in Masulipatnam in 1611, then in Surat in 1613. In 1688, when William of Orange became the British monarch, peace was established between the English and Dutch trading companies. The English focused on the textile trade in India, while the Dutch controlled the spice trade in Indonesia. However, the textile trade became more profitable, leading the English East India Company to become more successful than its Dutch counterpart by 1720. The company moved its headquarters to Calcutta. The British East India Company began to interfere in local politics in Bengal, leading to the Battle of Plassey in 1757. The British, led by Robert Clive, defeated the Nawab of Bengal, thanks in part to a betrayal by Mir Jafar. This battle marked the start of British imperialism in India. The company expanded its territories, acquiring Singapore, Malacca, and Burma.

The company also grew opium in India and exported it to China. This trade led to the First Opium War between China and Britain, which China lost, resulting in the legalization of opium importation into China. The Indian Rebellion of 1857, also known as the First War of Independence, led to the British government taking direct control of India in 1858. Queen Victoria became the Empress of India, and the British government promised to improve conditions for Indians, including education and the abolition of practices like sati. To maintain control, the British adopted a policy of Divide and Rule, which led to the partition of Bengal in 1905 and the formation of the Muslim League in 1907. India's involvement in World War I, with 1.5 million Indian soldiers serving in the British Indian army, did not change British attitudes towards Indians. World War II further strained British rule in India, with events like the Quit India Movement and the Royal Indian Navy mutiny showing growing Indian discontent. The Indian Independence Act of 1947 led to the partition of India into India and Pakistan on August 15 and August 14, respectively, ending British rule in the region. (Byju's, 2023).

Impact

The colonial government discouraged shifting cultivation, pushing many tribal communities to switch to settled agriculture, believing it would bring in more money. Traditional conservation methods and indigenous knowledge about forests were no longer valued. The Forest Act of 1878 restricted indigenous hunting activities, while hunting became a sport for the colonial elite. Animals were targeted for elimination based on cultural biases, comparing them to human criminals. The impact of these policies varied among indigenous groups. Private forests owned by malguzars and zamindars became contested territory between the colonial state, revenue holders, and tenants. The colonial state's redefinition of property rights brought large areas of cultivable land under Forest Department control, leading to colonization. This also reinforced practices like agrestic serfdom and begar (unpaid labour) in tribal areas. The intrusion of

indigenous capital into forests led to conflicts over land and customary rights. Indigenous communities resisted through migration, defiance of forest laws, and legal action to protect their rights against the colonial state and money-lender-traders. (egyankosh.ac.in)

Criminal Tribes Act

The Criminal Tribes Act of 1871 was a law passed by the British colonial government in India that identified certain communities as habitual criminals and restricted their movements. Men from these communities had to report to the local police every week. The law categorized these communities as being prone to committing serious crimes like theft. The Thuggee cult, which worshipped the goddess Kali, had been committing robberies and murders in India before the British arrived. The Act was intended to stop their criminal activities, but modern historians see it as part of a larger plan to control society. After India gained independence in 1947, around thirteen million people from 127 communities faced arrest if they were found outside their designated areas. The Act was repealed in 1949, and the affected communities were no longer considered criminal tribes by 1952. State governments began identifying these tribes in 1961. Today, there are 313 Nomadic Tribes and 198 Denotified Tribes in India. However, the stigma of being labeled as "Ex-Criminal Tribes" continues to affect the majority of the 60 million people belonging to these tribes. They face discrimination, stereotypes, and economic challenges. (OPTIMIZEIAS TEAM, 2021)

Before India gained independence, the British introduced the Criminal Tribes Act of 1871 to brand Indian tribes as criminals. They did this to gain legal power to arrest, punish, and even execute indigenous people. This act also aimed to deter tribal uprisings, revolts, or protests against colonial rule. While this colonial law evokes feelings of ridicule, shock, and condemnation, what's even more disturbing is how this stigma against tribes continues in independent India's democratic system. Initially branded as criminals during the colonial era,

tribal communities are now referred to as ex-criminals, de-notified tribes, or habitual offenders. This persistent stigma is a serious violation of our constitutional principles. Despite the change in terminology, the underlying prejudice remains unchanged. This raises serious questions about the democratic nature of our society. The Criminal Tribes Act of 1871 was originally intended to maintain law and order in India. According to the British, just as lower castes in India were assigned certain jobs by birth, there should also be a list of hereditary criminals who would follow their ancestors' criminal profession. This act unjustly labeled ethnic communities as criminals, aiming to expose, suppress, and deter them from resisting colonial rule. (Quleen Kaur Bijral Bijral, 2017).

Colonial Forest Policies

In the early 19th century, the British government started controlling large parts of India's forests, causing hardships for tribal people and disrupting their traditional ways of life. Centralized forest management began around 1864-1865 with the first Forest Acts. The 1878 Act gave the government power to declare any forest land as government property, leading to the reservation of forests. Tribals protested but were often suppressed harshly. The Madras Presidency Act of 1882 offered some relief by seeming to care for people's rights. However, the 1894 National Forest Policy further controlled forest users' rights. The Land Acquisition Act of 1894 allowed land to be taken for 'public purpose', often displacing forest dwellers for development projects. The Forest Act of 1927 had provisions for 'village forests' but these were not implemented. Even after India became independent, power remained centralized in the Forest Department. (Madhusudan Bandi, 2014).

British colonial forest policies had a big impact on tribal communities in India. These policies started in the early 19th century and got stronger over time. The government took control of forests and made rules about them. This meant that tribal people couldn't use the forests like

they used to. They couldn't get food, fuel, or make a living from the forests like before. Some tribes used to move around and farm in different places, but this was banned under the new rules, making life even harder for them. When tribal people protested against these rules, the government treated them very harshly. There were some laws that seemed to protect people's rights, like the Madras Presidency Act of 1882, but overall, the laws made it harder for tribal communities to use the forests. In 1894, a law called the Land Acquisition Act allowed the government to take tribal land for projects that were supposed to benefit the public. This often led to tribal people losing their land for development projects. The Forest Act of 1927 had some rules for 'village forests,' but these were not followed properly, so tribal communities continued to face problems. Even after India became independent, the government still controlled the forests, following the same rules made by the British. This made it difficult for tribal communities to access and use the forests, showing how the colonial policies continued to affect indigenous communities in India.

3.6 After Independence Forest Policies

The Indian Forest Act of 1927 initiated several measures aimed at significantly displacing forest-dependent communities from their lands. This law empowered the government to designate certain lands as reserved forests. It authorized the appointment of a Forest Settlement Officer to investigate and determine the land and rights of people over the land or its produce within these newly designated reserved forests, a task that was impractical to accomplish across the entire country. During this period, regions like Kumaon and Chhota Nagpur witnessed uprisings against the large-scale takeover of their lands. These rebellions led to the enactment of laws that recognized customary user rights, such as the establishment of Van Panchayats in the hills of what was then Uttar Pradesh (now Uttarakhand) and the introduction of the Chhota Nagpur Tenancy Act in what was then Bihar (now Jharkhand). The colonial government was compelled to introduce these laws, albeit selectively, to prevent further escalation of the

conflicts. Although the Indian state aimed to abolish feudal control over agricultural lands through land reforms, the colonial legacy regarding forests persisted. The government continued to use the land acquisition measures outlined in the British-era Indian Forest Act of 1927 to bring 26 million hectares of land under the control of the Forest Department between 1951 and 1988. The combination of unresolved rights and unchecked power in the hands of the Forest bureaucracy left forest-dwelling communities in a perpetual state of insecurity, making them vulnerable to harassment and assault by the state, which now deemed them "illegal occupants" with impunity. Furthermore, the processes of urbanization and industrialization have placed increasing pressure on forest resources, endangering the existence and livelihoods of indigenous and forest-dwelling populations, estimated at 500 million. A significant portion of this population consists of Adivasis or indigenous people, with 104 million classified as 'scheduled tribes' under the Indian constitution. (Manshi Asher, 2019) (Bijoy, 2017).

During the 1970s, there was a notable shift in forest governance structures towards forest and wildlife conservation, driven by growing environmental awareness. This approach, influenced by Western conservation models, emphasized creating inviolate spaces and often viewed traditional forest dwellers as outsiders who should be excluded from forests to conserve wildlife and forests. New conservation laws, such as The Wild Life (Protection) Act 1972 and the Forest Conservation Act 1980, were enacted, severely restricting access for Adivasis (indigenous people) and forest-dwelling communities to forests where they had been living. Many areas were classified as "forest" even if they were not actual forests or were already under cultivation. Today, out of the total forest cover of over 7,50,000 square kilometres (71 percent of which is inhabited by Adivasis), more than 80 percent is categorized as reserved and protected forests. Around 23 percent of these are designated as Protected Areas, mainly Wildlife Sanctuaries and National Parks, leading to the displacement of around half a million Adivasis.

Between 1951 and 1981, 4.238 million hectares of forest land were diverted to non-forest use, including 1.618 million hectares for large projects like dams, industries, and highways. People displaced by these projects, mostly forest-dwelling communities, were forced to "encroach" on new forest lands as they were not rehabilitated. The Forest Conservation Act of 1980 restricted the right to use forests for non-forestry purposes, impacting forest-dwelling communities' access to non-timber forest produce, fuel, and fodder. Regularization of existing forest lands already under cultivation also ceased. However, the law was often used to approve or "regulate" the diversion of forest land for environmentally destructive industrial projects. Due to these Central laws, state governments were unable to settle claims for the rights of communities using existing notifications or state laws. Consequently, forest dwellers in India have been living as "encroachers" on their own ancestral lands for over a century. (Manshi Asher, 2019).

3.7 Evolution of Forest Right Act

After India gained independence, efforts were made to protect the rights of Adivasis (indigenous people) through constitutional mechanisms like the Fifth or Sixth Schedules. However, the issue remains unresolved and continues to be a concern, especially after economic reforms. The growth of armed rebellions in heavily forested areas indicates ongoing conflicts over land and forest resources. In the late 1980s, voluntary and community organizations began promoting alternative forms of management and community control over resources. This led to the concept of "social forestry" and "participative community management." The National Forest Policy of 1988 also supported these principles. In 1990, under B.D. Sharma's leadership, the conditions of SCs and STs report highlighted disputes over forest lands between Adivasis and the state. This led to the issuance of guidelines recommending that claims over forest lands be verified in consultation with gram sabhas. However, the Ministry of Environment, Forests and Climate Change did not ensure the implementation of these guidelines.

In 2002, the Ministry directed states to evict "encroachers" from forestlands, leading to brutal eviction drives. This order was based on Supreme Court orders, including the *Godha Varman* case, which aimed to stop commercial activities in forests. In the context of economic reforms, forest rights movements gained momentum, emphasizing access and ownership over land and forest resources. The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) was enacted to give greater control to gram sabhas in Adivasi areas. However, neither PESA nor existing statutes were strong enough to protect the rights of forest-dwelling communities against powerful central forest laws and court decisions favouring conservation. This highlighted the need for stronger legislation challenging colonial forest land governance. (Manshi Asher, 2019).

To prevent large-scale evictions, people's organizations and tribal movements emphasized that there was no direct Supreme Court order for evictions. They urged forest-dependent communities to file claims for ownership of their lands with the District Collectors, resulting in a mass movement with tens of thousands of claims filed nationwide. Groups in Andhra Pradesh, Maharashtra, Madhya Pradesh, and Rajasthan also filed interventions before the Centrally Empowered Committee (CEC) and writs in their respective State High Courts, with some groups successfully obtaining a stay on evictions in Andhra Pradesh. Forest Departments at the state level were charged with contempt of court for misinterpreting the May 2002 Ministry of Environment, Forests, and Climate Change (MoEFCC) order. The MoEFCC issued a notification for the implementation of the 1990 guidelines on October 30, 2002. A national-level public hearing on forest rights was organized in Delhi in July 2003 by various concerned groups under the umbrella organization 'The Campaign for Survival and Dignity.' The report of the public hearing was the first detailed document of its kind on the regularization and evictions issue. This was followed by intensive parliamentary advocacy and lobbying with Members of Parliament (MPs) and leaders of major political parties throughout the year of the

14th Lok Sabha elections, leading to the announcement in the Common Minimum Programme of the UPA coalition in 2004 to stop evictions of tribals from forest land.

In July 2004, the MoEFCC filed a detailed affidavit in the Supreme Court acknowledging the complexity of the issue of "encroachments" and admitting that rural people, especially Adivasis, who have been living in forests since time immemorial, were deprived of their traditional rights and livelihoods, making them encroachers in the eyes of the law. The MoEFCC's affidavit was later used as a template for the framework of the Forest Rights Act 2006. The Campaign also held discussions with the National Advisory Council (NAC) of the UPA government in October and November 2004, leading to a "dialogue" between the MoEFCC and campaign activists in November 2004. Points of agreement were reached on the issue of Adivasi rights and forest land, leading to new orders from the MoEFCC clarifying its position on encroachments and cessation of eviction drives. To prevent large-scale evictions, people's organizations and tribal movements emphasized that there was no direct Supreme Court order for evictions. They urged forest-dependent communities to file claims for ownership of their lands with the District Collectors, resulting in a mass movement with tens of thousands of claims filed nationwide. Groups in Andhra Pradesh, Maharashtra, Madhya Pradesh, and Rajasthan also filed interventions before the Centrally Empowered Committee (CEC) and writs in their respective State High Courts, with some groups successfully obtaining a stay on evictions in Andhra Pradesh. Forest Departments at the state level were charged with contempt of court for misinterpreting the May 2002 Ministry of Environment, Forests, and Climate Change (MoEFCC) order. The MoEFCC issued a notification for the implementation of the 1990 guidelines on October 30, 2002. (Manshi Asher, 2019)

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3.8 Drafting the Contents of The Forest Rights Act Bill.

A Technical Resource Group, consisting of representatives from various ministries and activists, was formed to draft the Forest Rights Act. Initially, the draft was inclusive of Scheduled Tribes and other forest dwellers. However, disagreements arose over excluding non-tribals, leading to internal conflicts within the Campaign. While some wanted the Bill to be tabled for further refinement, others insisted on the inclusion of all forest dwellers. Despite efforts to resolve these differences, discontent grew among certain groups, particularly led by the MoEFCC. As the Bill was anticipated to be presented in Parliament in March 2005, the Campaign intensified its pressure through a national sit-in at Jantar Mantar in Delhi, drawing significant participation. The MoEFCC raised concerns about the Bill's impact on existing conservation laws, leading to media campaigns against it. These campaigns falsely portrayed

the FRA as a land distribution law, causing misconceptions that persist to this day, 15 years after its enactment. The Ministry of Environment, Forest and Climate Change (MoEFCC) made efforts to introduce two bills: one focused on Minor Forest Produce Rights and the other on Forest Rights. However, the Prime Minister's Office (PMO) backed the bill proposed by the Technical Support Group led by the Ministry of Tribal Affairs (MoTA) and suggested that the two ministries resolve their differences regarding the bill. By November 2005, several provisions of the bill had been diluted. For example, it was proposed to grant provisional rights for only three years in protected areas. The Campaign for Survival and Dignity (CSD), supported by several political parties, urged the government to introduce the bill. It is important to note that during this period, the government was also trying to address the Maoist insurgency in tribal areas, as discontent over the lack of recognition of land rights had led to armed movements. The bill was eventually presented in the winter session of Parliament in December 2005. (Manshi Asher, 2019).

