



THE Long wait: 10 years on, only 50% claims settled under the Forest Rights Act

On December 14, data tabled by the Union Ministry of Tribal Affairs in Rajya Sabha showed that at a national level, just 50% of the total claims filed under the 2006 Act have been granted. In Maharashtra, Rajasthan and Madhya Pradesh with high tribal population, the approval rate for individual forest rights is below 50%. What ails the Forest Rights Act, 2006?



Aishwarya Tripathi | 28 Dec 2022

<https://www.gaonconnection.com/lead-stories/forest-rights-act-land-titles-tribals-advansi-claims-settlement-indigenous-community-india-laws-analysis-51526>



Forest Rights Act (2006) recognises the rights of the forest-dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs.

Moving from one place to another isn't unusual for Amir Hamja, a Van Gujjar from the pastoral community in Uttarakhand. Since 2019, the 28-year inhabitant of Gauri range of Rajaji Tiger Reserve near Rishikesh has been running from pillar to post to get what his community is legally entitled to — rights over their local forests.

The founder of Van Gujjar Tribal Youth Organisation, which has been advocating for the rights of nomadic communities in the hill state, has filed 12 community forest rights claims and over 2,000 individual forest rights claims for the pastoral community since 2019. These rights, if granted, will give Van Gujjars (classified as OBC in Uttarakhand) access to the forests and their resources which the nomadic community has been dependent upon for generations.



सबसे ज्यादा पढ़ी गयी खबरें



पेट की गैस से तुरंत आराम दिलाएंगे ये घरेलू नुस्खे



धान की खेती की पूरी जानकारी, कैसे कम करें लागत और कमाएं ज्यादा मुनाफा



सिर्फ 115 दिनों में तैयार होगी धान की नई किस्म, दूसरी किस्मों के मुकाबले मिलेगा अधिक उत्पादन



बार-बार शौच जाने का कारण हो सकता है -इरिटेबल बॉएल सिंड्रोम



महाराणा प्रताप : राणा प्रताप के घोड़े से, पड़ गया हवा को पाला था

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"Four years on, our claims are still pending with SDLC [sub-divisional level committee] or DLC [district level committee] level," Hamja sighed.

Like the Van Gujjar community of Uttarakhand, hundreds of thousand tribal people across the country have been fighting to settle their claims under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) [Act, 2006](#), commonly known as The Forest Rights Act, or FRA.



Also Read: [Forests thrive in tribal areas. And that isn't just coincidence](#)

This landmark act recognises the rights of the forest-dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs.

It also empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed to, to protect, conserve and manage forests, and protect forest dwellers from unlawful evictions.

But 16 years after the enactment of the central legislation, its implementation remains poor and a large number of tribal communities still have not been granted their traditional rights — individual or community — over the forests.



Statewise percentage of community forest rights approvals by the government as on 30.06.2022

