

**GOVERNMENT OF ODISHA  
ST & SC DEVELOPMENT DEPARTMENT**

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No. 10301 /SSD, Bhubaneswar

Dated the,

10<sup>th</sup> June, 2022

FRA-3/2020

From

Ranjana Chopra, IAS  
Principal Secretary

To

The Collector-cum-Chairpersons of DLC for FRA  
Mayurbhanj/Sundargarh/Gajapati/Ganjam/Malkangiri/Kalahandi/Kandhamal/Keonjhar/  
Angul/Jajpur/Rayagada/Deogarh/Nuapada District

**Sub: Expedite the process of determination and recognition of Habitat Rights of PVTGs under Forest Rights Act, 2006 - regarding**

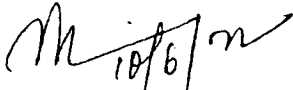
Dear Collector,

SC & ST Research & Training Institute (SCSTRTI) under ST & SC Development Department, Govt. of Odisha had undertaken a research study on 'Determination and Mapping Habitat Rights of all 13 PVTGs under FRA' with support of Micro Project Agencies, FRC members and traditional institutions of the PVTGs during FY 2021-22. As a part of the research process, handholding support was extended to the traditional institutions of PVTGs and the Gram Sabhas in determination of the habitat rights and filing of habitat rights claims at SDLC level. (*Status Report till 31<sup>st</sup> March 2022 enclosed as Annexure I.*) In order to expedite the process of determination and recognition of habitat rights, you are requested to review of the progress of the habitat rights claim making process in your district and ensure that the Particularly Vulnerable Tribal Groups of your district receive habitat rights within a stipulated time period. You are requested to ensure the following:

- Claims for habitat rights of the PVTGs are filed before the SDLC after due approval of the concerned Gram Sabhas
- Provide all necessary assistance as mentioned under Rule 8 (b) and 12 (B) (1) of the Forest Rights Rules and issue letters to SDLCs, and other relevant government agencies for facilitating the process of habitat rights recognition of PVTGs
- Ensure that DLC meetings are held at regular intervals with participation of forest department authorities and the habitat claims filed at DLC level are duly verified and approved as per the provisions enshrined in the Forest Rights Act & Rules

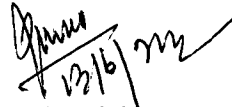
For smooth implementation of Forest Rights Act, 2006, with special reference to determination and recognition of habitat rights of PVTGs, the 'Process Steps for Determination and Recognition of Habitat Rights under FRA, 2006' and other related documents are annexed (*Annexure II -V*) with this letter for your reference

Yours Faithfully

  
Principal Secretary


SSD  
Memo No. 10311 / SSD, Dt. 13.06.2022

Copy along with a copy of the enclosure forwarded to PA, ITDAs, Baripada/ Sundargarh/ Paralakhemundi/Malkangiri/ Phulbani/ Keonjhar/ Rayagada/ DWOs, Ganjam/ Kalahandi/ Angul/ Jajpur/ Deogarh/ Nuapada.

  
Officer on Special Duty

Memo No. 10312 / SSD, Dt. 13.06.2022

Copy along with a copy of the enclosure forwarded to Special Officers, JDA, Gonasika/ HKMDA, Jashipur/LDA, Morada/ BDA, Mudulipada/ DDA, K. Gumma/ PBDA, Keonjhar/ PBDA, Jamardihi/ PBDA, Khuntugaon/ PBDA, Rugudakudar/ KKDA, Belghar/ KKDA, Lanjigarh/ DKDA, Parsali/ DKDA, Chatikona/ SDA, Chandragiri/ TDA, Patrapur/ LSDA, Puttasingh/ LSDA, Seranga/ CBDA, Sunabeda/ B & JDA, Sukinda.

