



**Gram Sabha** : - Convened by Gram Panchayat, in its first meeting will elect FRC members from among themselves.

**Forest Rights Committee:-**

It comprises 10 to 15 members out of which at least 2/3rd members shall be STs and not less than 1/3rd members are women. Gram Sabha initiate the process of determining the nature and extent of Forest Rights. Forest Rights Committee(s) receive, consolidate & verify the claims. Gram Sabha pass resolution on claims and forward it to SDLC

**Sub Divisional level committee:-**

It consists of 6 members with SDM or ADC as chairman and includes Forest Range Officer, BDO and three members of block or tehsil level panchayat to be nominated by District Panchayat. It provides forest and revenue maps and electoral rolls to Gram Sabha/FRC, collate all the resolutions and maps of Gram Sabha, examine the resolutions and maps of gram sabhas to ascertain the veracity of claims, hear petitions from persons aggrieved by Gram Sabha, forward claims to DLCs etc.

**District level committee:-**

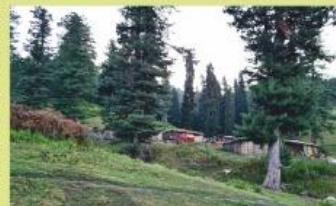
It consists of 6 members with DC as chairman and includes DFO, DPO and 3 members of block or tehsil level Panchayats to be nominated by District Panchayat. The District Level Committee considers and decides the claims submitted by SDLC. It hears petitions from persons aggrieved by SDLCs, ensures that certified copy of title is provided to the claimant etc and it is the final authority to decide the claim.

**Evidences for determination of Forest Rights -**

Public documents, Government records, settlement reports, maps, satellite imagery, working plans, management plans, micro-plans and other forest records; Government authorized documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates; bunds, check dams and the like; Quasi-judicial and judicial records including court orders and judgments

**The Implementation of Forest Rights Act in Jammu & Kashmir-**

The government of J&K has taken all the necessary steps to bring together the stakeholders including the government departments like revenue, forest and tribal affairs in the same platform by providing training and capacity building of Forest Rights Committees, Gram Sabhas, Sub-Divisional and District Level Committees,. It is also in the process of adaptation of a robust implementation and monitoring system. These measures will facilitate in the smooth implementation of the Act.



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**The Schedule Tribes  
&  
Other Traditional  
Forest Dwellers (Recognition  
of Forest Rights)  
Act, 2006**

**Forest Rights Act, 2006**

Jammu and Kashmir Forest Department  
Government of Jammu and Kashmir



## Introduction

Forests and tribals have been co-existing for generations. It is well established that forests can be managed on a sustainable basis with the help of communities who co-exist with forests. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or Forest Rights Act has been enacted to recognize and vest the individual as well as community forest rights to forest-dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests for generations but whose rights could not be recorded. The Forest Rights Act has been extended to the Union Territory of Jammu & Kashmir from October, 2019.

The Act provides a framework for recording forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The Act also gives the forest rights holder, the responsibility and duty for sustainable use of forest resources, conservation of biodiversity and maintenance of ecological balance.



## Who can submit claims to Forest Rights Committee-

1. Forest Dwelling Scheduled Tribes i.e. 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, including, the Scheduled Tribe pastoralist communities, subject to condition that they have occupied the land before 13th day of December, 2005.
2. Other Traditional Forest Dwellers i.e. 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 forest land for bona fide livelihood needs.

## Some of the important rights under FRA, 2006 -

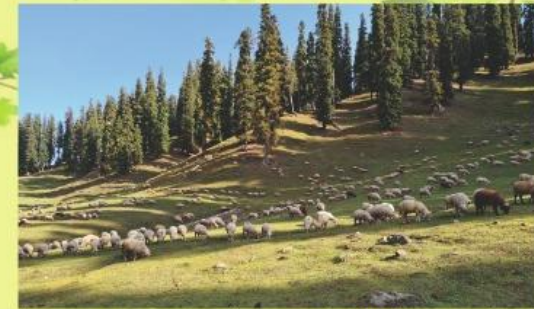
- Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood;
- Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- Other community rights of uses or entitlements such as fish and other products of water bodies, grazing and traditional seasonal resource access of nomadic or pastoralist communities;
- Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use and
- Right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and Other Traditional Forest Dwellers have been evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

The recognition and vesting of rights shall be subject to the condition that such forest-dwelling scheduled tribes or other traditional forest dwellers as defined in the Act had occupied forest land before the 13th day of December, 2005. The rights of habitation and self-cultivation recognized in favour of an individual or a community shall be restricted to the area of actual occupation and shall in no case exceed more than 4 hectares.

The Act also provides development rights in terms of diversion of forest land for creation of 13 kinds of facilities such as schools, hospitals, anganwadis, drinking water supply, minor irrigation canals, etc., managed by the Government which involves felling of trees not exceeding 75 trees per hectare. The clearance of such development projects shall be recommended by the Gram Sabha, and the forest land to be diverted in each case is less than 1 hectare.

## Duties that flow from these rights -

These rights go hand in hand with duties such as to protect the wild life, forest and biodiversity; to ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected; to ensure that the habitat of beneficiaries of the Act is preserved from any form of



destructive practices; and to 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.

## Procedure for implementation of FRA, 2006-

The Gram Sabha is the authority to initiate the process for determining the nature and extent of individual or community forest rights. The Gram Sabha elects a Forest Rights Committee which receives, consolidates and verifies the claims, prepares official records of claims and evidences including maps, physically visits the site and verifies claims as per the rule book, presents details of the claim before the Gram Sabha. The Gram Sabha receives the scrutinized claims from the Forest Rights Committee and passes a resolution on them and forwards the same to the Sub-Divisional Level Committee, who processes it further and forwards it to the District Level Committee.