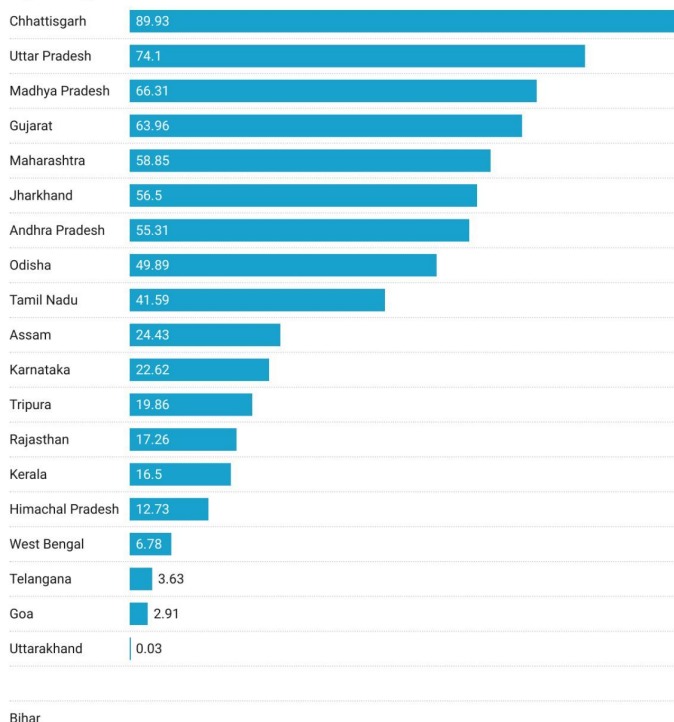


Chart: Aishwarya Tripathi • Source: Data tabled by Ministry of Tribal Affairs in Rajya Sabha on 14.12.2022 • Created with Datawrapper



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कालाहांडी में मोटे अनाज से बना आहार शिशु और मातृ मृत्यु दर से लड़ने में कर रहा है मदद



A traditional Odia millet dish Atkel is helping fight infant and maternal mortality in Kalahandi



"लड़कियों के साथ दोस्त बनकर रहती हूँ, जिससे बेहतर तरीके से चलता रहे स्कूल"

Statewise percentage of individual forest rights claims approvals by the government as on 30.06.2022

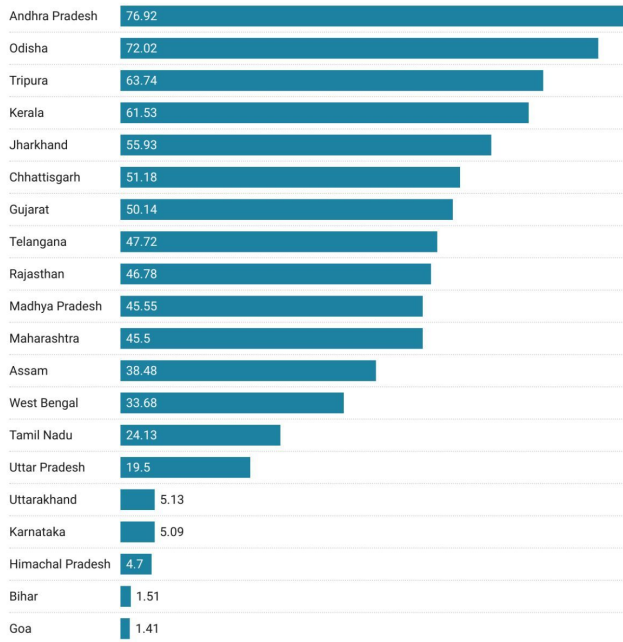


Chart: Aishwarya Tripathi • Source: Data tabled by Ministry of Tribal Affairs in Rajya Sabha on 14.12.2022 • Created with Datawrapper

This is reflected in the latest official data on granting of rights under the FRA. On December 14, 2022, data [tabled](#) by the Ministry of Tribal Affairs in Rajya Sabha shows that at a national level, titles have been disbursed to just 50 per cent of the total claims filed under the act till June 2022.

In Uttarakhand, only 184 individual forest rights (IFR) and one community forest right (CFR) claim have been granted since the enactment of the law in 2006, which is the lowest in the country. Official data shows that a total 3,587 IFRs and 3,091 CFRs have been filed in the Himalayan state.

"This single claim approved is of Chaundiyat village, Dunda in Uttarkashi. Though filed in 2012 and approved in 2016, the state government hardly updates the database. The approval was to use a pond under commons depicted as a CFR claim," said Tarun Joshi, Convenor, Van Panchayat Sangrash Morcha.

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Situation is not better in several other states. For instance, in Maharashtra, Gujarat, Rajasthan and Madhya Pradesh with high tribal population, the approval rate for individual forest rights under FRA is 45.5 per cent, 50.14 per cent, 46.78 per cent, and 45.55 per cent, respectively (*see bar graphs*).

Chhattisgarh in central India has settled the maximum CFR claims under FRA 2006. Out of 871,457 IFR claims, 446,041 (51.18%) have been approved. Similarly, out of 50,889 CFR claims, 45,764 (89.9 per cent) have been approved.