  
Officer on Special Duty

## STATUS OF SUBMISSION OF HABITAT RIGHTS CLAIMS OF PVTGs

(Micro Project wise) (as of 31<sup>st</sup> March 2022)

Sl.	Name of Micro Project	Name of PVTG	District	Meetings with Traditional Leaders/ Institutions/FRC members/GS	Mapping of Habitat Rights & Claim Making Process	Gram Sabha Approval	Submission Status at SDLC	Remarks
1	JDA, Gonasika	Juang	Keonjhar	Completed	Completed	Completed	Submitted	
2	HKMDA, Jashipur	Mankirdia	Mayurbhanj	Completed	Completed	Completed	Submitted	Claims forwarded from SDLC to DLC
		Hill Khadia	Mayurbhanj	Completed	Completed	Completed	Submitted	
3	LDA, Morada	Lodha	Mayurbhanj	Completed	-	-		Habitat Rights under FRA hardly exist in case of Lodhas as per the discussion with the respective communities. The Micro Project Special Officer is requested to verify with the community and certify the above
4	BDA, Mudulipada	Bonda	Malkangiri	Completed	Completed	Completed	Submitted	
5	DDA, K. Gumma	Didayi	Malkangiri	Completed	Completed	Completed	Submitted	
6	PBDA, Keonjhar	Paudi Bhuyan	Keonjhar	Process initiated	Completed	Completed	Claims ready for submission	
7	PBDA, Jamardihi	Paudi Bhuyan	Angul	Completed	Completed	Completed	Submitted	
8	PBDA, Khuntugaon	Paudi Bhuyan	Sundargarh	Completed	Completed	Completed	Submitted	
9	PBDA, Rugudakudar	Paudi Bhuyan	Deogarh	Completed	Completed	Completed	Submitted	
10	KKDA Belghar	Kutia Kondh	Kandhamal	Completed	Completed	Completed	Submitted	
11	KKDA, Lanjigarh	Kutia Kondh	Kalahandi	Process initiated	-	-	-	

Sl.	Name of Micro Project	Name of PVTG	District	Meetings with Traditional Leaders/ Institutions/FRC members/GS	Mapping of Habitat Rights & Claim Making Process	Gram Sabha Approval	Submission Status at SDLC	Remarks
12	DKDA, Parsali	Dongaria Kondh	Rayagada	Process initiated	-	-	-	
13	DKDA, Chatikona	Dongaria Kondh	Rayagada	Process initiated	-	-	-	
14	SDA, Chandragiri	Saora	Gajapati	Completed	Completed	Completed	Submitted	
15	TDA, Patrapur	Saora	Ganjam	Completed	Completed	Completed	Submitted	
16	LSDA, Puttasingh	<b>Lanjia Saora</b>	Rayagada	Completed	-	-	-	Habitat Rights under FRA hardly exist in case of Lanjia Saora as per discussion with the traditional leaders and community members. The Micro Project Special Officers are requested to verify with the community and certify the above
17	LSDA, Seranga	<b>Lanjia Saora</b>	Gajapati	Completed	-	-	-	
18	CBDA, Sunabeda	Chuktia Bhunjia	Nuapada	Completed	Completed	Completed	Submitted	
19	JDA, Dhenkanal	Juang	Dhenkanal	Completed	Completed	Completed	Submitted	
20	B & JDA, Sukinda	Juang and Birhor	Jajpur	Completed	Completed	Completed	Submitted	

### STATUS OF SUBMISSION OF CLAIMS AT SDLC LEVEL (AT A GLANCE)

- No of PVTGs whose claim have been submitted at SDLC level after due approval in Gram Sabha – 9 PVTGs across 14 MPAs
- No. of Habitat Rights filed at DLC level – 1 (Mankirdia PVTG)
- No of PVTGs having no concept of Habitat Rights – 2 PVTGs across 3 Micro Projects (Lanjia Saora and Lodhas)
- No. of PVTGs whose habitat rights mapping process has been done with the traditional leaders but habitat claims could be discussed and approved at Gram Sabha level – 2 PVTGs (Dongaria Kondh covering 2 Micro Projects and Kutia Kondh covering 1 Micro Project)

**PROVISIONS UNDER THE FOREST RIGHTS ACT & RULES WITH REGARDS  
TO HABITAT RIGHTS**

**AND**

**CLARIFICATIONS ISSUED BY MINISTRY OF TRIBAL AFFAIRS, GOI**

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The preamble of the Act reaffirms recognition and vesting of forest rights on ancestral lands and habitat.