The formation of the Joint Parliamentary Committee, chaired by Kishore Chandra Deo, was a crucial step taken by the Cabinet. The Committee, comprising 27 MPs (19 from Lok Sabha and 8 from Rajya Sabha), mostly tribal representatives from various political parties, acknowledged the urgency of its task at its initial meeting on 16 January 2006. The Committee was briefed by representatives of the Ministry of Tribal Affairs on the bill and the need for its enactment. Recognizing the sensitivity of the issue, the Committee decided to issue a press release in national dailies and other leading newspapers inviting memoranda from experts, organizations, associations, NGOs, and the general public on various provisions of the bill. The Committee also decided to publicize the press release through All India Radio and Door darshan. The Chairman urged members to provide their written opinions/suggestions and suggest names of organizations/individuals from whom memoranda could be invited. A press release inviting memoranda and requests for oral evidence before the Committee was published in national and

regional newspapers, and the matter was widely publicized through All India Radio and Door darshan. The Committee received 109 memoranda containing comments/suggestions on various provisions of the bill from various associations/organizations/NGOs/experts/individuals. The Committee also heard oral evidence from representatives of various organizations/associations/NGOs/experts/individuals. (Manshi Asher, 2019).

According to the Forest Rights Act of 2006, Gram Panchayats have the authority to call for and verify claims related to forest rights. These claims are examined by a Forest Rights Committee, which consists of 10-15 members from the Gram Panchayat, with at least one-third being Scheduled Tribe members and one-third being women. The committee is responsible for initiating, verifying, and granting rights once claims are verified. States must actively help individuals and communities in filing claims by providing necessary documents and assistance. The Act aims to empower marginalized and vulnerable communities, especially tribal people and forest dwellers, by making them aware of their rights and helping them file claims. Access to forest records, maps, and documents is crucial for filing and verifying claims, and the government should ensure that these are readily available to claimants. The process of filing claims should be clearly laid out, and the Gram Sabha and Forest Rights Committee must acknowledge receipt of claims. There are concerns about the Act being diluted, particularly regarding the declaration of large forest areas as critical habitats and the definition of the Gram Sabha, which could make it difficult for forest dwellers to have a say in the management of forest resources. The Act grants four types of rights: title rights, use rights, relief and development rights, and the right to protect forests. The process of recognizing rights begins with the Gram Sabha passing a resolution recommending whose rights should be recognized.

3.9 Role of Wildlife Trust of India In Forest Right Act (NGO)

The Wildlife Trust of India (WTI) is a prominent nature conservation organization in India dedicated to the preservation of wildlife and its habitats, as well as the welfare of individual wild animals. WTI collaborates with communities and governments to achieve its mission. With a team of more than 150 committed professionals, WTI works towards its vision of ensuring India's natural heritage is protected. This effort focuses on six key landscapes and is guided by nine key strategies or "Big Ideas. The Wildlife Trust of India (WTI) is dedicated to conserving wildlife and its habitat and working for the welfare of individual wild animals, in collaboration with communities and governments. Our success over the past 20 years is attributed to our partnership with communities integral to wildlife habitat and indigenous to forests, as outlined in our founding mission statement. In a recent FRA petition, the Honourable Supreme Court ruled in Favor of several NGOs, with the first petitioner being an organization called "Wildlife First," not WTI. Historically, WTI was one of the petitioners in a different litigation filed in 2008, WP(C) 50/2008, which aimed to bring the FRA up for debate within the legislative framework. In this petition, WTI partnered with the All-Assam Tribal Youth League and the Wildlife Society of Orissa as co-petitioners to ensure that the views of tribal people were represented in court, advocating for wildlife conservation and habitat protection. The petition aimed to prevent vested interests from appropriating the national natural heritage in the name of forest dwellers. Since the implementation of the FRA, many of our initial concerns regarding the Act have been addressed. As a result, WTI has not been involved in the court case for over 10 years, either through its lawyers or by personal appearance. Our name remains attached to the initial case, as PILs cannot be withdrawn once filed.

WTI acknowledges the rights and role of indigenous people in wildlife and habitat protection. However, we have observed the degradation and unchecked encroachment of wildlife habitats by people migrating into new areas and expanding their land usage. We support the rights of

indigenous forest residents and people who have historically been a natural part of forest areas. We hope that the empowering aspect of the Act, which vests these indigenous people with the right to conserve and manage forest resources, will help prevent further fragmentation of habitats and secure our natural heritage. (Wildlife Trust of India)

3.10 Boost the Process of Forest Right Act, 2006

In 2008, Wildlife First, the Wildlife Trust of India, and other conservationists challenged the constitutionality of the Forest Rights Act (Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006) in the Supreme Court. They claimed that the Act was leading to deforestation and encroachment on forest land. The Act allows individuals to claim rights if they can prove that they either reside in forests or depend on forest produce for their livelihood. It recognizes two groups eligible for rights: Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers (communities dependent on forests for at least 75 years). One of the petitioners' main requests was to recover forest land encroached upon by those whose claims were rejected under the Act. In 2014, the petitioners asked the Court to order States to evict illegal forest dwellers.

On February 13, 2019, the Supreme Court ordered States to evict all individuals whose claims were rejected under the Act by July 24, 2019. It also directed the Forest Survey of India to conduct a satellite survey to record encroachments before and after evictions. The Chief Secretaries of various States were directed to explain why they had not yet evicted individuals whose claims were rejected. On February 28, 2019, the Court temporarily suspended its eviction order and asked States to confirm if proper procedures were followed in rejecting claims. The Supreme Court's order applied to several States, including Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya

Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh, West Bengal, and Manipur. (Supreme Court Observer).

3.11 GOA

This discusses the implementation of the Forest Rights Act (FRA) of 2006 in the state of Goa, India. The FRA recognizes the rights of tribal people and other forest-dwelling communities over forest resources. The text covers various aspects related to Goa, such as its historical background, geographical features, population demographics, and the status of tribal populations in the state. It also highlights the slow progress of the FRA implementation in Goa, with only a small percentage of claims being processed and land titles distributed to beneficiaries. The challenges faced in the implementation process, such as lack of documentation, manpower shortages, and delays in verification, are discussed. Additionally, the text mentions recent developments, such as the commitment of the Chief Minister of Goa to settle all eligible cases under the FRA by 2027, and efforts to improve the implementation process. Overall, the content provides a detailed overview of the FRA implementation in Goa, highlighting both the progress made and the challenges that remain.

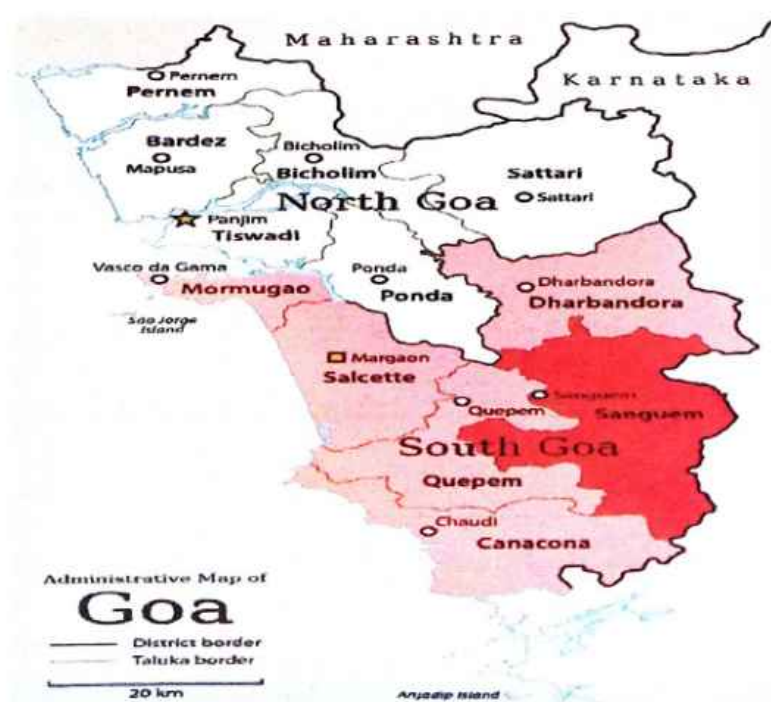


FIGURE- 3.2 GOA MAP (*Wikipedia*)

Goa, a state on the western coast of India, was once a part of the Union Territory of Goa, Daman & Diu, and was under Portuguese rule for about 450 years. It became a separate state in 1987, covering an area of 3702 square kilometres and consisting of two districts, North Goa and South Goa. Goa is bordered by Maharashtra to the north, Karnataka to the east and south, and the Arabian Sea to the west. It is located about 594 kilometres from Mumbai by road. The state is known for its beautiful beaches and rich history. It was liberated from Portuguese control on December 19, 1961, and integrated into India in 1962. After gaining statehood, Goa was divided into two districts, while Daman and Diu remained a Union Territory. Goa has 11 talukas, with six in North Goa district and five in South Goa district. According to the 2011 Census, Goa has 71 towns and 334 villages, with a total population of 1,458,545. The population increased by 8.2 percent from 2001 to 2011, with North Goa district having a higher population density than South Goa district.

According to the 2011 Census of India, out of the total population of 1,458,545 in Goa, 1,49,275 people are from Scheduled Tribes, making up about 10.23% of the state's population. Most of the Scheduled Tribe population, about 58.70%, lives in rural areas, while 41.29% live in urban areas. South Goa district has a higher concentration of Scheduled Tribe population compared to North Goa district. In South Goa, 62.07% of the Scheduled Tribe population is found, while in North Goa, it's 37.92%. The largest tribal population in Goa is in Salcete taluka of South Goa district, with 32,562 persons, which is about 21.8% of the state's tribal population. The smallest tribal population is in Pernem taluka of North Goa district, with only 46 persons, making up 0.03% of the state's tribal population. Overall, tribal people make up 10.2% of Goa's total population, 15.9% of the rural population, and 6.8% of the urban population. In North Goa district, tribal people constitute 6.9% of the total population, while in South Goa district, they make up 14.5% of the total population. (Binod Singh, Ravendra Sharma, 2019).

Implementation Of Forest Right Act, 2006 In Goa

The Forest Rights Act of 2006, also known as the Scheduled Tribes and Other Traditional Forest Dwellers Act, recognizes the rights of tribal people and other forest-dwelling communities over forest resources. It is crucial to understand the historical relationship between forests and these communities, as they depend on forests for their livelihood and sustenance. In Goa, the tribal population makes up only 10.23% of the total population. The state has about 33% of its area covered by government forests, with 62% of this area designated as protected areas like wildlife sanctuaries and national parks. Additionally, there are private forests and plantations, contributing to a total forest and tree cover of 56.6% of the state's geographic area. Goa has one national park and six wildlife sanctuaries, which are part of the rich Western Ghats forests known for their diverse flora and fauna. These forests are well protected under the Wildlife (Protection) Act of 1972. (VIJAY M. GAWAS, 2018,1019)

Since independence, tribal people in Goa have faced ongoing issues such as land alienation, debt, government control over non-timber forest produce, forced displacement due to development projects, and inadequate rehabilitation after displacement from their traditional forest homes. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 was created to address these problems by recognizing and recording the rights of Scheduled Tribes and forest dwellers in forests. This Act aims to verify and record the rights of Scheduled Tribes on forest land, which were not recognized during colonial times. Even after India's independence and Goa's liberation, indigenous communities continue to face historical injustices and are often labelled as encroachers on forest land. The Act also aims to grant titles to holders of leases and pattas on forest land, as well as to residents of forest villages and other old habitations on forest land. However, due to the non-implementation of the Act by the state, tribal communities have been restricted from accessing forest produce in the areas where they live. The National Forest Policy of 1988 acknowledges the symbiotic relationship

between forests and tribal people. Despite this, tribal communities have been disproportionately affected by the Forest Act of 1927 and the Forest Conservation Act of 1980. The implementation of these laws has led to many tribal people being considered encroachers on land they have lived on for generations.

In Goa, many Scheduled Tribes and other people live in or near forests, relying on them for resources like minor forest produce, water, grazing grounds, and land for shifting cultivation. However, India's forest laws classify vast areas, whether they are actually forests or not, as "forest land." These laws, the Indian Forest Act of 1927 and the Wildlife (Protection) Act of 1972, empower the government to declare areas as reserved forests, protected forests, or village forests, as well as to designate areas as protected areas like national parks or wildlife sanctuaries. Under these laws, the rights of people living in or depending on these areas are supposed to be "settled" by a forest settlement officer. However, in many cases, this process either did not happen or was carried out improperly. As a result, a large portion of forest land is under the control of the forest department, and the rights of many forest dwellers remain unrecorded. This situation leaves forest dwellers vulnerable to eviction at any time, as they are living in a legal Gray area where their rights are not recognized. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, commonly known as the Forest Rights Act, was passed in 2006 to address these issues. The Act is expected to benefit forest dwellers in Goa and other states by recognizing and recording their rights over forest land and resources. However, the implementation of this Act has been contentious, with debates between forest conservationists and tribal rights activists. (VIJAY M. GAWAS, 2018,1019).

As per the Interview and survey I did, the main process under the Forest Right Act (FRA) 2006 was started in the year 2012. After the several efforts of the GAKUVED (Gawda, Kunbi, Velip and Dhangars) organization. Leaders and the several members of these organization played the important the by organizing the morchas and sending the letters to the centre government for

the implementation of these act in the state in Goa since no most of the people was unaware about these Act in Goa, those who are aware they put the demand towards the Government for the implementation of Forest Right Act 2006.

In Goa, in the year 2012 the actual process of these Forest Right Act 2006 were started as per the Times Of India On 27 July, Former Tribal Minister Ramesh Tawadkar emphasized the implementation of the Forest Rights Act in Goa, noting that while the act is already in place in many states, Goa has been slow in providing justice to tribal communities residing in forests. He mentioned that groundwork has been underway for the past two months, with officials from Bangalore and Chhattisgarh assisting state officials in this regard. Tawadkar also stated that forest dwellers committees have been established in four talukas, and the remaining ones will be set up within the next two weeks. He assured that the government aims to grant land rights to forest dwellers by December 2013, But From then till In the year 2023 As per The Navhind Times on February 2, 2023, only 485 beneficiaries have received land titles out of 10,136 claims, with spot verification completed for 5,411 claims. The SLMC has rejected 45 claims, prompting calls for rejected. many village level process were started during these time. Government Authorities told the village people the procedures of these act and constituted the Forest Right Committees in every village under the particular Government Authority and the members and told them to put forward their individual and community claims under these Act. After claiming the files under these Act the process slowed down and most of the files were moved for further procedure but people did not receive the sanads or Title till 2019.

Boost In the Process of the Forest Right Act 2006

In the year 2019 the judgment of the Supreme Court judgment (W.P.(C) No.-000109-000109 – 2008)

"AFFIDAVIT FILED BY THE STATE OF GOA 11 We have perused the affidavit filed by the State of Goa. It appears that 6094 claims have been filed by STs and 4036 claims have been filed by OTFDs.

Let the Chief Secretary to the State of Goa indicate, by way of an affidavit, as to how many claims have been adjudicated. In case eviction orders have attained finality, whether those incumbents have been evicted or not. The Chief Secretary shall ensure that eviction is carried out and compliance report be submitted to this Court on or before the next date of hearing." (Supreme Court of India, W.P.(C) No.-000109-000109 – 2008).

played an important role in boosting the process of Forest right Act in Goa and started to giving the sanads under this.

In the year 2021 As per The Times of India on March 16, 2021, the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in Goa has been exceptionally slow. Only 46 land titles have been distributed out of 10,136 claims made by scheduled tribes and other traditional forest dwellers, which is less than half a percent. Despite the act being passed in 2006, the process has been plagued by delays, with claims pending for several years. Claims undergo three levels of checks: the Gram Sabha, the sub-divisional level committee (SDLC), and the district level committee (DLC). The forest rights committee (FRC) facilitates the process, conducting on-ground verifications with the forest department. However, lack of documentation by claimants and the requirement of a 50% quorum at Gram Sabhas have been major obstacles. Additionally, a shortage of manpower at the directorate of settlement and land records (DSLRL) for verification and demarcation of claims further delays the process. The highest number of claims are from Canacona taluka, followed by Sattari, Quepem, Dharbandora, Sanguem, and Ponda talukas. Chief Minister Pramod Sawant has indicated that the government will seek an extension to the June 30 deadline set by the Supreme Court to settle forest rights claims and has instructed officials to address the shortage of surveyors.

