

File No.23011/14/2008-FRA

Government of India

Ministry of Tribal Affairs

Room No. 281-F, August Kranti Bhawan
Bhikaji Cama Place, New Delhi-110066

Dated: 26th August, 2015

OFFICE MEMORANDUM

Subject: Ensuring rights and settlements of the forest dwellers in LWE affected States.

The undersigned is directed to refer to the D.O. letter No.II-18015/43/2015-LWE-IV dated 06.8.2015 from Shri Jaideep Govind, Addl. Secretary, M/o Home Affairs to the Secretary (Tribal Affairs) on the above subject and to say that the decision taken in the meeting chaired by Cabinet Secretary on 8.7.2015 on the issue of facilitating the process of convening Gram Sabha has been examined by this Ministry and the comments of this Ministry are as under:-

2. As per Section 2(g) of Forest Rights Act 'Gram Sabha' is defined as a village assembly which shall consist of all adult members of a village and in case of States having no Panchayat, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women. Further, as per Rule 3(1) of the FR rules, 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.

3. Gram Sabha is required to be convened by the Panchayat only once. In the first meeting, the Gram Sabha shall elect the Forest Rights Committee from amongst its members. Therefore, the Gram Sabha need not meet frequently as the Forest Rights Committee so formed, will undertake the various functions ranging from receiving claims to preparing record of claims and evidence. The Gram Sabha will then meet to consider the findings of the Forest Rights Committee and pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee as per Rule 11(5) of the Forest Rights Rules, 2007 amended upto date. The Gram Sabha, however, has other important function also as per Section 5 of the Forest Rights Act, 2006.

4. It is, therefore, felt that there is no need to change the procedures regarding convening/organizing Gram Sabhas under FRA and State Panchayat Acts as there is no obstacle in convening as many numbers of Gram Sabha meetings under FRA to facilitate faster decision on claims for forest rights.

5. In so far as rejection of claims are concerned, suitable instructions have been issued to all State Governments for re-examining the rejected claims and facilitating the rightful claimants in getting their rights of land. A copy of this Ministry's letter No.23011/18/2015-FRA dated 27.7.15 is enclosed for ready reference.

6. This issues with the approval of the competent authority.

(Roopak Chaudhuri)
Deputy Secretary to the Government of India
Tel. No.26182428

Ministry of Home Affairs
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