In the FRA and Rules, following are the main provisions that refer to the PVTGs or habitat rights.

- Section 2(h) of the FRA defines the habitat as follows: *'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.*
- Furthermore, among the rights listed that can be being recognized through the FRA, Section 3(e) mentions the: *rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities.*
- Section 5(c) empowers the forest right holders and their institutions to: *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.*
- Forest Rights Rules 5(c) and 7(c) refers to the representation of the PVTGs in the Sub-Divisional Level (SDLCs) and District Level Committees (DLCs). Rule 5(c) mentions about the composition of the SDLC: It mentions that *'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*

- Further, Rule 7(c) indicates the composition of the DLC: it mentions that *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 of the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member.*
- Rule 8(b) refers to the functions of the DLC and provides that the DLC shall: *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.*
- Rule 12(1)(d) mentions the process of verifying claims by the Forest Rights Committee where the FRC shall: *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;*
- In the process of recognition of community rights, Rule 12B(1) mentions that: *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.*

#### **CLARIFICATIONS PERTAINING TO THE RECOGNITION OF HABITAT RIGHTS UNDER THE FRA ISSUED BY MOTA, GOI**

In addition to the above provisions under the Act and Rules, the Ministry of Tribal Affairs also issued additional clarifications pertaining to the recognition of habitat rights under the FRA on **23 April, 2015**, which were as follows.

1. This has come to the notice of the Ministry of Tribal Affairs that the Hindi version of the FRA has translated the word 'habitat' under Section 3(1)(e) as 'aawas' which is commonly understood as house or homestead. This has created confusion and due to misinterpretation, many States have equated the term 'habitat' to mean providing housing facilities as under Indira Awas Yoiana and other such housing scheme.

The Ministry would like to state that the FRA clearly lays down the definition of 'habitat' under Section 2(h), and further describes the forest right to such habitat under Section 3(1)(e). Rule 12(1)(d) of the Forest Rights Rules further requires Forest Rights Committee to ensure that the claims from Particularly Vulnerable Tribal Groups (PVTGs) are verified when such communities or their representatives are present.

2. Further, the right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihoods, social, economic, spiritual, sacred, religious and other purposes. In some cases, the habitats of PVTGs may overlap with forests and other rights of other people/communities.
3. Rule 8 of the Forest Rights Rules (as amended on 6.9 2012) envisages the role of the District Level Committee (DLC) to examine, whether all claims, especially those of primitive tribal groups (Particularly Vulnerable Tribal Groups), pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act.
4. It has further been provided in Forest Rights Rule 12(B)(1) that, the DLC shall in view of the differential vulnerability of PVTGs, ensure that all PVTGs receive habitat rights in consultation with the concerned traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary, by recognizing floating nature of their Gram Sabhas.
5. Where the claims of PVTGs have already been filed, the DLCS should take steps to ensure recognition of their rights along with mapping of the area of each claim over which their rights have been recognized.
6. Therefore, the state Governments need to make all-out effort to recognize the habitat rights of the PVTGS and intimate the Ministry of Tribal Affairs on the steps taken towards recognition of the rights in the periodic reports submitted by them.

**FREQUENTLY ASKED QUESTIONS  
RELATED TO HABITAT RIGHTS ISSUED BY  
MINISTRY OF TRIBAL AFFAIRS, GoI**

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Ministry of Tribal Affairs also issued following FAQs on the FRA with regards to the habitat rights of the PVTGs.

**1. What is the meaning of 'habitat' in the context of forest rights of Particularly Vulnerable Tribal Groups (PVTGs)?**

The FRA clearly lays down the definition of 'habitat' under Section 2(h), and further describes the forest right to such habitat under Section 3(1)(e). However, the Hindi translation of the FRA, when translating the word 'habitat', used the word 'aawas' which is commonly understood to mean house or habitation. This created a lot of confusion since many States wrongly equated the term 'habitat' to mean providing housing facilities under schemes such as the Indira Awas Yojana. To dispel the confusion, the Ministry of Tribal Affairs issued a clarification on 23.4.2015 bearing No. 23011/16/201S-FRA where it stated that such interpretation is incorrect. **The right to community tenures of habitat and habitation over customary territories used by PVTGs include not only habitation, but also social, economic, spiritual, sacred, religious and other purposes.**