In the year 2022 According to Outlook India on November 16, 2022, Goa Chief Minister Pramod Sawant announced that the state government aims to settle all eligible cases of tribal

community members under the Forest Rights Act before the end of its current tenure in 2027. He made this commitment while addressing a gathering on the birth anniversary of tribal leader Birsa Munda. Sawant highlighted that the government has expedited the resolution of cases related to the Forest Rights Act over the past three years. While 750 cases have already been resolved with land-related rights granted, there are still around 10,000 claims to be settled. Sawant assured that all cases under the Act will be resolved before the present government's term concludes.

As per The Times Of India on 25 September 2022, Chief Minister Pramod Sawant of Goa recently distributed land title documents (sanads) to beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. At a function in south Goa, Sawant announced the government's goal to issue 10,000 sanads for both individual and community rights within the next 12 to 18 months, focusing on serving the most marginalized communities. He described the distribution of land titles as his administration's significant achievement, highlighting that when he took office in 2019, approximately 10,000 applications were pending under the Act, and no sanads had been issued. Currently, around 2,000 to 2,500 sanads have been distributed, with the remaining applications to be processed gradually. But I think the procedure got boost because of the supreme court judgement (Supreme Court of India, W.P.(C) No.-000109-000109 – 2008). But still today there is many claims were pending and committee Forest Right Committee members are not happy with the Government.

In the year 2023 As per The Navhind Times on February 2, 2023, The State-Level Monitoring Committee (SLMC) in Goa, led by the Chief Secretary, has decided to issue standard operating procedures (SoPs) to improve the implementation of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006). Meeting chaired by Principal Secretary V. Candavelou, it was also agreed to seek a one-year extension from the Supreme

Court to address pending forest rights claims, as the current extension expires in July 2023. The committee noted that about 55% of the 10,136 forest rights claims in Goa have undergone spot verification/demarcation. However, due to remaining claims, the state government requires additional time for disposal. Tribal Welfare Secretary Subhash Chandra instructed forest officials to address discrepancies in spot verification processes. Nodal officer for FRA Ajay Gaude highlighted inconsistencies in how deputy collectors handle forest rights claims and suggested issuing System operating procedures to ensure fair treatment for tribal and forest-dwelling claimants. Private members Upasso Gaonkar and Soiru Velip emphasized the importance of considering shifting cultivation in case evaluations. The committee noted that no official, including forest staff, has the authority to reject claims without conducting spot verification. To date, only 485 beneficiaries have received land titles out of 10,136 claims, with spot verification completed for 5,411 claims. The SLMC has rejected 45 claims, prompting calls for rejected claimants to have the right to appeal.

As per the Times Of India On 27 July, in the year 2012 after the Former Tribal Minister Ramesh Tawadkar emphasized the implementation of the Forest Rights Act in Goa, noting that while the act is already in place in many states, Goa has been slow in providing justice to tribal communities residing in forests. He mentioned that groundwork has been underway for the past two months, with officials from Bangalore and Chhattisgarh assisting state officials in this regard. Tribal Minister Sir Ramesh Tawadkar also stated that forest dwellers committees have been established in four talukas, and the remaining ones will be set up within the next two weeks. He assured that the government aims to grant land rights to forest dwellers by December 2013, till the year 2023 As per The Navhind Times on February 2, 2023, only 485 beneficiaries have received land titles out of 10,136 claims, with spot verification completed for 5,411 claims. The SLMC has rejected 45 claims, prompting calls for rejected. Its been 10 years since

the implementation of the Act only 485 beneficiaries that is only 4.78% of people got the sanads or titles.

As per the RTI (Mis Performa Status Report Of Forest Rights Claims, Special Committee, January 2024) South Goa District has received the 7654 claims. 6048 of ST (SCHEDULE TRIBES) And Other Traditional Forest Dwellers 1606 claims. Out of these 402, the Sanads ST got 221.08 hectares and OTFD got 35.715 hectares of land total of 256.795 hectares of land given under this Forest Right Act in South Goa. From these 51 claims were rejected 34 ST claims and 17 OTFD claims. (Mis Performa Status Report Of Forest Rights Claims, Special Committee, January 2024).

CHAPTER – IV

FOREST RIGHTS ACT IN SANGUEM

4.1 Introduction

This chapter provides a detailed analysis of the implementation of the Forest Rights Act (FRA) 2006 in Sanguem Taluka, Goa, focusing on the challenges and opportunities for protecting the rights and interests of forest-dependent communities. The study aims to understand the level of awareness, comprehension, and challenges faced by forest-dwelling communities regarding their rights under the FRA. By comparing the perspectives of Forest Rights Committee (FRC) members and educated individuals from Sanguem Taluka, the chapter evaluates the effectiveness of the FRA in the region. It also discusses the Sanguem taluka. The implementation of the FRA in Sanguem Taluka began in 2012, with a significant number of claims filed by forest-dependent communities. However, as of 2023, only 4.76% of the claims have been granted titles or sanads. This low approval rate indicates challenges in the implementation process, leading to perceptions of ineffective enforcement of the FRA in the region.

The chapter presents findings from a case study conducted in Sanguem Taluka, involving a survey of 20 FRC members and responses from 50 educated individuals. The study reveals a disparity in the level of awareness between FRC members, who showed 100% awareness of the FRA and educated individuals, of whom only 76% were aware of the Act. This indicates the need for enhanced awareness campaigns to inform local communities about their rights under the FRA and also discusses the legal mechanisms and procedures available for appealing and resolving disputes related to forest rights under the FRA. While the survey findings do not explicitly mention these mechanisms, a review of the Act reveals a structured process involving recommendations by the gram sabha, review by screening committees, and a final decision by the district-level committee.



FIGURE 4.1 MAP OF SANGUEM TALUKA

(Sanguem Taluka Regional Development Plan 2021 Map - Master Plans India).

Sanguem, a town in the Sanguem Taluk of South Goa District, Goa State, India, is located 24 kilometers east of the district headquarters of Margao. The town's postal code is 403704, with its main post office situated there. Sanguem's predominant languages are Konkani and Marathi, with Hindi, English, and Portuguese also spoken. It falls under the Sanguem assembly constituency and is represented by MLA Subhash Uttam Phal Dessai in the state assembly ("Explore India").

According to the 2011 India census, Sanguem town had a population of 6,444, with slightly more females (3,282) than males (3,162), resulting in a female sex ratio of 1,038 against the state average of 973. The town had a literacy rate of 88.39%, surpassing the state average of 88.70%, with male literacy at 92.41% and female literacy at 84.49%. About 10.30% of the population was under six years old. Konkani is the primary language spoken in Sanguem. In the same census, Sanguem Taluka had a population of 65,147, with a sex ratio of 997 females for every 1,000 males. The average literacy rate in the taluka was 83.43%, higher than the national average of 74.04%. Male literacy was notably higher at 89.60% compared to female literacy at 77.24%. Scheduled Castes and Scheduled Tribes comprised 1.12% and 21.94% of

the population, respectively, while 17.72% lived in urban areas (source: Wikipedia). Sanguem taluka comprises seven village panchayats (Netorlim, Bhati, Sanvordem, Curdi, Ugem, Rivona, and Kalay) and one municipal council (Sanguem Municipal Council), encompassing a total of 45 villages.

4.2 Forest Right Act in Sanguem Taluka

Forest Right Act 2006 was introduced in the year 2006 and started its implementation in other states rather than Goa. After several efforts, this Act was implemented in Goa in the year 2012 when most of the people filed the claims but from 2012 till in the year 2023 only 4.76% of people got the sanads or title.

Goa has two districts South Goa and North Goa As per the RTI (MIS PERFORMA STATUS REPORT OF FOREST RIGHTS CLAIMS, SPECIAL COMMITTEE, January 2024) South Goa District has received the 7654 claims. 6048 of ST (SCHEDULE TRIBES) And Other Traditional Forest Dwellers 1606 claims. Out of these 402, the sanads ST got 221.08 hectares and OTFD got 35.715 hectares of land total of 256.795 hectares of land given under this Forest Right Act in South Goa. From these 51 claims were rejected 34 ST claims and 17 OTFD claims. (MIS PERFORMA STATUS REPORT OF FOREST RIGHTS CLAIMS, SPECIAL COMMITTEE, January 2024).

In the Sanguem taluka, the process started in the year 2012 and most of the people filed the claims in the year 2012 as per RTI information people from Sanguem taluka filed 843 claims by ST (SCHEDULE TRIBE) and 379 from OTFD (Other Traditional Forest Dwellers) total 1222 claims. Out of these 1067 were individual claims and 155 community claims. These are the claims filed at the Gram Sabha level. There were 7 village panchayats in the Sanguem

taluka 1) NETORLIM 2) BHATI 3) SANVORDEM 4) CURDI 5) UGEM 6) RIVONA 7) KALAY. 6 Village panchayats filed the claims only Sanvordem panchayat did not filed the claims under the Forest Right Act 2006 as per (village wise status of claims received under Forest Right Act, 2006 of Sanguem Taluka, 2024). The table is mentioned below.

Sr. No.	Village Panchayat	Revenue Village	Individual Claims	Community Claims	Total village wise claims received	Approved claims	Rejected	Pending
1	2	3	4	5	6	7	8	9
1	Netorlim	Nundem	122	5	127	72	1	54
2		Vichundrem	22	0	22	0	0	22
3		Neturlim	72	12	84	7	3	74
4		Verelem	185	4	189	0	0	189
5	Bhati	Bhati	65	61	126	26	3	97
6		Dhargini	0	0	0	0	0	0
7		Tudov	4	17	21	0	0	21
8		Potrem	22	2	24	4	5	15
9		Villiana	26	3	29	0	0	29
10		Kumari	0	6	6	0	0	6
11		Naiquinim	21	1	22	0	0	22
12		Dongor	4	0	4	0	0	4
13	Savordem	Santona	0	0	0	0	0	0
14		Corranguini	0	0	0	0	0	0
15		Comprai	0	0	0	0	0	0
16		Sanvordem	0	0	0	0	0	0
17		Rumbrem	0	0	0	0	0	0
18	Curdi	Dhapodem	0	0	0	0	0	0
19		Curdi	16	13	29	9	1	19
20		Vaddem	0	0	0	0	0	0
21		Porteem	11	10	21	0	0	21
22		Curpem	0	0	0	0	0	0
23	Uguem	Patiem & Tudov	55	2	57	5	1	51
24		Xelpem	8	1	9	3	0	6
25	Rivona	Rivona	80	1	81	0	0	81
26		Colomba	114	2	116	0	0	116

27	Kalay	Kalay	80	8	88	32	1	55
28		Costi	14	3	17	4	0	13
29		Dudhal	89	2	91	40	2	49
30		Maulinguem	57	2	59	31	0	28
			1067	155	1222	233	17	972

(Table-1.1) (Village-Wise Status Of Claims Received Under Forest Right Act, 2006 Of Sanguem Taluka)

From Gram Sabha To (SDLC) Sub Divisional Level Committee

From these only 220 individual and 3 community claims of ST (SCHEDULE TRIBES) claims and 163 individual and 5 community OTFD (Other Traditional Forest Dwellers) claims were recommended by Gram Sabha to SDLC (SUB DIVISIONAL LEVEL COMMITTEE). A total of 223 claims from ST and 168 from OTFD, so a total of 391 claims were recommended by Gram Saha to SDLC. (SUB DIVISIONAL LEVEL COMMITTEE).

From SDLC (Sub Divisional Level Committee) To DLC (District Level Committee)

Only 180 individual and 3 community claims of ST (SCHEDULE TRIBES) claims and 156 individual and 5 community OTFD (Other Traditional Forest Dwellers) claims were recommended by SDLC (SUB DIVISIONAL LEVEL COMMITTEE) to DLC (DISTRICT LEVEL COMMITTEE), Total 183 claims from ST and 161 from OTFD, so total 244 claims were recommended by SDLC. (SUB DIVISIONAL LEVEL COMMITTEE) to (DISTRICT LEVEL COMMITTEE).

Claims Approved by The DLC ((District Level Committee)

Only 158 individual and no community claims of ST (SCHEDULE TRIBES) claims and 73 individual and 4 community of OTFD (Other Traditional Forest Dwellers) claims were approved by the DLC (DISTRICT LEVEL COMMITTEE), Total 158 claims from ST and 77

from OTFD, so total 235 claims were approved by the DLC (DISTRICT LEVEL COMMITTEE) for title.

Title Distributed

Only 99 individual and no community claims of ST (SCHEDULE TRIBES) and 20 individual and 4 community of OTFD (Other Traditional Forest Dwellers) claims have distributed the Title or sanads, a Total of 99 claims from ST and 24 from OTFD, so a total of 235 claims were approved by the DLC (DISTRICT LEVEL COMMITTEE) for title or sanads

Extent of Forest Land for which Titles Distributed

72.398 hector of land was given to the ST (SCHEDULE TRIBE) people through individual claims 12.94 hectars through the individual and 1.96 hectars of land through the community claims were given to the OTFD (Other Traditional Forest Dwellers). A total of 72.378 hectares were given to ST (SCHEDULE TRIBE) and 14.90 hectars were given to OTFD (Other Traditional Forest Dwellers). Overall, 87.298 hectares of land were given to the ST (SCHEDULE TRIBE) and OTFD (Other Traditional Forest Dwellers) from Sanguem under the Forest Right Act 2006.

Rejected Claims

11 claims from the ST (SCHEDULE TRIBE) and 6 OTFD (Other Traditional Forest Dwellers) claims were rejected by DLC (DISTRICT LEVEL COMMITTEE).

4.3 CASE STUDY

A study was conducted on Sanguem taluka to examine the implementation of the Forest Rights Act 2006 in Sanguem Taluka, Goa. The objective is to understand the level of awareness, comprehension, and challenges faced by forest-dwelling communities regarding their rights under this Act. The questionnaire is structured into five sections with a total of 24 questions. I sent the questionnaire through Google Forms to the educated people of Sanguem Taluka and also surveyed 20 Forest Rights Committee members from Sanguem Taluka. It covers various aspects such as respondents' demographics, their awareness and understanding of the Forest Rights Act, their opinions on its implementation in Sanguem Taluka, and the challenges encountered by forest-dwelling communities. Additionally, it solicits suggestions for enhancing the Act's implementation and evaluates the perceived socio-economic benefits of its effective enforcement. I have received 50 responses through Google Forms and also surveyed 20 Forest Rights Committee members, which will greatly enrich the analysis and findings of this study.

First, I analysed both sets of responses. Then, I compared the responses from two sources: the Google Form, which was distributed to educated individuals in Sanguem Taluka, and the survey conducted with members of the Forest Rights Committee. This comparative analysis helped me gain a comprehensive understanding of the implementation of the Forest Rights Act in Sanguem Taluka.