Andhra Pradesh and Odisha lead in granting of the individual forest rights — 76.92 per cent and 72.02 per cent, respectively (*see bar graph*).

The approval-rejection process

The FRA has a three-tier approval process under which claims are to be filed at *gram sabha* level. These are then passed on to the sub-divisional level committee (SDLC) and further to the district level committee (DLC). Both are headed by government officials.

The SDLC can send back a claim in case of incomplete paperwork or any lacking evidence documents. Approved claims are forwarded to the DLC, which is the binding legal authority to approve or reject claims.

The act specifies that any rejection must be conveyed to the claimant without any ambiguity, after which one can re-appeal within 60 days of receiving the rejected claim.

"Unfortunately that communication is not happening," said Satyam Shrivastava, Co-Director of SRUTI (Society for Rural, Urban and Tribal Initiative), who was also part of an advisory committee of the Ministry of Tribal Affairs. The tribal ministry is the main implementing authority for the FRA.

Also Read: [Over 12,813 sq km forest land in India under 'encroachment'. But, who is the 'encroacher'?](#)

According to Sudhir Pal, Convenor of Jharkhand Van Adhikar Manch, many claims have been pending at SDLC or DLC levels for more than four years without any information provided to the claimants.

For instance, in Jharkhand, only 55.9 per cent of individual forest rights claims and 56.4 per cent of community forest rights claims on 2,57,154.83 acres of forest extent have been settled.



On February 13, 2019, an order by the Supreme Court jolted the forest-dwelling communities of the country. The order stated that eviction be carried out for all the "encroachers" whose claims were rejected under Forest Rights Act, 2006. The deadline set was July 2019.

"We had hoped that under Chief Minister Hemant Soren's government, the claim approvals would improve for *Jal, Jungle, Jameen* rights. It was an election *mudda* [issue] after all. Unfortunately, I feel the situation has worsened," Pal said.

"Pre-COVID we had formulated a standard operating procedure [SOP] for smooth FRA implementation, launched by the CM himself, but it has been over two years but neither the department has taken any cognisance of the SOP, nor has it been approved or implemented," he complained. "The government is uncompassionate towards the FRA in the state," he added.

Meanwhile, Jharkhand's Chief Minister Hemant Soren has been raising questions over the [Forest \(Conservation\) Rules, 2022](#), which, he claims, dilute the power of *gram sabhas* [village councils].

Speaking at the recent eastern zonal council [meeting](#) held on December 17, chaired by Home Minister Amit Shah, Soren said that the 2022 rules were "like encroachment of rights of around 20 crore tribals in the country."

The chief minister had made a similar statement in a letter addressed to Prime Minister Narendra Modi, dated December 1, 2022. "These new rules will end up uprooting the rights of these people who have called the forests their home for generations but whose rights could not be recorded," the letter stated.

Under the new 2022 rules, any "diversion, assignment of lease or de-reservation" (use of forest land for non-forest purposes) after receiving 'final' approval from the central government under section 2 of the act, can take place after the state or union territory issues an order following "fulfilment and compliance of provisions of all other acts and rules made thereunder".

Experts say that the updated rules diminish the interface role played by the tribal communities, between the government and the forestland.

Farmers Rally: Thousands of Maharashtra farmers are in Mumbai. Why?



How good are the Forest Rights Committees?