**2. Can the habitat rights of the PVTGs under FRA also include revenue lands?**

FRA envisages recognition of forest rights of forest dwelling STs and OTFDs on 'forest land' as defined under section 2(d) of the Act. It is noteworthy that the definition of 'forest land' adopted by the FRA is, in accordance with the judgment of the Supreme Court in the Godavarman case, in the widest possible sense. Therefore, unclassified forests, undemarcated forests, existing or deemed forests, which are often on revenue lands, are also forest land under FRA.

As a result, it is possible that forest land which comprises the habitat of PVTGs is spread over both notified forests (that is, in Government records) and also forests in the dictionary meaning (which could be on revenue lands or other categories of land). Habitat rights of PVTGs are therefore applicable over both recorded forests and also forests that come within the definition of forest land under the FRA on such revenue lands (land under the administrative control of the revenue department).



If the habitat area (or its part) of a PVTG does not come within the definition of forest land (within its expanded meaning) then such habitat rights cannot be recognized under FRA. However, it may be recognized under the respective revenue laws of the concerned State Government or under the relevant provisions of PESA.

**3. How will the claims on rights of PVTG groups and habitat rights be facilitated particularly in view of the habitat involving more than one Gram Sabha?**

The FRA clearly lays down the definition of 'habitat' under Section 2(h), and further describes the forest right to such habitat under Section 3(1)(e). Rule 12(1)(d) of the Forest Rights Rules further requires Forest Rights Committee to ensure that the claims from PVTGs are verified when such communities or their representatives are present.

Further, the right to community tenures of habitat and habitation may be recognized over customary territories used by the PVTG for habitation, livelihoods, social, economic, spiritual, cultural and other purposes. In some cases the habitats of PVTGs may overlap with forests and other rights of other people/communities.

The Forest Rights Rules (as amended on 6.9.2012) under Rule 8 envisage the role of the District Level Committee (DLC) to ensure that such rights of the PVTGs and other vulnerable communities are addressed keeping in mind the objectives of the FRA.

It has further been provided that, in view of their differential vulnerability of PVTGs, the DLCs should play a proactive role by initiating the process of recognition of rights of the PVTGs in consultation with their traditional institutions and ensure that their claims for habitat rights are filed before the concerned Gram Sabhas. For this purpose, wherever necessary, the floating nature of their Gram Sabhas should be kept in mind. This has also been reiterated by the Ministry of Tribal Affairs vide Circular dt. 23.4.2015 bearing No. 2301 1/1 6/201 5-FRA.

Where the claims of PVTGs have already been filed, the DLCs should take steps to ensure recognition of their rights along with mapping of the area of each claim over which their rights have been recognized.

## CONCEPT OF HABITAT AND SIGNIFICANCE OF HABITAT RIGHTS FOR PVTGs

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### CONCEPT OF HABITAT

The term habitat means “the natural home or environment of an animal, plant or other organisms. And this terminology is mostly used for conservation purpose. For example, section 2(15) of the Wildlife Protection Act, 1972 defines the terminology of “habitat”. It mentions that “*habitat*” includes land, water or vegetation which is the natural home of any wild animal;

**Section 2 (h) of the FRA defines habitat as:** *‘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’.*

In case of Indigenous Communities, the term ‘ancestral domain’ or ‘ancestral land’ or ‘traditional territories’ is being used in different countries, which represents their identity and existence deeply connected with their spiritual, cultural, social and economic activities to a territory. For example, Republic Act No. 8371(of 1997) of Republic Philippines defines ‘ancestral domain’ under section 3(a) of the Act. It refers to all areas generally belonging to **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)**, comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)**, by themselves or through their ancestors, communally or individually since time immemorial, +++ and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, ++ hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities++”.