4.4 Google Form Responses from Educated People from Sanguem Taluka

Demographic data

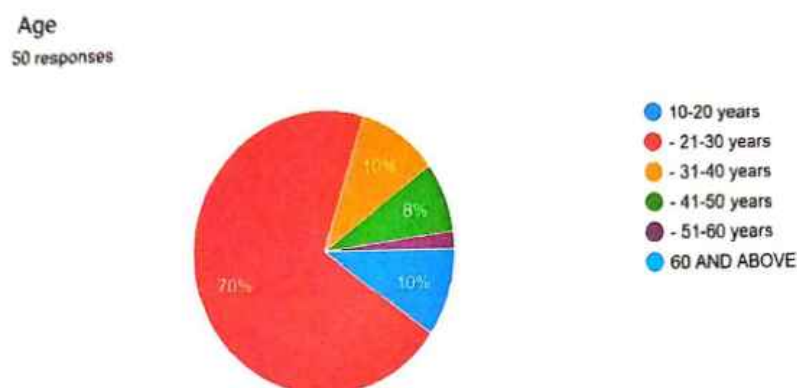


FIGURE NO. 4.2

The age distribution of the survey respondents shows a notable presence of young adults, with 70% falling in the 21-30 age group, and a further 10% in the 10-20 age group. This suggests a strong engagement with social and environmental issues, likely including the implementation of the Forest Rights Act. However, there is a lower representation of older age groups, with 8% in the 41-50 age group and only 2% in the 51-60 age group. This indicates a potential gap in perspectives from more experienced community members, which could be valuable for understanding historical contexts and the long-term impacts of forest rights implementation.

Occupation:
50 responses

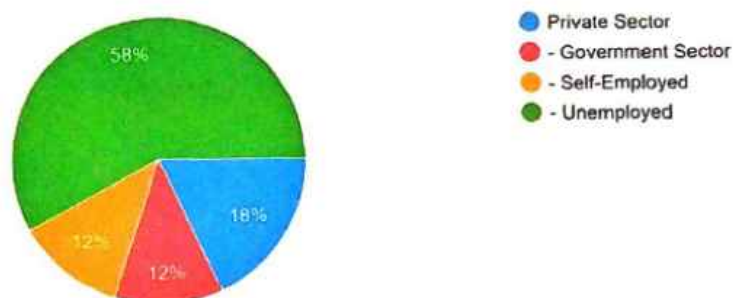


FIGURE NO.4.3

The occupation distribution in the survey indicates a significant portion of unemployed respondents at 58%, which reflects economic challenges in the area and potentially impacts their ability to engage with the Forest Rights Act. The presence of respondents in the private sector (18%), government sector (12%), and self-employed (12%) suggests a diverse range of economic activities within the community. Engaging with individuals across these occupations provides insights into how different sectors perceive and interact with forest rights issues, which is valuable for designing inclusive and effective implementation strategies.

Educational Qualification

50 responses

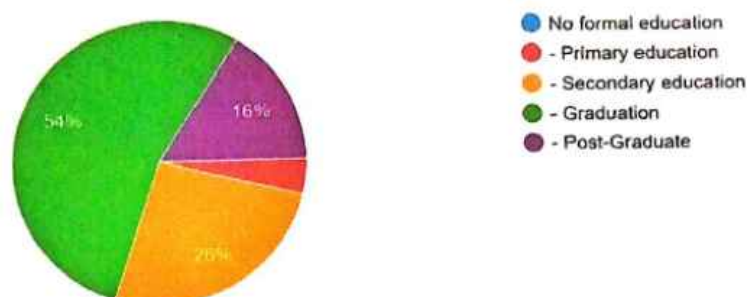


FIGURE NO. 4.4

The educational qualification distribution in the survey indicates a relatively well-educated population, with the majority having completed graduation (54%) and a significant portion having attained secondary education (26%). This suggests a community that may have the capacity to understand the legal complexities of the Forest Rights Act and engage with its provisions effectively. The presence of postgraduates (16%) further indicates a segment of the population that may have deeper insights into policy and legal frameworks, which could be beneficial for advocating for and implementing the Forest Rights Act in a meaningful way. However, 4% with only primary education and no respondents with no formal education.

Gender:
50 responses

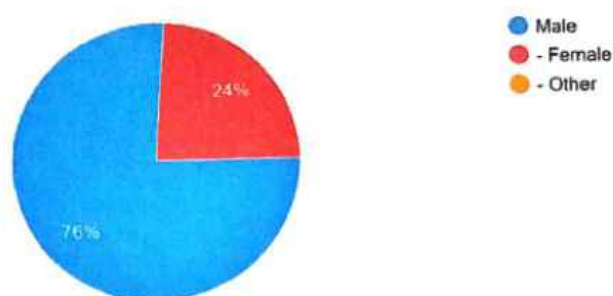


FIGURE NO.4.5

The survey results show that 76% of respondents were male, while 24% were female. This gender imbalance could impact the implementation of the Forest Rights Act, as women often have unique perspectives and challenges regarding land and resource management. It's crucial to ensure that women's voices are included in discussions and decisions related to forest rights. Promoting gender equity in forest governance is essential to ensure that all community members benefit from the Forest Rights Act, regardless of gender.

Awareness and the understanding of the Forest Right Act

Are you aware of the Forest Rights Act 2006?
50 responses

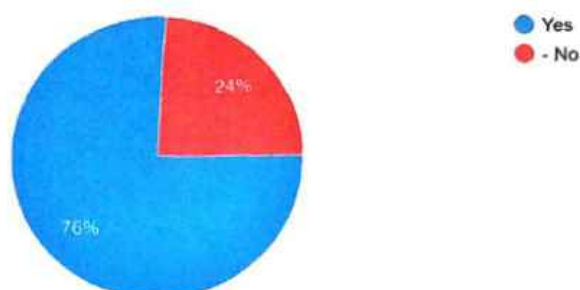


FIGURE NO. 4.6

The survey results indicate that 76% of the respondents are aware of the Forest Rights Act 2006, while 24% are not aware of it. This level of awareness suggests that a significant portion of the community is informed about the Act, which could be attributed to various factors such as educational background, access to information sources, and local outreach efforts. However, the 24% who are not aware highlight a potential gap in knowledge dissemination or outreach programs related to the Forest Rights Act. Efforts to increase awareness among this segment of the population could be beneficial for ensuring that all community members are informed about their rights and can participate effectively in forest governance processes.

Do you understand the provisions and objectives of the Forest Rights Act?

50 responses

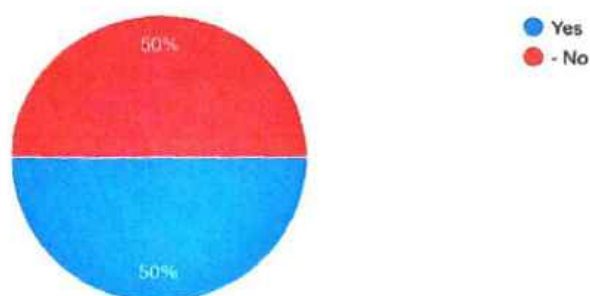


FIGURE NO.4.7

The survey results show that 50% of the respondents understand the provisions and objectives of the Forest Rights Act, while the other 50% do not. This indicates a significant divide in knowledge and understanding of the Act among the surveyed population. Efforts to improve awareness and understanding of the Act's provisions could be beneficial, such as through education campaigns, workshops, and community discussions. Increased understanding of the Forest Rights Act could lead to more effective implementation and utilization of its provisions by the community.

Individuals and the community Claims

In the survey on the implementation of the Forest Rights Act 2006 in Sanguem Taluka, Goa, 76% of respondents stated that they had filed individual claims under the Act, while 24% had not and 79.6% of respondents mentioned that they had not filed community claims under the Forest Rights Act for forest land rights, whereas 20.4% stated that they had filed such claims.

Sources of Information on which people relied to learn about The Forest Rights Act

The survey respondents have relied on various sources to learn about the Forest Rights Act. Some have obtained information through government orders, while others have learned about

it through the Forest Rights Committee (FRC) or the forest department. Some respondents have heard about the act without specific sources mentioned, and others have learned about it through the internet, indicating the role of digital information in their awareness. Additionally, some respondents have gained knowledge about the act through interactions with the Panchayat or village elder people, highlighting the importance of community and local leaders in disseminating information about the Forest Rights Act.

Challenges in understanding or accessing information about The Forest Rights Act

The responses regarding challenges faced in understanding or accessing information about the Forest Rights Act highlight several key issues. One common challenge is the lack of awareness at the village level, indicating a gap in information dissemination efforts in rural areas. Respondents also mentioned a lack of proper information about the provisions of the act, suggesting that more needs to be done to make the details of the act more accessible and understandable to the general population. Another challenge identified is the lack of complete information about the act, indicating a need for more comprehensive and clear communication about the rights and processes involved. Additionally, some respondents mentioned a lack of awareness about the act in general, suggesting that efforts to raise awareness about the act's existence and purpose are needed. The responses suggest that there are significant challenges in understanding and accessing information about the Forest Rights Act, particularly in rural areas. Addressing these challenges will be crucial for ensuring that forest-dependent communities are aware of their rights and able to access them effectively.

Implementation Of Forest Rights Act

In your opinion, is the Forest Rights Act properly implemented in Sanguem Taluka?

49 responses

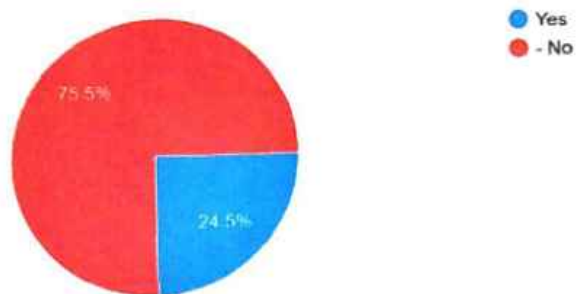


FIGURE NO. 4.8

In the survey, 75.5% of respondents believe that the Forest Rights Act is not properly implemented in Sanguem Taluka. This perception is supported by the fact that 95% of respondents from Sanguem reported not receiving their land titles or rights, indicating substantial implementation gaps. Conversely, 24.5% of respondents think that the Act is implemented in Sanguem Taluka.

Have you observed any instances of disputes or conflicts related to forest rights in Sanguem Taluka?

49 responses

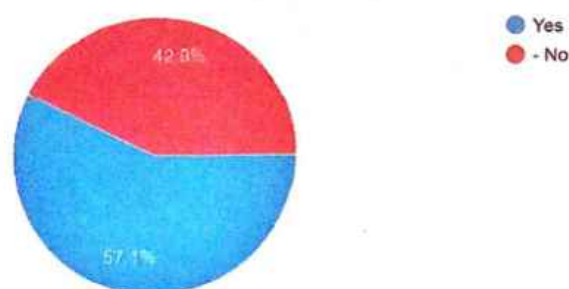


FIGURE NO.4.9

In the survey, 57.1% of respondents reported observing instances of disputes or conflicts related to forest rights in Sanguem Taluka, while 42.9% indicated that they had not observed any such conflicts. This suggests that a significant portion of the community has firsthand experience with these issues, highlighting the importance of addressing and resolving conflicts to ensure the effective implementation of the Forest Rights Act.

Challenges faced by Forest-Dwelling Communities

Do you believe there is a lack of awareness among forest-dwelling communities about their rights under the Forest Rights Act?

48 responses

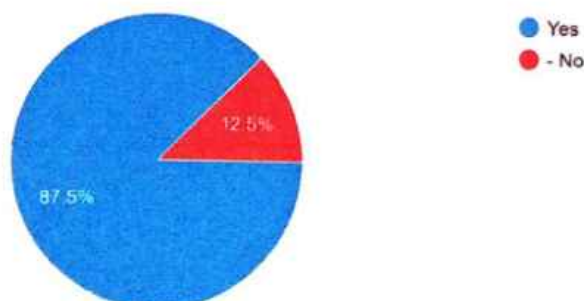


FIGURE NO.4.10

In the survey, 87.5% of respondents believed that there is a lack of awareness among forest-dwelling communities about their rights under the Forest Rights Act. Only 12.5% of respondents disagreed with this statement. This indicates a widespread perception that more efforts are needed to educate and inform forest-dwelling communities about their rights under the Act.

. Have you faced any barriers or difficulties in interacting with forest departments for recognizing and vesting forest rights?

48 responses

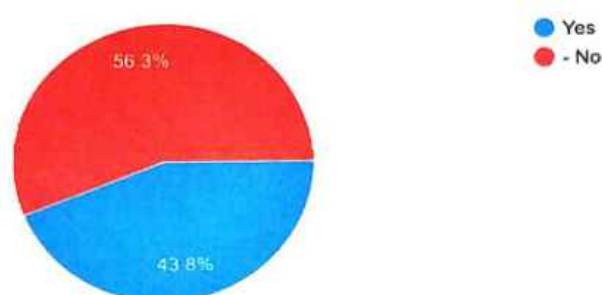


FIGURE NO. 4.11

In the survey, 43.8% of respondents reported facing barriers or difficulties in interacting with forest departments for recognizing and vesting forest rights, while 56.3% stated that they had not encountered such obstacles. This suggests that there are challenges in the process of engaging with forest departments, which could impact the effective implementation of the Forest Rights Act.

Views For How This Act Can Be Strengthened

The responses regarding how the Forest Rights Act can be strengthened to better protect the rights and interests of forest-dependent communities in Sanguem Taluka suggest several key strategies. One common theme is the need for increased awareness through workshops, proper awareness campaigns, community meeting call-outs, and village-to-village awareness programs. This indicates a recognition of the importance of educating communities about their

rights under the act and how to assert them effectively. Another important suggestion is the need for better coordination between the forest department and forest dwellers. This could involve establishing special local teams in each village to assist people in filing their cases and ensuring that the process is conducted properly. Additionally, there is a call for more comprehensive coverage of the act in entertainment media and the organization of workshops to promote awareness.

The responses regarding how the Forest Rights Act can be strengthened to better protect the rights and interests of forest-dependent communities in Sanguem Taluka emphasize the importance of awareness and coordination. Many respondents suggest that increased awareness through campaigns, workshops, and community meetings is essential to ensure that forest-dwelling communities are informed about their rights under the act. There is also a call for better coordination between government authorities, including bureaucrats the forest department, and the Forest Rights Committee (FRC) at the village level to improve the implementation process. Additionally, there is a suggestion that the government needs to understand the current situation of the community and cooperate with them for peaceful solutions. Some respondents also highlight the need for grassroots-level involvement and effective handling of the matter at the local level. Overall, the responses indicate a consensus that improving awareness and coordination efforts are key to strengthening the Forest Rights Act and protecting the rights of forest-dependent communities in Sanguem Taluka.

Overall Assessment

The responses regarding measures to improve the implementation of the Forest Rights Act in Sanguem Taluka highlight the critical role of awareness and the need for specific actions to facilitate the process. Many respondents emphasize the importance of awareness campaigns and programs to educate forest-dependent communities about their rights under the act. There

is also a call for the Forest Rights Committees (FRCs) to be more active and engage with all forest dependents to ensure that they are informed about the act. Several respondents suggest appointing special teams to facilitate the implementation process and make it easier for individuals to file their cases. This includes making the process more transparent and accessible, as well as providing proper training to government personnel involved in enforcing the act. Additionally, there are calls for the forest department to be more supportive of forest dwellers and for grassroots-level involvement in the implementation process.

The responses highlight the need for a comprehensive approach that combines awareness-building efforts with practical measures to streamline the implementation process and ensure that the rights of forest-dependent communities are protected.

Do you believe that proper implementation of the Forest Rights Act can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka?
46 responses

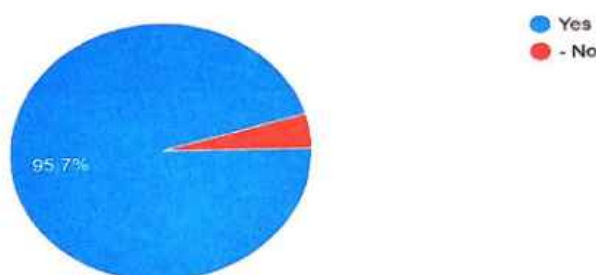


FIGURE NO. 4.12

In the survey, 95.7% of respondents expressed the belief that proper implementation of the Forest Rights Act can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka. Only 4.3% of respondents disagreed with this statement. This overwhelming agreement suggests a strong conviction among the community that the Act can positively impact their socio-economic well-being if effectively implemented.