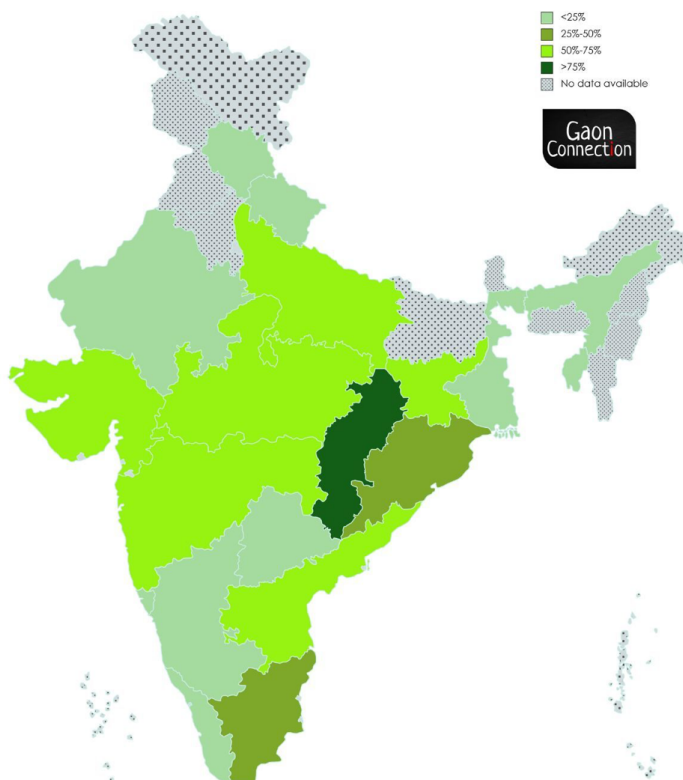
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The petitioners — Wildlife First, Wildlife Trust of India, Nature Conservation Society, and Tiger Research and Conservation Trust — had [argued](#) that 14.77 lakh FRA claims rejected at the *gram sabha* level were evidence of their bogus applicability. But, two weeks later, on February 28, the apex court ordered a stay on its February 13 order — after a [petition](#) was filed by the central government — asking states to review the rejected claims.

A response [affidavit](#) filed by Chhattisgarh in July 2019 found lapses in the verification process of FRA claims. Moreover, it declared that in most of the matters, tribals have not been served with the orders of rejection of their claims and it is also not clear whether the "Three Tier Monitoring Committee" constituted under the FRA has supervised all these aspects.

"After the Supreme Court's order on reviewing the rejected claims, FRCs [Forest Rights Committees] were constituted but many committee members didn't even know they were part of it. There is no adequate training or records for these FRCs to verify a claim," Vijendra Ajnabi, Convenor of Raipur-based Chhattisgarh Van Adhikar Manch, said.

Statewise percentage of community forest rights claims approved by the government as on 30.06.2022



Source: Data tabled by Ministry of Tribal Affairs in Rajya Sabha on 14.12.2022

[Also Read: Training in cultivation and animal husbandry empowers Birhor tribal women in Jharkhand](#)

Forest Rights Committees (FRCs) are constituted by the *gram sabha* to assist in the functions of receiving, acknowledging and retaining the claims filed by the community and verify these claims. These committees are also responsible to prepare CFR claims on the

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Chhattisgarh leads in CFRs implementation

Though challenges persist, Chhattisgarh has set examples of some good [practices](#) in terms of recognising Community Forest Resource Rights (CFRR) in a tiger reserve (Sitanadi-Udanti in Dhamtari) and "disbursing IFR titles to single women".

"About 21,000 single women forest rights were recognised. In its first, the state government has maintained a separate record for women beneficiaries. Chhattisgarh government had formulated a module for the ground staff of forest department, keeping separate templates for these marginalised communities like women, pastoral community, etc. but unfortunately that has become another bulky document," Ajnabi explained.

Tushar Das, an independent forest rights researcher agrees that Chhattisgarh's FRA recognition is relatively better due to political will as well as better-supported civil societies. "The bodies within their tribal department like the FRA support cell which creates manuals and guides on how to roll things on the ground; how to strengthen the *gram sabhas*, makes a huge difference," he pointed. "Jharkhand, not so much," Das added.

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Tarun Joshi, Convenor of Van Panchayat Sangrash Morcha, Uttarakhand, blames "the attitude flaw of the state forest department" for poor implementation of the FRA in the state.

"In a CFR claim filed by 43 families of the Van Gujjar community of Corbett national park, despite all documentation being done and approvals granted at DLC level, the forest department acquired a high court order to halt the process. We got a stay from the apex court but the bureaucratic challenges remain," Joshi said.