The study undertaken by the Ministry of Tribal Affairs in 2014, mentions the concept of Habitat as follows:

*Habitat for the PVTGs refers to an area where these communities have both spiritual and material connections. Spiritual connection implies an area which is important to fulfil the socio-cultural needs of the community. This area includes burial grounds, birth places, temples, deities, ancestral lands, or areas used for any other socio-cultural purposes, such as festivals and processions. This area also includes places of customary land use for livelihood generation such as forest produce collection, fishing sources, cultivation areas, and seasonal migratory lands.*

*Habitat rights can be defined as a bundle of rights comprising of these connections with the landscape: livelihood, social, and cultural practices embedded in the territory that forms their habitat. Habitat rights regime is mediated by the traditional institutions and leadership base of the PVTGs who are crucial in the affairs of the PVTGs/ scheduled tribes. Many of these rights are not necessarily exclusive to one community and may be shared with other communities living in the habitat area based on age old traditions of mutuality and reciprocity.*

Habitat thus constitutes ***'such areas or territories or landscapes, which represents their identity and existence deeply connected with their spiritual, cultural, social and economic activities/world.'***

Habitat rights may include:

1. Right to perform all customary religious or cultural ceremonies in the landscape related to their clans.
2. Right to protect and conserve the natural entities, sacred sites, places important for religious and spiritual purposes located within and outside of their customary territories;
3. Right to practice traditional cultivation systems and other livelihood generating activities including seasonal resource use.
4. Right to organise customary social events.

Following markers can be used to identify the nature and extent of habitat rights of PVTGs.

**Geographic markers:** These will demarcate the boundary and represent the geographic features of the area claimed as habitat rights of the PVTGs. These may include: water bodies (rivers, streams, ponds, wells), mountains or hills, land contour, seasonal vegetation type, and wildlife movement areas in the landscape.

**Livelihood related markers:** These will include the aspects important for the livelihood generation of the PVTGs in the area claimed as habitat rights. These markers may be grazing lands, cultivation lands (demarcated as shifting or settled), settlements or habitation units, seasonal forest resource collection, fishing areas, labour activities, and seasonal migration routes in the landscape.

**Socio-cultural markers:** These markers are important for the socio-cultural aspects of the PVTGs and include temples, festivals or procession areas, burial grounds, birth places, ancestral lands, songs and myths related to the landscape, and other rituals associated with the landscape as identified by the PVTGs.

### **DIFFERENCE BETWEEN COMMUNITY FOREST RIGHTS (CFR) AND HABITAT RIGHTS**

It is important to mention that the Forest Rights Act differentiates habitat rights with CFR rights. While CFR rights may pertain to one or group villages, habitat rights relate to an entire community or tribe. The areas of differences are briefly summarised in the following table:

<b>CFR Rights</b>	<b>Habitat Rights</b>
Village as unit of claim making	Community through its representative institution/s as unit of claim making
Limited to Customary or traditional boundary of a <b>village/Hamlets or Group of Villages/Hamlets</b>	Limited to Customary or traditional boundary of a <b>particular PVTG or a community</b>
<b>FRC</b> will initiate the process	Concerned FRCs/gramsabha in coordination with <b>Traditional Institution(s)</b> of the community would initiate the process on behalf of the community
More often the customary or traditional rights are <b>within</b> their customary boundary except rights over Minor Forest Produce	In case of PVTGs it is also <b>beyond</b> their village/ settlements (temporary in case of nomadic communities) or hamlet boundary
More often most of STs or OTFDs are not confined to a particular geographical location	Identity is linked with the geographical area or territory (PVTGs are found within a more clearly identifiable geographical area)

Customary rights are limited within the customary or traditional boundary of a village

Customary rights are not limited within the customary or traditional boundary of concern PVTG's village or habitation

## **SIGNIFICANCE OF HABITAT RIGHTS RECOGNITION**

The PVTGs share a history of dispossession and forest alienation. Across time due to historic and external conditions inflicted upon them the relative harmony got disturbed causing marginalization, migration and resettlements in some alien bio-cultural setup. This has had serious adverse impact on their identity threatening their very existence and survival. In this regard, recognition and restoration of their habitat rights becomes important to secure not only their livelihoods but to secure the very existence of such vulnerable PVTGs.