Additional Comments

The responses regarding additional comments or suggestions regarding the implementation of the Forest Rights Act in Sanguem Taluka highlight several key themes. One recurring suggestion is for the government to consider the difficulties faced by people at the village level and take steps to resolve them. This includes providing necessary facilities such as community halls, burial grounds (smashan bhumi), playgrounds, and improved roads and pathways. Respondents also emphasize the importance of awareness programs to educate people about the Forest Rights Act and their rights under it.

There is a call for better coordination between the forest department and forest dependents to ensure smooth implementation of the act. Additionally, respondents suggest that ongoing dialogue, consultation, and feedback mechanisms should be established to facilitate continuous learning and improvement in the implementation process. Some respondents highlight the need for the government to prioritize community sentiments and to ensure that the Collector plays an active role in the implementation of the act. The responses underscore the importance of addressing local challenges, increasing awareness, and fostering community participation to improve the implementation of the Forest Rights Act in Sanguem Taluka.

RESPONSES FROM FOREST RIGHT COMMITTEE

Demographic details

Based on the survey results, the majority of respondents fall within the 21-30 age group, comprising 50% of the total. This is followed by the 31-40 age group at 25%, indicating a significant presence of respondents in the younger to middle-aged range. The 41-50 age group

represents 10% of respondents, while the 51-60 age group makes up 5%. Respondents aged 60 and above constitute the smallest segment at 15%. These findings suggest that the survey primarily captured a younger population, with a notable representation of individuals in the early to middle stages of their professional and personal lives.

Occupation:
20 responses

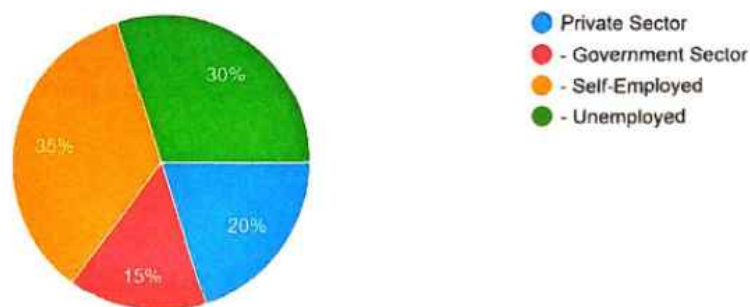


FIGURE NO.4.13

Based on the survey, the majority of respondents are self-employed, accounting for 35% of the total. This indicates a significant entrepreneurial or independent work trend among those surveyed. The next largest group is the unemployed, comprising 30% of respondents, suggesting a noteworthy portion of the population may be seeking employment opportunities. In contrast, the private sector employs 20% of respondents, while the government sector employs 15%. This distribution reflects a diverse occupational landscape among respondents, with a substantial number engaged in self-employment or seeking employment.

Educational Qualification
20 responses

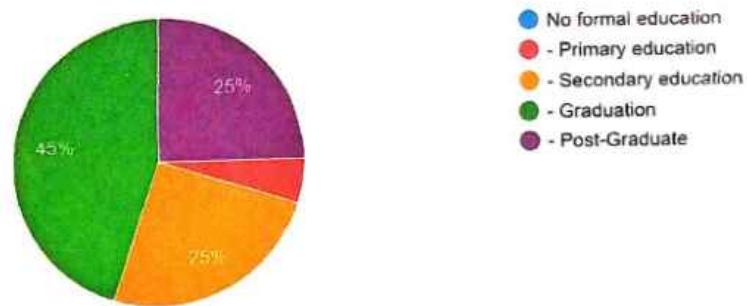


FIGURE NO. 4.14

Regarding educational qualifications, the majority of respondents have graduated, representing 45% of the total. This indicates a relatively high level of education among those surveyed. The next largest group is those with secondary education, comprising 25% of respondents, followed by post-graduates also at 25%. Primary education accounts for 5% of respondents, while no formal education or any other qualification makes up 0% each. This distribution suggests that the surveyed population is largely well-educated, with a significant proportion having completed higher education, which could influence their perspectives and decision-making processes.

Gender:
20 responses

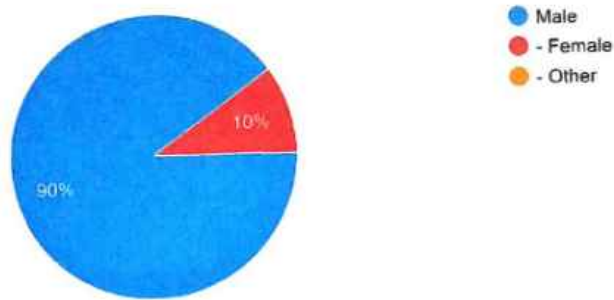


FIGURE NO. 4.15

According to the survey results, 90% of respondents identified as male, while only 10% identified as female. This gender distribution highlights a significant disparity in the representation of males and females in the survey sample.

Awareness and understanding of The Forest Rights Act

Are you aware of the Forest Rights Act 2006?
20 responses

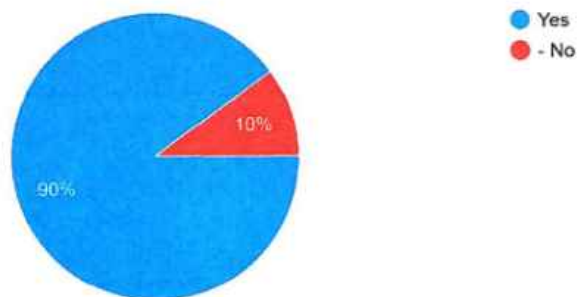


FIGURE NO.4.16

In the survey, 100% of respondents indicated that they are aware of the Forest Rights Act 2006.

Do you understand the provisions and objectives of the Forest Rights Act?

20 responses

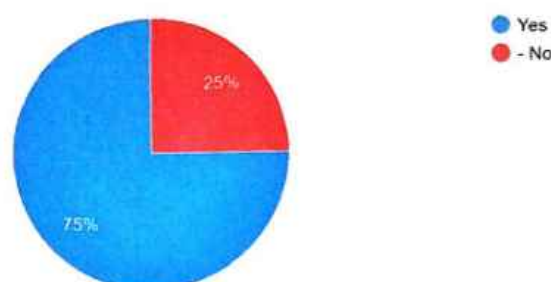


FIGURE NO. 4.17

In this survey, 75% of respondents indicated that they understand the provisions and objectives of the Forest Rights Act, while 25% said they do not. This suggests a relatively high level of understanding among the surveyed population but also indicates that there is a portion of respondents who may benefit from further information or education about the Act.

Community And Individual Claims

According to the survey results, all respondents, representing 100% of the surveyed population, have filed individual claims under the Forest Rights Act for forest land rights.

In the survey, 40% of respondents indicated that they have filed community claims under the Forest Rights Act for forest land rights, while 60% stated that they have not. This suggests a mixed level of engagement with community claims among the surveyed population, with a significant portion yet to take steps to secure their community's forest land rights.

Sources of Information on which have relied to learn about The Forest Rights Act

The sources of information relied upon to learn about the Forest Rights Act can be categorized into several groups. Some respondents indicated that they learned about the act from official government guidelines and general awareness campaigns. Others mentioned sources such as

Forest Rights Committees (FRCs) & Sub-Divisional Level Committees (SDLC), interactions with the Panchayat, and information obtained from government websites. Additionally, some respondents mentioned learning about the act from government authority meetings. A few respondents mentioned media sources such as newspapers, news articles, and entertainment media as their sources of information. Some respondents mentioned personal sources, such as using the internet to research the act or obtaining information from forest personnel. Others mentioned learning about the act through personal reading or from their own understanding.

Some respondents indicated that they relied on general knowledge or general information sources to learn about the act, which could include a variety of sources not specified. Some responses were unclear. For example, some respondents mentioned learning about the act through meetings, either general meetings or meetings with government authorities. It's important to note that these categories are not mutually exclusive, and individuals may use multiple sources to learn about the Forest Rights Act.

Challenges in Understanding or Accessing Information about The Forest Rights Act

The responses indicate several challenges in understanding and accessing information about the Forest Rights Act. A major issue is the lack of awareness in rural communities, suggesting a need for improved information dissemination, especially in areas with limited access to resources. Respondents also highlighted a lack of clear information about the act's provisions, indicating a necessity for more accessible details regarding the rights it offers. Another significant challenge is the insufficient guidance from the government. Many respondents noted a lack of government-provided information, leading to difficulties in understanding and asserting their rights under the act. Additionally, respondents often rely on the Forest Rights Committee (FRC) for information, highlighting a broader problem of limited direct access to government sources. While some individuals have managed to understand the act through

general awareness efforts and local resources, there is a clear need for more targeted strategies to ensure everyone can access and comprehend their rights under the Forest Rights Act.

Implementation Of Forest Rights Act

In your opinion, is the Forest Rights Act properly implemented in Sanguem Taluka?

20 responses

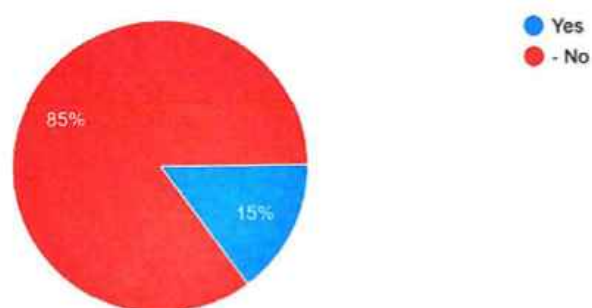


FIGURE NO.4.18

In my survey, 15% of respondents believe that the Forest Rights Act is properly implemented in Sanguem Taluka, while 85% feel that it is not. This indicates a widespread perception among the surveyed population that there are implementation issues with the Act in Sanguem Taluka.

Have you observed any instances of disputes or conflicts related to forest rights in Sanguem Taluka?

20 responses

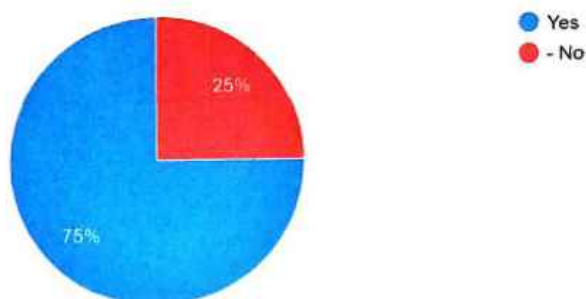


FIGURE NO.4.19

In the survey, 75% of respondents reported observing instances of disputes or conflicts related to forest rights in Sanguem Taluka, while 25% indicated that they have not observed any such conflicts. This suggests that a significant portion of the surveyed population has firsthand experience with conflicts related to forest rights in the region.

Have you or your community faced any challenges in claiming forest rights under the Forest Rights Act?

20 responses

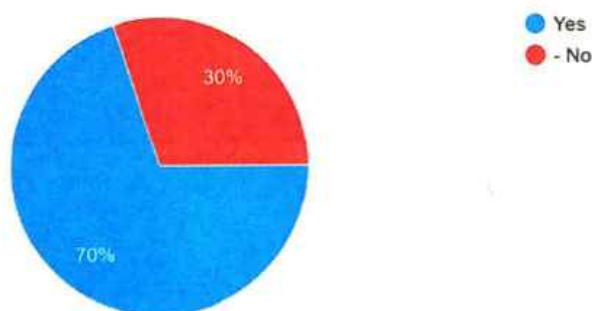


FIGURE NO.4.20

In my survey, 70% of respondents indicated that they or their community have faced challenges in claiming forest rights under the Forest Rights Act, while 30% stated that they have not faced

any challenges. This suggests that a majority of the surveyed population has encountered difficulties or obstacles in the process of claiming their forest rights.

Challenges Faced by Forest-Dwelling Communities

Do you believe there is a lack of awareness among forest-dwelling communities about their rights under the Forest Rights Act?

20 responses

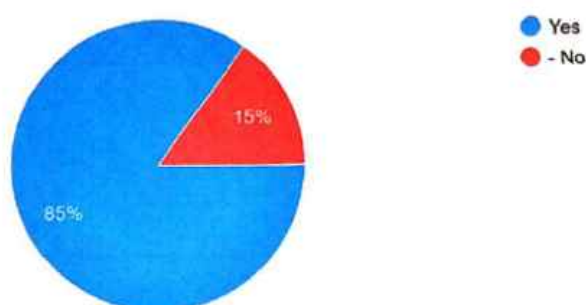


FIGURE NO. 4.21

In the survey, 85% of respondents believe that there is a lack of awareness among forest-dwelling communities about their rights under the Forest Rights Act, while 15% do not share this belief. This indicates a widespread perception among the surveyed population that more efforts are needed to raise awareness about the Act among forest communities.

In the survey, 65% of respondents reported facing barriers or difficulties in interacting with forest departments for recognizing and vesting forest rights, while 35% stated that they had not faced any such barriers. This suggests that a majority of the surveyed population has encountered challenges in their interactions with forest departments regarding their forest rights.

Views On Strengthening the Forest Rights Act

The responses suggest several key areas for strengthening the Forest Rights Act to better protect the rights and interests of forest-dependent communities in Sanguem Taluka. One recurring theme is the need for increased awareness and education about the act among the communities. Respondents emphasize the importance of conducting proper awareness campaigns, camps, and community meetings to ensure that people understand their rights and how to navigate the process of claiming them. Some suggest appointing special local teams in each village ward to assist people in filing their cases correctly, particularly emphasizing the importance of reaching out to uneducated individuals. Additionally, there are calls for better coordination between the forest department and forest dwellers to improve the implementation process and ensure that the rights of the communities are protected.

Another area of improvement highlighted by respondents is the need for a more efficient and streamlined process for claiming rights under the act. Many express frustration with the current lengthy and complex process, suggesting that it should be made shorter and faster. Some also suggest that the act should provide for the inclusion of shifting cultivation land and ensure that tribals have access to these lands under the act. Overall, the responses underscore the importance of increasing awareness, improving implementation, and simplifying the process of claiming rights under the Forest Rights Act to better protect the rights and interests of forest-dependent communities in Sanguem Taluka.

Overall Assessment

Improving the implementation of the Forest Rights Act in Sanguem Taluka could be achieved through several measures suggested by respondents. One key aspect is increasing awareness among forest-dependent communities about their rights under the act. This could involve conducting awareness campaigns and ensuring that Forest Rights Committees (FRCs) are

actively engaging with all forest dependents. Additionally, respondents suggest appointing special teams to assist people with filing their cases and making the process more accessible and transparent. There is also a call for proper training for government personnel involved in enforcing the act and ensuring that the forest department is supportive of dwellers. Some respondents also emphasize the need for the act to give equal rights to people in rural areas and for the government to provide shifting cultivation land to tribals, highlighting the importance of addressing community claims.

Do you believe that proper implementation of the Forest Rights Act can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka?

19 responses

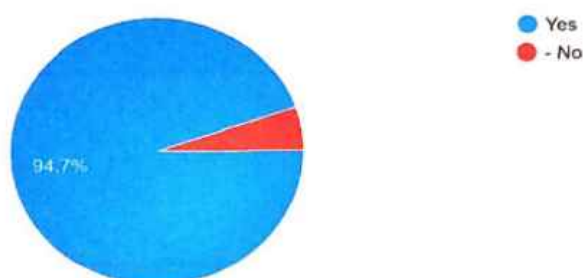


FIGURE NO.4.22

In the survey, 94.7% of respondents believe that the proper implementation of the Forest Rights Act can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka, while 5.3% do not share this belief. This indicates a strong consensus among the surveyed population regarding the potential positive impact of the Act on the socio-economic well-being of forest-dwelling communities.