Van Panchayats or Village Forest Councils are autonomous bodies formed for sustainable management of forests. (Sourced via Flickr)

He went on to inform that almost 150 bastis of Van Gujjars don't have Van Panchayat rights. "The forest department has tried to implement Joint Forest Management Committees guidelines for Van Panchayats but people's resistance will not let it happen."

[Van Panchayats](#) or Village Forest Councils are autonomous bodies formed for sustainable management of forests. The first Van Panchayat was set up in the hill state in 1921. Recognised under the revenue law, Uttarakhand has more than 6,000 Van Panchayats managing around 405,000 hectares of forests.

Odisha leads in settling individual forest rights

"Odisha is in mission mode for more jungle *adhikar* and building capacities of FRCs," Sweta Mishra, lead consultant with Scheduled Castes and Scheduled Tribes Research and Training Institute, said. Till June 2022, out of 628,000 IFR and 15,282 CFR claims filed in Odisha, 452,000 (72.02%) and 7,624 (49.88%) have been approved, respectively. Misra cited the example of Nayagarh where even non-tribal villages had received CFR.

"The problem with the forest department persists with limited co-operation with communities. This is an attitude problem and the authorities need to look at the forest land as something the communities have been utilising since generations, rather than looking at it as land which the forest department has to give away," she pointed at the greatest hurdle in the FRA implementation.

[Also Read: Tribal women in the buffer of Panna Tiger Reserve brave wild animals and dangerous slopes to fetch water](#)

Das, an independent forest rights researcher, said that the strong resistance from the forest bureaucracy has been pointed out by the tribal ministry too. "In cases like Nayagarh, the relationship between the communities and the forest department has improved largely because the *gram sabhas* are empowered and have asserted rights over the years," he pointed out.

Organisation like Vasundhara in Odisha aid in strengthening the *gram sabhas* for better FRA application but "such bodies have limited resource capacity," Das explained.

"In Kalahandi, the community collecting *tendu pattas* faces the problem of transient permits. The act says that once the CFR has been disbursed, the transient permit must be issued by *gram sabhas* but even now the forest department controls it," said Das.

"In Odisha though, there is a thrust because of resources like [FRA ATLAS](#) available in public-domain which creates accountability unlike states like Uttarakhand," he added.

जंगल से लकड़ी लाने पर आदिवासियों पर क्यों चली गोलियां? || Madhya Pradesh || Tribal



The data ambiguity

The data recently [tabled](#) at Rajya Sabha shows that Madhya Pradesh has approved 66.3 percent of CFR and 45.5 per cent of IFR claims filed by the tribal communities. "The CFR data for Madhya Pradesh is misleading. The developmental rights such as constructing school, *anganwadi* on common land are shown as CFR," Das said.

In 2019, Madhya Pradesh Forest Department had launched an application — [Van Mitra](#) — to facilitate the FRA claims in a seamless manner. The claims were to be filed via a kiosk.

"Contrary to the intention, the digitisation made the process complex. There was no acknowledgement or tracking of applications. Moreover, *patwaris* and forest department officials were made a huge stakeholder in this process, diminishing the role of a *gram sabha*," Satyam Shrivastava, Co-Director of SRUTI, pointed out.

Meanwhile, in a [report](#) released in December, 2022 titled, *Land Locked: Investments and Lives in Land Conflicts*, put out by Land Conflict Watch, it was observed that out of the total land conflicts that arose out due to violation of protective legal provisions around land rights in the country, 23.65 per cent were due to non-implementation of the FRA.

Additionally, the report noted that though FRA was the second-most frequently applicable law in all conflicts (in 25 per cent cases), it was fourth among the applicable laws in litigated conflicts (only in 18.36 per cent of cases), indicating the lower accessibility of the judiciary to communities involved in forest rights conflicts.

Gaon Connection reached out to the Ministry of Tribal Affairs for a response. The copy will be updated after its response is received.