Given the understanding that Habitat Rights constitute a bundle of rights related to PVTG livelihoods, culture, society, religious practices and beliefs, medicinal knowledge etc., recognition of such rights would imply holistic development of such communities and revival of their lost identities. It is important to mention here that habitat rights are not just territorial but are an interwoven fabric of social, religious, cultural, economic and political rights underlying the life and livelihoods of PVTGs.

As recommended by the Intergovernmental Panel on Climate Change (IPCC), recognising land tenures of indigenous communities and their management rights over forests can help tackle the adverse impacts of climate change. Internationally, the role of indigenous communities and the importance of legally recognising their rights is being increasingly recognised in climate change mitigation.

The recognition of habitat rights can play a vital role in safeguarding livelihoods and the culture of the PVTGs as well as in reviving traditional forest management practices not recognised under the current governance regime.

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### References:

- A Research Study on Mechanisms for Recognition of Habitat Rights of PVTGs under the Forest Rights Act, UNDP under the aegis of Ministry of Tribal Affairs, Government of India (2014)
- Report of the National Committee on Determination and Recognition of Habitat Rights Under Forest Rights Act (2010)

**DETERMINATION AND RECOGNITION OF HABITAT RIGHTS**

**PROCESS STEPS**

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**A. Determination of habitat rights**

**Step 1: Initiation of the habitat rights claims process**

The concerned DLCs shall ensure the following in this regard:

1. Designate the Special Officer, Micro Project as Nodal Officer to facilitate the process of habitat rights claims as deemed necessary.
2. Communicate the initiation of the process of determining habitat rights with the PVTGs in their local languages. Publicise and communicate the initiation of PVTG Habitat Rights recognition in the district by providing information about the communities whose rights are thus to be determined through locally used traditional means of communication to inform people. Gram Sabha presidents of the respective settlements, civil society organisations, PVTG leaders, or village messengers can be used to publicise and communicate this information.
3. In case a particular PVTG's habitat area is spread over more than one district, the concerned DLCs should coordinate with each other with support and advice of the ST & SC Development Department and the SC & ST Training & Research Institute
4. DLCs may invite resource persons from SCSTRTI, civil society organizations and other relevant domain experts to facilitate the training program.

**Step 2: Determining habitat rights in consultation with the traditional institutions of PVTGs**

1. The designated Nodal officer, shall organize meetings with the traditional institutions (social-cultural-political-economy) of the PVTGs and Gram Sabha presidents for the purpose of mapping and determination of habitat rights
2. DLCs should consult the Gram Sabha presidents and traditional leaders to identify a suitable place for consultations to initiate the process of determining habitat rights. DLCs should ensure the participation of women in these consultations in case all traditional leaders are men.

Following aspects should be discussed in the consultations:

- a. **Identifying socio-cultural and livelihood activities performed in the area to be claimed under habitat rights. These habitat rights can be claimed over a larger**

- area or divided into smaller areas which can be separately claimed under habitat rights based on the decision of the traditional leaders during the consultations.
- b. Identifying the area to be claimed under habitat rights and prepare a tentative map marking out the boundary and landmarks of socio-cultural and livelihood needs of the PVTGs.
  - c. Identifying the rights under the FRA of non-PVTGs residing in the area identified to be claimed under habitat rights.
  - d. Identify habitat rights claims made over areas covering more than one state or district or PVTGs.
  - e. List out the documents needed for claiming the habitat rights.
3. For claims made over areas covering more than one state or district or PVTGs/non-PVTGs, the respective DLCs should be informed and a meeting shall be conducted with the concerned government agencies, traditional leaders, and Gram Sabhas to resolve the possible conflicts and notify the concerned SLMCs, DLCs, traditional leaders, and Gram Sabhas of the resolution made. The concerned DLCs may invite resource persons from SCSTRTI, civil society organizations, and other experts to facilitate this consultation process.