Additional Comments or Suggestions Regarding the Implementation of The Forest Rights Act in Sanguem Taluka

The implementation of the Forest Rights Act in Sanguem Taluka emphasizes several key points. First, there is a strong call for increased awareness among local communities about the act and their rights. This includes organizing awareness programs and educating people about forest rights. Second, there is a need for better coordination between the forest department and forest dependents to ensure effective implementation. Third, respondents suggest clearing all cases related to the act as early as possible and providing necessary facilities to the people, such as community halls, playgrounds, and interconnected roads. Additionally, there are calls for ongoing dialogue, consultation, and feedback mechanisms to continuously improve the implementation of the act. Overall, the feedback highlights the importance of addressing these key areas to ensure the effective implementation of the Forest Rights Act in Sanguem Taluka.

The implementation of the Forest Rights Act in Sanguem Taluka highlights several significant challenges and areas for improvement. Firstly, there are concerns about the lack of interest or involvement from the Collector, a key official in the implementation process. This suggests a need for greater engagement and commitment from local authorities to ensure the effective implementation of the act. Secondly, attendance at Forest Rights Committee meetings appears to be low, which may be hindering the approval process for forest rights claims. There is a suggestion that the requirement for a 50% majority to approve claims may contribute to this issue. Additionally, there are concerns about the slow pace of the implementation process, with cases pending for many years. This indicates a need for more efficient processes and better support from the government to expedite the approval and allocation of forest land to eligible individuals.

Thirdly, there are challenges related to the allocation of land, particularly in cases where trees on the land have died. Respondents suggest that people are not always given full land entitlements in such cases, highlighting a need for clearer guidelines and fair treatment in land allocation decisions. There are also concerns about the lack of awareness of the act among the general population, as well as disputes and conflicts within communities regarding land rights. Improving awareness and providing training to Forest Rights Committee members and government officers could help address these issues and ensure smoother implementation of the act.

Comparative Analysis of Overall Results of Questionnaires from both cases

Demographic details

The responses from the Forest Right Committee (FRC) and the educated people of Sanguem Taluka highlight some significant differences and similarities. Both groups show a strong presence of young adults, indicating potential engagement with social and environmental issues. However, the FRC members have a more even distribution across age groups, with a notable representation in the 31-40 age group, while the educated people have a higher concentration in the 21-30 age group, indicating a potential gap in perspectives from older community members. There is a higher representation of males in both groups, suggesting a gender disparity that could impact decision-making and perspectives on forest rights. However, the gender gap is more pronounced among the FRC members, with 90% male respondents, compared to 76% among the educated people. The educational qualifications of both groups are relatively high, with a significant portion having completed higher education, which could influence their understanding and engagement with the Forest Rights Act. However, the FRC members have a higher percentage of postgraduates, indicating a potentially deeper understanding of policy and legal frameworks.

The occupational distribution is diverse in both groups, reflecting the economic diversity of the community. The FRC members are primarily self-employed, while the educated people have a higher percentage of unemployed individuals, suggesting a greater sensitivity to economic challenges. While there are similarities in the age distribution and educational qualifications of both groups, there are differences in occupational distribution and gender representation, which could impact their perspectives and approaches to forest rights issues. The FRC members are primarily self-employed, while the higher percentage of unemployed individuals among the educated people suggests a greater sensitivity to economic challenges.

Awareness And Understanding of The Forest Rights Act

The FRC members showed a 100% awareness of the FRA, while among the educated people, 76% were aware of the Act. This indicates a higher level of awareness among the FRC members, possibly due to their direct involvement with forest rights issues. However, in terms of understanding the provisions and objectives of the Act, there was a significant difference. 75% of the FRC members indicated understanding, compared to only 50% of the educated people. This suggests that while both groups are aware of the Act, the FRC members have a better understanding of its intricacies, possibly due to their direct engagement with its implementation.

Individual and community claims

All FRC members had filed individual claims under the FRA, compared to 76% of the educated people. However, there was a notable difference in community claims, with only 40% of the FRC members having filed such claims, compared to 20.4% of the educated people. This indicates a higher level of engagement with individual claims among both groups, but a lower engagement with community claims, especially among the educated people.

Sources Of Information

Both groups relied on a variety of sources to learn about the FRA, including government guidelines, awareness campaigns, FRCs & SDLCs, interactions with the Panchayat, and information from government websites. However, the FRC members also mentioned learning from government authority meetings, while the educated people mentioned interactions with village elders and the use of the Internet as additional sources of information.

Challenges In Understanding or Accessing Information

Both groups highlighted similar challenges, such as a lack of awareness at the village level, a lack of clear information about the Act's provisions, and a lack of complete information about the Act. However, the FRC members also mentioned insufficient guidance from the government, which was not explicitly mentioned by the educated people. While both groups are aware of the Forest Rights Act and face similar challenges in understanding and accessing information about it, there are differences in their levels of understanding, engagement with community claims, and sources of information. The FRC members show a higher level of understanding and engagement with individual claims.

Implementation of Forest Rights Act

In the FRC survey, 15% of respondents believe that the FRA is properly implemented in Sanguem Taluka, while 85% feel that it is not. On the other hand, in the Google Form survey, 24.5% of respondents think that the Act is implemented in Sanguem Taluka. This suggests that while the majority of the FRC respondents perceive implementation issues, a slightly higher percentage of educated individuals from the Google Form survey believe that the Act is being implemented, albeit not without shortcomings.

Regarding the observation of disputes or conflicts related to forest rights, 75% of FRC respondents reported observing such instances, while 25% indicated that they had not observed any conflicts. In contrast, 57.1% of respondents from the Google Form survey reported

observing conflicts, while 42.9% indicated that they had not observed any conflicts. This indicates that a significant portion of both groups has firsthand experience with conflicts related to forest rights, with a higher percentage among the FRC respondents.

In terms of facing challenges in claiming forest rights under the FRA, 70% of FRC respondents indicated that they or their community have faced challenges, while 30% stated that they have not faced any challenges. Similarly, in the Google Form survey, 95% of respondents from Sanguem reported not receiving their land titles or rights, indicating substantial implementation gaps. This suggests that both groups perceive challenges and gaps in the process of claiming forest rights, with a higher percentage among the educated individuals from the Google Form survey.

Both the FRC and the educated individuals from Sanguem Taluka perceive implementation issues with the FRA, particularly regarding conflicts related to forest rights and challenges in claiming forest rights. While there are slight differences in the percentages between the two groups, the overarching perception is that the FRA is not properly implemented in Sanguem Taluka, indicating a need for improvements in implementation and addressing the challenges faced by forest-dependent communities in claiming their rights.

Challenges Faced by Forest-Dwelling Communities

In the FRC survey, 85% of respondents believe that there is a lack of awareness among forest-dwelling communities about their rights under the FRA, while 87.5% of respondents from the Google Form survey share this belief. This indicates a widespread perception among both groups that more efforts are needed to raise awareness about the Act among forest communities. Regarding barriers or difficulties in interacting with forest departments for recognizing and vesting forest rights, 65% of FRC respondents reported facing such barriers, while 43.8% of respondents from the Google Form survey encountered obstacles. This suggests that both

groups perceive challenges in the process of engaging with forest departments, although the percentage is higher among the FRC respondents.

In terms of views on strengthening the Forest Rights Act, both groups highlight the need for increased awareness and education about the Act among forest communities. The FRC respondents emphasize the importance of proper awareness campaigns, camps, and community meetings, while respondents from the Google Form survey suggest workshops, proper awareness campaigns, community meeting call-outs, and village-to-village awareness programs. Both groups also stress the importance of better coordination between the forest department and forest dwellers to improve the implementation process.

Both the FRC and the educated individuals from Sanguem Taluka perceive similar challenges faced by forest-dwelling communities, such as lack of awareness and difficulties in interacting with forest departments. They also share similar views on how to strengthen the Forest Rights Act, emphasizing the need for increased awareness and better coordination. However, there are slight differences in the percentages and specific suggestions, highlighting the nuances in their perspectives and experiences.

Overall Assessment

Regarding measures to improve implementation, both groups emphasize the importance of increasing awareness among forest-dependent communities about their rights under the act. They also highlight the need for better coordination between the forest department and forest dependents to ensure effective implementation. Additionally, both groups suggest appointing special teams to assist people with filing their cases and making the process more accessible and transparent. However, the FRC responses specifically mention the need for the act to give equal rights to people in rural areas and for the government to provide shifting cultivation land to tribals, which is not explicitly mentioned in the responses from the educated people.

In terms of the potential socio-economic outcomes of the FRA, both groups overwhelmingly believe that proper implementation can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka. The percentages of respondents who share this belief are similar between the FRC and the educated individuals.

Regarding additional comments or suggestions, both groups highlight the need for ongoing awareness programs to educate people about the FRA and their rights under it. They also emphasize the importance of addressing local challenges, providing necessary facilities, and establishing better coordination and dialogue mechanisms. However, the responses from the educated individuals include specific suggestions such as providing community halls, burial grounds, playgrounds, and improved roads and pathways, which are not mentioned in the FRC responses.

Both the FRC and the educated individuals from Sanguem Taluka share similar views on the key areas that need improvement in the implementation of the FRA. They both emphasize the importance of awareness, coordination, and community participation in ensuring the effective implementation of the act. However, there are slight differences in the specific suggestions and additional comments, highlighting the nuances in their perspectives and experiences.

Findings And Learning

Research Question 1: Does the Forest Rights Act is properly implemented in the Sanguem Taluka?

Based on the survey findings, the majority of both the Forest Rights Committee (FRC) members and educated individuals from Sanguem Taluka perceive that the Forest Rights Act is not properly implemented in the area. But the 85% of FRC respondents believe that the Act is not properly implemented, while 24.5% of educated individuals from the Google Form survey think that the Act is implemented, albeit not without shortcomings. As per the FRC

committee survey, they told that act Started in the year 2012 in Goa and all of them filed the claims under this but the problem is that they still do not receive the titles of sanads under this Forest Right Act so people are feeling that the act does not implement in the Sanguem since they did not get the sanads till now. And only 99 that is 12.34 % people got the sandas out of 1222 cases. All the 99 claims were individual and no community claims got sanads till January 2024 as per RTI. (Mis Performa Status Report of Forest Rights Claims, Special Committee, January 2024).

When we are talking about Awareness and Understanding, The FRC members showed 100% awareness of the FRA, while among the educated people, 76% were aware of the Act. This indicates a higher level of awareness among the FRC members. As per the Forest right committee, they know this because they filed the claims under this FRA but 75% of the FRC members know the provisions and 25 % of FRC members do not know the provisions of this FRA Act. But only 50 educated people of Sanguem know the provisions of this act.

While surveying the FRC member told me that most of the forest dwellers depended on the FRC committee for follow-up of their claims because as per them forest dwellers do not know any provisions of the FRA ACT.

Overall the FRA ACT is implemented in the Sanguem but the problem is that 87.67 people did not get the sanads and Titles till January 2024.

Research Question 2: What are the legal mechanisms and procedures available for appealing and resolving disputes related to forest rights under the FRA 2006?

The survey findings do not explicitly mention the legal mechanisms and procedures available for appealing and resolving disputes related to forest rights under the Forest Rights Act. However, after reading the FRA, I came to know the legal mechanisms and procedures available for appealing I will try to explain the procedure in 5 steps.

- 1) Recommendation by Gram Sabha: The full village assembly, known as the gram sabha, decides who has been farming land and collecting minor forest produce. This decision is based on factors like how long someone has been cultivating the land. The gram sabha is chosen by the people in the village and is considered democratic and transparent because everyone in the village can participate in its decisions.
- 2.) Review by Screening Committees: The gram sabha's recommendation is reviewed by two committees at the taluka (sub-district) and district levels. These committees check the recommendation to ensure it follows the rules of the Forest Rights Act.
- 3) . Final Decision by District Level Committee: The district-level committee, which includes three government officers and three elected persons, makes the final decision based on the recommendations and reviews. This committee considers all the information and decides whether to approve or deny the claim.
- 4.) Appeal Process: If someone believes that a claim is false, they can appeal to the committees at the taluka and district levels. They need to provide evidence to support their claim. If they can prove that the claim is false, the right is denied.
- 5.) Restriction on Land Transfer: Land that is recognized under the Forest Rights Act cannot be sold or transferred to others. This ensures that the land remains with the rightful owners as recognized by the Act.

Research questions – 3; How can the Forest Rights Act be strengthened and improved to better protect the rights and interests of forest-dependent communities in Sanguem Taluka?

- As per the survey and the interview these are the suggestions and my ideas to strengthen and improve the Forest Rights Act for better protection of the rights and interests of forest-dependent communities in Sanguem Taluka, several key actions can be taken:
- Increase Awareness: Organize awareness programs and educational campaigns to inform local communities about the Forest Rights Act and their rights under it. This will

help ensure that people are aware of their entitlements and can actively participate in the process.

- **Enhance Coordination:** Improve coordination between the forest department and forest dependents to facilitate the effective implementation of the act. This can include regular meetings, consultations, and feedback mechanisms to address issues and streamline processes.
- **Expedite Approval Process:** Address the slow pace of the approval process for forest rights claims by increasing attendance at Forest Rights Committee meetings and streamlining the decision-making process. Consider revising the requirement for a 50% majority to approve claims if it is hindering progress.
- **Provide Necessary Facilities:** Ensure that necessary facilities, such as community halls, playgrounds, and interconnected roads, are provided to forest-dependent communities. This will improve their quality of life and support their livelihoods.
- **Address Land Allocation Challenges:** Develop clearer guidelines for the allocation of land, especially in cases where trees on the land have died. Ensure that people are given their full land entitlements and that decisions are made fairly and transparently.
- **Enhance Awareness Among the General Population:** Expand awareness programs to reach a wider audience and ensure that the general population is informed about the Forest Rights Act. This will help reduce disputes and conflicts within communities regarding land rights.
- **Provide Training:** Provide training to Forest Rights Committee members and government officers to improve their understanding of the act and their roles in its implementation. This will help ensure that they can effectively carry out their duties and support forest-dependent communities.

CHAPTER-V

CONCLUSION

According to the study the findings of this research indicate that the Forest Rights Act of 2006 is implemented in Sanguem Taluka in 2012 but till today only 99 people from forest dwelling committee got the sanads out of 846 claims. As per the study despite a high level of awareness about the Act, there are significant gaps in understanding its provisions, especially among educated individuals. The lack of awareness among forest communities is seen as a major barrier in this Act to get the sanads under this Forest Right Act. As per the study there were many challenges in successfully implementation include the slow pace of approval for forest rights claims, lack of coordination between the forest department and forest-dependent communities, and insufficient facilities and services for forest dwellers. Both groups emphasize the need for increased awareness, better coordination, and community participation to improve the implementation of the Act. Recommendations include conducting regular awareness programs and educational campaigns, establishing mechanisms for regular meetings and consultations between the forest department and forest-dependent communities, simplifying the decision-making process for approving forest rights claims, ensuring access to basic facilities for forest-dependent communities, and developing clear guidelines for land allocation.

Regarding the hypothesis evaluation, the **first hypothesis** that the Forest Rights Act of 2006 is not properly implemented in Sanguem Taluka is supported by the survey findings and overall responses. According to the study it proved this hypothesis correct because the forest right act is implemented in the Sanguem taluka in 2012 but not properly implemented in Sanguem taluka because most people from forest dwelling communities not got the sanads till now. In the

responses the majority of respondents perceive that the Act is not properly implemented but it is implemented and they saying this because of they did not received the sanads or titles.