### **Step 3: Filing and submission of claims**

The Nodal officer shall facilitate the following procedure of filing habitat right claims:

1. After identifying the habitat rights being claimed and resolving any possible conflicts, concerned traditional leaders and FRCs should verify and approve the habitat rights claim and discuss them with the concerned Gram Sabhas for approval.
2. DLCs should provide all necessary documents required by the PVTGs while filing claims for habitat rights.
3. After finalizing the habitat rights to be claimed, a final map should be prepared by the FRCs and traditional leaders using toposheets or other maps, for which DLCs can be approached. DLCs will support the PVTGs in preparing the final map demarcating the habitat rights area. This map should mark out the geographic coordinates of the boundaries as well as important places of socio-cultural relevance and livelihood generation.
4. Gram Sabha resolution of endorsement and approval of habitat rights claimed should be attached to the finalised claim documents.
5. Gram Sabhas will send these claims to all concerned SDLCs.
6. In case the habitat rights are claimed over areas spreading across the sub divisions, the respective SDLCs will convene a special joint session to examine the claims and pass

resolution. (The SDLC under which maximum number of villages are falling will be responsible to convene the meeting). Otherwise, procedures outlined in the Forest Right Rules (FR Rule 6 (h) and 8 (e)) will be followed for verifying and recognizing the habitat rights.

## **B. Recognition of habitat rights**

### **Step 4: Recognition of claims**

1. SDLC should verify the claims as per the procedures outlined in the Forest Rights Rule and forward it to DLC for approval. DLC should also verify and approve the habitat rights claims as per the procedure outlined in the Forest Rights and issue habitat rights title after due approval.
2. DLC should issue the habitat rights title in the name of all the villages/habitations falling within the recognised habitat territory/boundary and the title should be handed over to the traditional institutions of the PVTGs
3. In case the habitat rights are claimed over areas spreading across districts or states, the respective DLCs will convening a special joint session to examine the claims and pass resolution. Otherwise, procedures outlined in the Forest Right Rules (FR Rule 6 (h) and 8 (e)) will be followed for verifying and recognizing the habitat rights.

### **Step 5: Preparation of Habitat Maps**

1. After habitat rights are recognized, DLCs will prepare a final digitized geo-referenced map of the area recognized under habitat rights indicating the boundary as well as the landmarks specified in the map submitted while filing for habitat rights. DLCs should seek support from state remote sensing agencies, and civil society organizations to prepare this map.
2. After issuance of habitat rights title, DLC should ensure that the recognized habitat rights area is clearly demarcated & incorporated in the Government records within three months (Sec 12 A (9) of FR Rules) and copy of the RoR shall be provided to the right holder (Gram Sabhas and traditional institutions of the PVTGs)



## **ROLES AND RESPONSIBILITIES OF GOVERNMENT AGENCIES IN HABITAT RIGHTS RECOGNITION PROCESS**

### *District Level Committees and Sub-divisional Level Committees*

1. Prepare and consolidate the list of PVTG settlements. SCSTRTI should be contacted to prepare this list.
2. Organise local level awareness campaigns and training programmes as outlined above on habitat rights recognition in accordance with the directions issued by Ministry of Tribal Affairs.
3. Organise consultations with traditional leaders of PVTGs and Gram Sabhas on initiating the process of habitat rights recognition.
4. Ensure the participation of women in these consultations as well as resource persons from SCSTRTI and civil society organisations.
5. Provide all necessary assistance as mentioned under Rule 4(3) of the Forest Rights Rules and issue letters to SDLCs, SCSTRTI, and other relevant government agencies for facilitating the process of habitat rights recognition.
6. Liaise with adjoining DLCs and SDLCs where habitat rights claimed extend over the adjoining districts and sub-divisions.

### *Gram Sabhas*

1. Ensure that traditional leaders of PVTGs are identified properly and ensure their participation in the consultations.
2. Ensure participation of women in the consultation and training programmes if all traditional leaders of PVTGs are men.
3. Support DLCs in conducting the consultations and training programmes and ensure the participation of FRC members and traditional leaders in these.
4. Assist PVTGs in their Gram Sabhas in preparing and filing claims for habitat rights and approach DLCs to issue documents and maps needed for filing of the claims.
5. Ensure consultation among the FRCs of adjoining Gram Sabhas in case of overlapping habitat rights claims and reach a consensus among the concerned Gram Sabhas in consultation with the traditional leaders to resolve these conflicts. Where consensus is not reached, approach concerned SDLCs/DLCs for resolving the issues, including those that may arise with non-PVTGs whose rights may overlap with the habitat rights of PVTGs.