The second hypothesis, stating that the lack of awareness among forest communities is a major barrier to the successful implementation of the FRA 2006 this hypothesis is proved correct because it is also supported by the survey findings. As per the Both the FRC and educated individuals highlight the lack of awareness as a significant barrier to successful implementation. As per the study most of the people are not aware about the provisions of the act and most of the forest dwelling communities face challenges. So, there is need for addressing these issues through increased awareness, improved coordination, and community participation can lead to better protection of the rights and interests of forest-dependent communities in the region.

There are many people who are depending on the Forest Rights Committee for their claims. I think that if the FRC of some villages is not working properly then claims of those villages will be pending because of no follow-up and all. During the interview I interviewed one member Vithal Gaonkar he told me that he is working for the people's claim very fairly and others also told him that he did a very good follow-up of their claims to resolve the issues and put forward the claims of his villages as a result in his village the 48 claims got the sanads or title which is more than 50 % titles got in his village. So the FRC's good working is required to get the sanads or titles.

Also, I think that a good awareness of bureaucrats is required to improve the working of the FRC because as per the study some Forest Right Committee members are saying that when Sanguem dy. Collector was a Ajay Gaude then they got more sanads or titles. This indicates that good bureaucrats plays great role in this process. According to the responses and survey after he gave too much of efforts he immediately transferred from Sanguem to some another

place. After the process of these act is again slowed down. This indicates that good bureaucrats plays great role in this process. But the politicians for their self-interest and for votes they are moving the bureaucrats from one place to another place.

As per the study during the final verification of the land many forest dwellers are losing the cultivable land. Because in some places because of those old cashew or coconut trees are deid and the forest dwelling communities cultivated a new cashew tree but during the final verification forest department found the trees are very small than they refuse to give that land to forest dwelling communities that time there were conflict between the forest dwelling community. This was also the reason for pending of some claims till now. Another incident is that if the old trees are dead and forest dwelling communities did not cultivate the new trees there than also forest department is reducing the land from claimant land. There were several incidences like that in Nune village of Sanguem taluka. So, the suggestion is that since this Act is made for the forest dwelling communities faced the injustice during the past time than this is also a injustice again so they should give all the claimed cultivated land and traditional cultivated land to the forest dwelling communities.

As per the study also I found that many time forest dwelling communities losing their land when they are focussing more on the individual claims. Because for individual claims there were 8 documents are requiring for getting the land and also, they are losing the land because of no cultivation on that place or trees are dead. But I think forest dwelling communities must give more focus on the community claims because it they can claim easily under this Act. But as per the study I found that only 8 community claims were filed and till now no community files got the sanads or titles. As per the study forest dwelling community people are more focussing on the individual rather than the community. But this act is more focussing on the community and easily can get a community claims sanads or titles and only thing require is people's unity. So, there is need to unity is required in between the forest dwelling community

to get the benefit under this act and Forest Right Committee must support the and follow-up them for this. Also, there is need to government support for making people unity.

As per the study I think that there is a need some amendment in the act to make the act more beneficial to the people. There was long process from claiming till the getting sanads so these is need to bring some amendment in the act to make the shorten the process so that forest dwelling communities can get the benefits of these Act. Many forest dwelling community people also bored of this process since most of the people were don't know the procedure, they are not follow-up their claims and also not attending the meetings because they think that they will not get the sanads under this.

As per the study to enhance the implementation of the Forest Rights Act (FRA) 2006 in Sanguem Taluka, several key actions can be taken. First, increasing awareness through educational campaigns and awareness programs is crucial to ensure that forest-dependent communities understand their rights under the Act. These campaigns can educate them about the provisions of the FRA and empower them to actively participate in the process. Second, enhancing coordination between the forest department and forest dependents is essential. This can be achieved through regular meetings, consultations, and feedback mechanisms to address issues and streamline processes.

Third, expediting the approval process for forest rights claims is necessary to prevent delays and ensure timely recognition of rights. This can involve increasing attendance at Forest Rights Committee meetings and streamlining the decision-making process. Fourth, providing necessary facilities to forest-dependent communities, such as community halls, playgrounds, and improved roads, can improve their quality of life and support their livelihoods. Fifth, addressing land allocation challenges by developing clearer guidelines will ensure fair and transparent allocation of land. Lastly, providing training to FRC members and government

officers will improve their understanding of the Act and their roles in its implementation, leading to more effective governance and support for forest-dependent communities.

As per the study the supreme court judgement played important role in boosting the process of forest right act. But it has come because in 2008 the wildlife Trust of India filed the case in the supreme court to asses constructional validity of the Forest Right Act 2006, this judgement came in the year 2019 and supreme court ordered the eviction of the forest dwelling communities who occupied and living in the forest illegally. After this judgement many people were evicted and forest department put fire in some of the houses in forest land. Many states wrote for the asking the more time to settle the claims and then supreme court stopped his statement and gave some time to settle the Forest Right Claims. So, there is need to settled all the cases as soon as possible so that all the forest dwelling community get the land and secure their livelihood.

I think there is need tell the peoples instead of claiming the individual claims people need to file more community claims so that they can get their ancestral land easily and save their land, unity is required in between the people to file these community claims and after getting the sanads or titles under Forest Right Act, forest dwelling communities should distribute the land among all the individuals according to their cultivation and use this land. Because if they give more focus on the individual claims than they will lose their more ancestral land rather than getting this land as per the Nunem villagers as they get less land and lose their most of the land after getting the sanads or title.

Also, I think that since this act came because the Forest dwelling communities faced the historical injustice, they do not have the documents of their ancestral land since the process is too long and taking years and years process to do the formalities and process under this Act. And also, this process is not properly working. So, they should do this process faster and make the process short of getting the sanads under this Act easily.

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APPENDIX - I**QUESTIONNAIRE**

I, Sushant Rohidas Velip, am a student of MA, specializing in Political Science, studying at Goa University. As part of our academic curriculum, I am conducting a research study and would appreciate your assistance in filling the attached questionnaires, I assure you that the data collected during this study will be kept confidential and used solely for educational/ academic purposes

Thank you for your time and co-operation.

Section I**General Information****1. Age**

- 1) 10-20 years
- 2) 21-30
- 3) 31-40
- 4) 41- 50
- 5) 51-60

2. Occupation

- 1) Private Sector
- 2) Government Sector
- 3) Self Employed
- 4) unemployed

3. Educational qualification

- 1) No formal education
- 2) primary education
- 3) secondary education

- 4) graduation
- 5) post graduate
- 6) any other

4. Gender

1) Male

2) Female

3) Others

Section 2

Awareness and Understanding of Forest Rights Act

5. Are you aware of the Forest Rights Act 2006?

6. Do you understand the provisions and objectives of the Forest Rights Act?

1) YES

2) NO

7. Have you filed claims under the Forest Rights Act for forest land rights?

1) YES

2) NO

8. Have you filed the community claims under the Forest Right Act for forest land, right?

1) Yes

2) No

9. What sources of information have you relied upon to learn about the Forest Rights Act?

10. Have you faced any challenges in understanding or accessing information about the Forest Rights Act?

- 1) YES 2) NO

If Yes which challenges

Section 3

Implementation of Forest Rights Act

11. In your opinion, is the Forest Rights Act properly implemented in Sanguem Taluka?

- 1) Yes 2) No

12. Have you observed any instances of disputes or conflicts related to forest rights in Sanguem Taluka?

- 1) Yes 2) No

If Yes than which instances and disputes

13. Have you or your community faced any challenges in claiming forest rights under the Forest Rights Act?

- 1) Yes 2) No

If YES which challenges faced

Section 4

Challenges Faced by Forest-Dwelling Communities

14. Do you believe there is a lack of awareness among forest-dwelling communities about their rights under the Forest Rights Act?

1) YES

2) NO

15. Have you faced any barriers or difficulties in interacting with forest departments for recognizing and vesting forest rights?

1) YES

2) NO

If Yes Which barriers

16. How do you think the Forest Rights Act can be strengthened to better protect the rights and interests of forest-dependent communities in Sanguem Taluka?

Section 5

Overall Assessment

17. How would you assess the effectiveness of government efforts in implementing the Forest Rights Act in Sanguem Taluka?

18. In your opinion, what measures can be taken to improve the implementation of the Forest Rights Act in Sanguem Taluka?

19. Do you believe that proper implementation of the Forest Rights Act can lead to better socio-economic outcomes for forest-dwelling communities in Sanguem Taluka?

1) Yes

2) No

20. Any additional comments or suggestions regarding the implementation of the Forest Rights Act in Sanguem Taluka?

Village wise status of claims received under Forest Right Act, 2006 of
Sanguem Taluka

Annexure-I

Sr. No.	Village Panchayat	Revenue Villages	Individual Claims	Community Claims	Total village wise claims received	Approved claims	Rejected	Pending
1	2	3	4	5	6	7	8	9
1	Netorlim	Nundem	122	5	127	72	1	54
2		Vichundrem	22	0	22	0	0	22
3		Neturlim	72	12	84	7	3	74
4		Verelem	185	4	189	0	0	189
5	Bhati	Bhati	65	61	126	26	3	97
6		Dhargini	0	0	0	0	0	0
7		Tudov	4	17	21	0	0	21
8		Potrem	22	2	24	4	5	15
9		Villiana	26	3	29	0	0	29
10		Kumari	0	6	6	0	0	6
11		Naiquinim	21	1	22	0	0	22
12		Dongor	4	0	4	0	0	4
13	Sanvordem	Santona	0	0	0	0	0	0
14		Corranguini	0	0	0	0	0	0
15		Comprai	0	0	0	0	0	0
16		Sanvordem	0	0	0	0	0	0
17		Rumbrem	0	0	0	0	0	0
18	Curdi	Dhapodem	0	0	0	0	0	0
19		Curdi	16	13	29	9	1	19
20		Vaddem	0	0	0	0	0	0
21		Porteem	11	10	21	0	0	21
22		Curpem	0	0	0	0	0	0
23	Uguem	Patiem & Tudox	55	2	57	5	1	51
24		Xelpem	8	1	9	3	0	6
25	Rivona	Rivona	80	1	81	0	0	81
26		Colomba	114	2	116	0	0	116
27	Kalay	Kalay	80	8	88	32	1	55
28		Costi	14	3	17	4	0	13
29		Dudhal	89	2	91	40	2	49
30		Maulinguem	57	2	59	31	0	28
			1067	155	1222	233	17	972

RTI CERTIFIED COPY


Block Development Officer
Sanguem, Goa

MIS Preforma STATUS REPORT OF FOREST RIGHTS CLAIMS, SPECIAL COMMITTEE, January, 2024

Nodal Officer Name & Designation/Contact No

Name of State		Officer Incharge (Head) Name		Claims filed at Gram Sabha Level		Claims Recommended by Gram Sabha to SDLC		Claims Recommended by SDLC to DLC		Claims approved by DLC for title		Titles Distributed		Extent of Forest land for which titles distributed (in Hectares)		Claims Rejected			
GOA																			
Sr No	District	Potential Claimants*	Potential Area*	No. of FRCs	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
		Cod ST	OTF D	ST OTF D	by Gram ST OTF D	ST OTF D	ST OTF D	OT ST OTF D	OT ST OTF D	OT ST OTF D	OT ST OTF D	OT ST OTF D	OT ST OTF D	OTF D	ST OTF D	OTF D	ST OTF D	OTF D	ST OTF D

Note: 1) 04 Nos. of Individual (ST) Claims are reverted for reconsideration of SDLC Canacona. 02 nos. of files reverted back on 27/05/2022 and 09 nos. reverted back on 24/06/2022. 04 reverted back on 28/07/2022.

2) 150 Claims of Sangem Taluka is reverted back to SDLC Sangem and 39 reverted back to Sangem in DLC 27/09/2021. 52 nos. of Claims reverted back to SDLC Sangem on 11/05/2022. 38 nos. reverted back to SDLC and 2 kept on hold at DLC for personal hearing on 06/01/2023. In DLC dt. 24/04/23 03 nos. of Claims reverted back and 06 nos. for personal hearing. In DLC dated 19/07/2023 07 nos. kept on hold at DLC for personal hearing.

3) 1 Nos. of Individual (ST), SDLC Ponda reverted back 239 Claims to FRC Ponda for re-spot verification and 17 Nos. of (OTFD) FRC Claims reverted back to SDLC Ponda in 10/12/2021. DLC 02 kept on hold at DLC for personal hearing on 28/12/2022.

4) SDLC Dharwad - 01 return back to SDLC on 17/06/2022, on 28/07/22 06 reverted back, 07 reverted back dt. 12/8/22, on 23/9/22 - 01 reverted back to SDLC, reverted back on 24/11/22 - 06 nos. and 01 approved claim of Bhago Navlo rekdo for review. 5 nos. kept at DLC. In DLC dt. 23/01/2023 02 reverted back to SDLC. In DLC dated 13/03/2023 08 nos. reverted back to SDLC. In DLC dt. 03/04/2023 01 reverted back. In DLC dt. 14/06/23 03 reverted back to SDLC. In DLC dt. 21/06/23 - 12 reverted back to SDLC. 01 personal hearing. In DLC dt. 18/08/2023 and 01 reverted back to SDLC. In DLC dated 13/12/2023 - 9 kept for personal hearing and 02 hold at DLC for producing documents.



(Premraj Shirodkar)
Deputy Collector (Revenue)
South Goa District, Margao.

[Signature]



Ministry of Tribal Affairs
Government of India



Empowered lives.
Resilient nations.

Forest Rights Act, 2006

Act, Rules and Guidelines





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Forest Rights Act, 2006



रजिस्ट्री नं. डी. एल. (एन) 04/0007/2006-08

REGISTERED NO. DL - (N)04/0007/2006-08



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड - I

PART II - Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2 नई दिल्ली, मंगलवार, जनवरी 2, 2007/ पौष 12, 1928

No. 2 NEW DELHI, TUESDAY, JANUARY 2, 2007/PAUSA 12, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:-

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

[29th December, 2006]

An Act 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 whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Short title and
commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -
 - (a) "community forest resource" means customary common forest land within the traditional or 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;
 - (b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;
 - (c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;
 - (d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;
 - (e) "forest rights" means the forest rights referred to in section 3;
 - (f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;
 - (g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

- (h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
- (i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;
- (j) "nodal agency" means the nodal agency specified in section 11;
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Scheduled Areas" means the Scheduled Areas referred to in clause (l) of article 244 of the constitution;
- (n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;
- (o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.
- Explanation – For the purpose of this clause, "generation" means a period comprising of twenty-five years.
- (p) "village" means –
- (i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
- (ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or
- (iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or
- (iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;
- (q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

18 of 2003

40 of 1996

53 of 1972

CHAPTER II

FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

Forest rights of
Forest
dwelling
Scheduled
Tribes and

- (a) right 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;
- (b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
- (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
- (f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;
- (g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
- (i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
- (j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;
- (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

- (2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

69 of 1980

- (a) schools;
- (b) dispensary or hospital;
- (c) anganwadis;
- (d) fair price shops;
- (e) electric and telecommunication lines;
- (f) tanks and other minor water bodies;
- (g) drinking water supply and water pipelines;
- (h) water or rain water harvesting structures;
- (i) minor irrigation canals;
- (j) non-conventional source of energy;
- (k) skill up-gradation or vocational training centers;
- (l) roads; and
- (m) community centers;

Provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in this subsection 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.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in -
- (a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;
 - (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.
- (2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

53 of 1972

- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;
 - (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;
 - (c) the State Government has concluded that other reasonable options, such as, co-existence are not available;
 - (d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
 - (e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;
 - (f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;
Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.
- (3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.
 - (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.
 - (5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.
 - (6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

Duties of
holders of
forest rights.

- (7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. 69 of 1980
- (8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.
5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to -
- (a) protect the wild life, 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.

CHAPTER IV AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to
vest forest
rights in forest
dwelling
Scheduled
Tribes and
other
traditional
forest dwellers
and procedure
thereof.

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.
- (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition. Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:
- Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.
- (4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:
 Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee:
 Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.
- (5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.
- (6) The decision of the District Level Committee on the record of forest rights shall be final and binding.
- (7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.
- (8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.
- (9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Offences by members or officers of authorities and Committees under this Act.

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

Cognizance of offences.

CHAPTER VI MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members of authorities, etc., to be public servants.

Protection of action taken in good faith.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.
- (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
- (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

40 to 1996.

Power to make rules

14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely:-

- (a) procedural details for implementation of the procedure specified in section 6;
 - (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;
 - (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;
 - (d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;
 - (e) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

Comprehensive Tribal Rules



(TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)
OF DATED 1st JANUARY, 2008)

With Amendments on 6th September 2012

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS

New Delhi, the 1st January, 2008

NOTIFICATION¹

G.S.R. No. 1(E) WHEREAS the draft of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437 (E), dated the 19th June 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS the copies of the said Gazette were made available to the public as on 25.06.2007.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

1. Short title, extent and commencement.-

- (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007².
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the Official Gazette.

¹ Note: The symbol "#" represents the original formulation of Rules issued in 2007 and notified on January 1, 2008, and has also been reproduced for easy reference.

² Note that these Rules have been substantially amended by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

2. Definitions.-

(1) In these rules, 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) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of Section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;³
- c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;
'(ca)' "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of Section 3.⁴
- d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood;

Explanation:

- (1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha,
 - (2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,
 - (3) The collection of minor forest produce shall be free of all royalties or fees or any other charges⁵
 - e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;
 - f) "section" means the section of the Act
- (2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

³ Substituted by Rule 2(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 2(1) (b) "bonafide livelihood needs" means fulfilment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of Section 3 of the Act;

⁴ Inserted by Rule 2(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

⁵ Substituted by Rule 2(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 2(1)(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;

2A. Identification of hamlets or settlements and process of their consolidation.- The State Government shall ensure that, -

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.
- (c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.⁶

3. Gram Sabha.-

- (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes.⁷

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

- (2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.
- (3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.
- (4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.⁸

⁶ Inserted by Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

⁷ Substituted by the words of Rule 4(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

Rule 3 (1) "...wherein at least one-third members shall be the Scheduled Tribes"

⁸ Inserted by Rule 4 (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

4. Functions of the Gram Sabha.-

(1) The Gram Sabha shall -

- (a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;
- (b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;
- (c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
- (d) consider resettlement packages under clause (e) of sub-section (2) of Section 4 of the Act and pass appropriate resolutions; and
- (e) 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.
- (f) monitor and control the committee constituted under clause (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.
- (g) Approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.⁹

(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting.¹⁰

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

⁹ Inserted by Rule 5(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

¹⁰ Substituted by Rule 5(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

Rule 4 (2) The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha: Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.

5. Sub-Divisional Level Committee.- The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

- (a) Sub-Divisional Officer or equivalent officer - Chairperson;
- (b) Forest Officer in charge of a Sub-division or equivalent officer - member;
- (c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and
- (d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee.- The Sub-Divisional Level Committee (SDLC) shall -

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabhas;
- (d) consolidate maps and details provided by the Gram Sabhas;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
- (h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;
- (i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
- (j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;

- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules.¹¹
- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee.- The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

- (a) District Collector or Deputy Commissioner - Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
- (c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and
- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. Functions of District Level Committee.- The District Level Committee shall

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;
- (f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
- (g) ensure publication of the record of forest rights as may be finalized (**)¹²

¹¹ Substituted by Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)
 # Rule 6 (l) "ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules".

¹² The word "and" omitted by Rule 7(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

- (h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively and¹³
- (i) 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 these rules, 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 3.¹⁴

9. State Level Monitoring Committee. - The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

- (a) Chief Secretary - Chairperson;
- (b) Secretary, Revenue Department - member;
- (c) Secretary, Tribal or Social Welfare Department - member;
- (d) Secretary, Forest Department - member;
- (e) Secretary, Panchayati Raj - member;
- (f) Principal Chief Conservator of Forests - member;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;
- (h) Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

10. Functions of the State Level Monitoring Committee. - The State Level Monitoring Committee shall –

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process of recognition, verification and vesting of forest rights in the State;
- (c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.¹⁵

¹³ The word "and" inserted by Rule 7 (ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

¹⁴ Inserted by Rule 7(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

¹⁵ Substituted by Rule 8 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 10 (c). "furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency".

- (d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section (2) of Section 4 of the Act.
- (f) Specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of Section 3 and sub-section (8) of Section 4.¹⁶

11. Procedure for filing, determination and verification of claims by the Gram Sabha.-

- (1) The Gram Sabhas shall :-
 - (a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:
 Provided that the Gram Sabha may, if considers necessary, extend such period of three months after recording the reasons thereof in writing.
 - (b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.
- (2) The Forest Rights Committee shall assist the Gram Sabha in its functions to
 - (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
 - (ii) prepare the record of claims and evidence including maps;
 - (iii) prepare a list of claimants on forest rights;
 - (iv) verify claims as provided in these rules;
 - (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.
- (3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.
- (4) The Forest Rights Committee 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."¹⁷
- (5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

¹⁶ Inserted by Rule 8(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

¹⁷ The word "community forest rights in Form B" substituted by Rule 9 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 11(4) "community forest rights in Form B"

- (6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.-

- (1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department:-
- (a) visit the site and physically verify the nature and extent of the claim and evidence on the site;
 - (b) receive any further evidence or record from the claimant and witnesses;
 - (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;
 - (d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and
 - (e) prepare a map delineating the area of each claim indicating recognizable landmarks.
 - (f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access
 - (g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources."¹⁸

- (2) The Forest Rights Committee' shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.
- (3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing: Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

¹⁸ Inserted by Rule 10 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 [vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012]

- (4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

12 A. Process of recognition of rights.-

- (1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.
- (2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.
- (3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.
- (4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.
- (5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.
- (6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.
- (7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.
- (8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of Section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

- (9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.
- (10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:
- Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:
- Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.
- (11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation:

1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.
2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.¹⁹

12 B. Process of Recognition of Community Rights.-

- (1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of Section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.
- (2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of Section 3 before the concerned Gram Sabhas.
- (3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of Section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

¹⁹ Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

- (4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.
- (5) The conversion of forest villages, unrecorded settlement under clause (h) of Section 3 shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.²⁰

13. Evidence for determination of forest rights.-

- (1) The evidence for recognition and vesting of forest rights shall, inter alia, include -
 - (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
 - (b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
 - (c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;
 - (d) quasi-judicial and judicial records including court orders and judgments;
 - (e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
 - (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
 - (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
 - (h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
 - (i) Statement of elders other than claimants, reduced in writing.
- (2) An evidence for "Community Forest Resource"²¹ inter alia, include -
 - (a) community rights such as *nistar* by whatever name called;
 - (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

²⁰ Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

²¹ Substituted by Rule 12(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 13 "community forest rights"

- (c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;
 - (d) Government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, *nistari* forests
 - (e) Earlier or current practice of traditional agriculture.²²
- (3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.-

- (1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.
- (2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.
- (3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.
- (4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.
- (5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.
- (6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.
- (7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee.-

- (1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.
- (2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

²² Inserted by Rule 12 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

- (3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.
- (4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.
- (5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.
- (6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.
- (7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

16. Post Claim support and handholding to holders of forest rights.-

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.²³



Dr. Bachittar Singh, Joint Secretary

[F. No.17014/02/2007-PC&V (Vol.VII)]

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

.....
[F. No. 23011/32/2010-(Vol. II)]

Dr. Sadhana Rout, Joint Secretary

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012

²³ Inserted by Rule 13 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexures

Annexure I

[See Rule 6(l)]

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 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) (a) of the Act)
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)(l) 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)(a) and (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)
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):

FORM - C²⁴

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/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/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 and if known:
7. Bordering Villages:
 - (i)
 - (ii)
 - (iii)

(This may also include information regarding sharing of resources 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

²⁴ Inserted by Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

Annexure II

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder(s) of forest rights (including spouse):
2. Name of the father/mother:
3. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent landmarks including khasra/compartment No: This title is heritable, but not alienable or transferable under sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the above forest right.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure III

[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right:
2. Village/Gram Sabha:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe/Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/compartament No:

Name(s) of the holder(s) of community forest right:

1.
2.
3.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure IV²⁵

TITLE TO COMMUNITY FOREST RESOURCES

[See Rule 8(i)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Scheduled Tribe/Other Traditional Forest Dweller: Scheduled Tribes community/Other Traditional Forest Dwellers community/Both
6. Description of boundaries including customary boundary, by prominent landmarks, and by khasra/compartment No:

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per Section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies).

(Divisional Forest Officer/
Deputy Conservator of Forests)

(District Tribal Welfare Officer)

(District Collector/Deputy Commissioner)

²⁵ Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure V²⁶

FORMAT FOR FURNISHING QUARTERLY REPORT [See Rule 10(c)]

1. Name of State
2. Status of Claims
 - a) Individual Rights
 - ♦ Filed
 - ♦ Accepted
 - ♦ Rejected
 - ♦ Pending
 - ♦ Reasons for rejection with examples
 - ♦ Corrective measures suggested
 - ♦ Any other observations
 - ♦ Extent of forest land covered (in Ha.)
 - ♦ Status of updation of forest and revenue records under Section 3(1)(a) of the Act (in Ha.)
 - b) Community Forest Rights
 - ♦ Filed
 - ♦ Accepted
 - ♦ Rejected
 - ♦ Pending
 - ♦ Extent of forest land covered
 - ♦ Status of updation of forest and revenue record under Section 3(1)(b) to 3(1)(l) of the Act (in Ha.)
 - ♦ Reasons for rejections with example
 - ♦ Corrective measures suggested
 - ♦ Any other observations
 - c) Details of Community Forest Resource being managed and by whom

* Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E), dated 6th September, 2012)

- d) Good Practices (if any)
- e) Area diverted under Section 3(2) of the Act (in Ha.)
- f) Any other Remarks

(Chairman)
State Level Monitoring Committee

(Member Secretary)
State Level Monitoring Committee

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

[F.No. 23011/32/2010-(Vol. II)]

Dr. Sadhana Rout, Joint Secretary

Forest Rights Act, 2006: Guidelines





Government of India
Ministry of Tribal Affairs

Guidelines on the implementation of the 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 whose rights could not be recorded. 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 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations.

i. Process of Recognition of Rights:

- a. The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.
- b. In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.

- e. On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue/Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.
- f. All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/recommendation should be in the form of speaking orders.
- g. The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.
- h. Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.
- i. The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.
- j. A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of Section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to rights under Section 3(1)(a) of the Act only and not to any other right under Section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

- a. The State Governments should ensure that the forest rights relating to MFPs under Section 3(1) (c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".
- b. The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.
- c. The forest right holders or their cooperatives/federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.
- d. The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/federations of the rights holders would also be ultra vires of the Act.
- e. The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them.

iii. Community Rights:

- a. The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;
- b. The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha(s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.
- c. In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

iv. Community Forest Resource Rights:

- a. The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.
- b. In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.
- c. The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.
- d. The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.
- e. 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 prejudicially affects the wild-life, forest and

Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/UT Governments to enclose certain evidences relating to completion of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forests' letter dated 30.07.2009, as modified on 03.08.2009.

There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

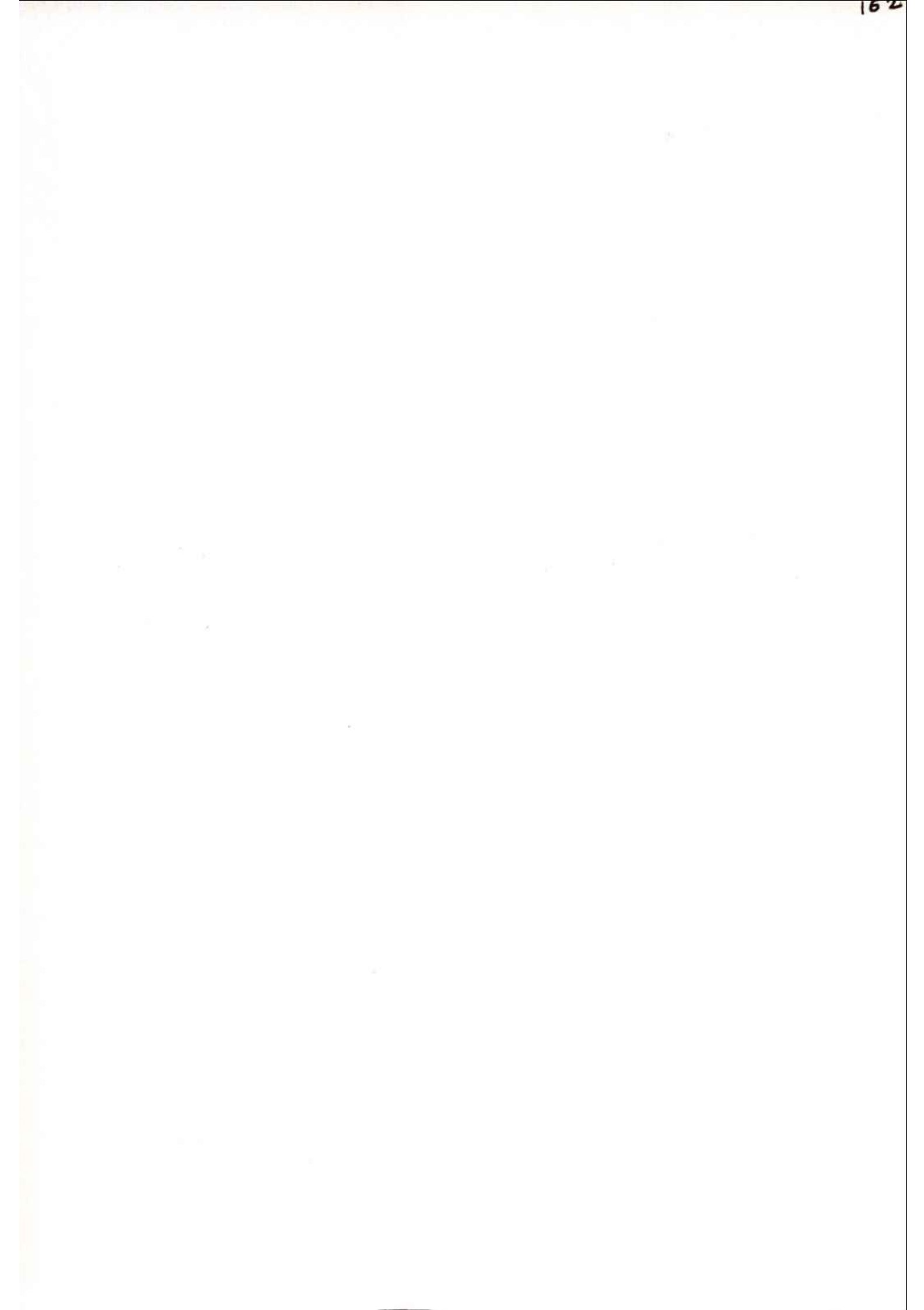
The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders and under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their

conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under Section 4(2) of the Act.

- e. The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

vi. Awareness-Raising, Monitoring and Grievance Redressal:

- a. Each State should prepare suitable communication and training material in local language for effective implementation of the Act.
- b. The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives. Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.
- c. In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.
- d. If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, and the Gram Sabha should be informed about the outcome of







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