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15 Years of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

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LIST OF ABBREVIATIONS

CFR: Community Forest Rights

FRA: Forest Rights Act

IFR: Individual Forest Rights

MPR: Monthly Progress Report

PESA: Panchayat Extension to Scheduled Areas



Introduction

This year marks 15 years after the passing of historical legislation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA). The legislation marked an important milestone in rectifying the past injustice done to tribal community and other traditional forest dwellers. It is the legal culmination of long drawn struggles against loss of livelihood, dispossession of land and resources, and oppressive practices met against them. From the colonial forest policy to post independence times, forest governance has excluded and alienated the forest dwellers.

FRA gives formal sanction in recognising their right to land and forest resources, and mandates forest governance to be democratic, transparent and participative decision making by empowering Grama Sabhas. However, the law is only the preliminary step and it is important to understand the trajectory of FRA implementation over the years to ascertain that the tribals and other traditional forest dwellers have received their due rights. This report tries to understand the progress of FRA implementation and presents a comprehensive analysis of forest rights claims over the last 15 years.

The report covers the overall status and trend of FRA claims, an analysis of how FRA implementation have fared under UPA and NDA government and state wise status of forest rights.

Figure 1(A) A Photograph from Field-Study



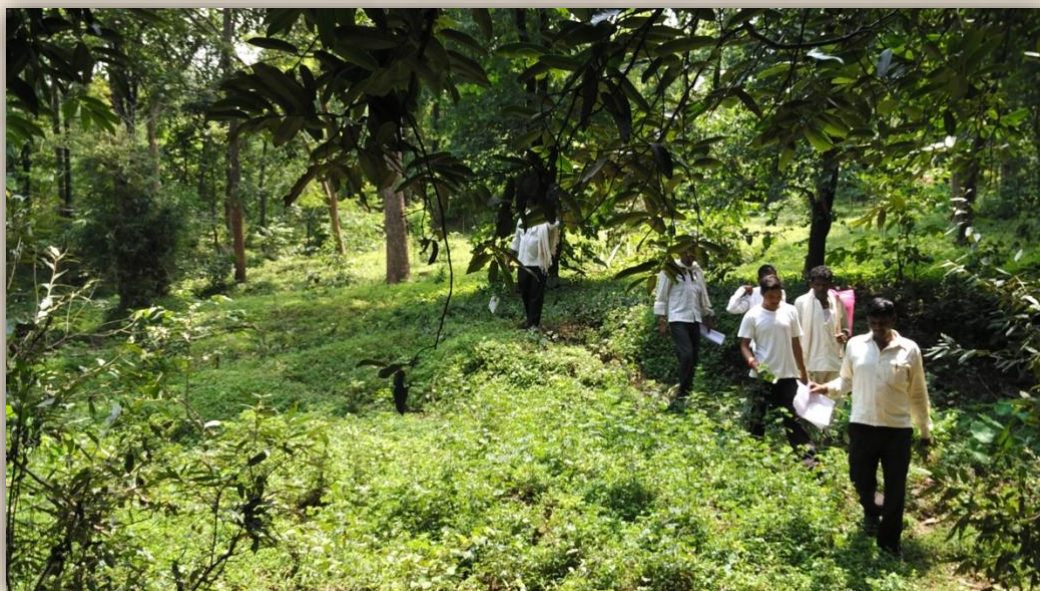
Methodology

The report analyses the Monthly Progress Report (MPR) on FRA of the Ministry of Tribal Affairs, Government of India. A longitudinal analysis of trends in overall forest rights claim, Individual Forest Rights (IFR), and Community Forest Rights Claims (CFR) is undertaken.

Gaps in data set

It is important to highlight certain gaps in the data employed in this report. The Ministry of Tribal Affairs (MoTA) releases a cumulative figure of count of titles, but its break up in the process of title recognition at different levels is not provided in the latest reports. There are several figures which are not available, thus limiting the understanding of trends over the years. The carryover of pending claims from previous years and the actual data set of pending claims per year have not been accounted for. The format in which the title data are provided by different states is also not uniform and consistent. Despite these issues, this report makes use of the said data set as it is the best one available at present.

Figure 1(B) A Photograph from Field-Study



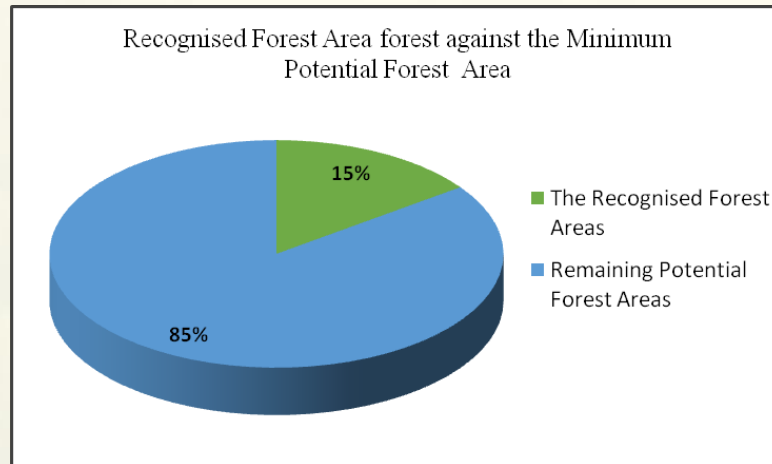
Minimum Potential Forest Areas for Recognition under the Forest Rights Act

A 2015 report by the Rights and Resources Initiative, Vasundhara and Natural Resources Management Consultants pointed out the Forest Rights Act has the potential to restore the rights of forest dwellers over at least 40 million hectares or 100 million acres of forest land in 170,000 villages, i.e. one-fourth of the villages across the country. Importantly, at least 150 million people, including 90 million tribal people, are estimated to benefit from recognising forest rights under FRA. Against this, only 14.75 per cent of the minimum potential forest areas for Forest Rights in India have been recognised since the Scheduled Tribes, and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 came into force. There lays a long road ahead to be achieved.

Table 1: State-wise Minimum Potential of Forest Rights Act in India

Sr. No.	District	The Minimum Potential Forest Areas for Forest Rights Claims (In acres) *	The Recognised Forest Areas for Forest Rights Claims performance (In acres) **	Gap Between the Potential and Recognised Forest Areas (In acres) ***	Total Percentage of the recognised forest areas against the minimum potential areas ***
1	Andhra Pradesh	29,64,000	692938	22,71,062	23.38%
2	Assam	5,78,605	Not Available	Not Available	Not Available
3	Bihar	8,24,940	Not Available	Not Available	Not Available
4	Chhattisgarh	81,97,930	2881246.84	53,16,683	35.15%
5	Goa	2,07,342	93.53	2,07,254	0.05%
6	Gujarat	32,48,050	1317491.9	19,30,558	40.56%
7	Himachal Pradesh	32,11,000	4747.76	32,06,252	0.15%
8	Jharkhand	52,36,400	257154.83	49,79,245	4.91%
9	Karnataka	59,86,203	48969.26	59,37,234	0.82%
10	Kerala	22,31,712	35364.33	21,96,348	1.58%
11	Madhya Pradesh	165,17,853	2282695.45	142,35,158	13.82%
12	Maharashtra	122,82,159	3129589.41	91,52,570	25.48%
13	Odisha	63,72,600	901238.46	54,71,362	14.14%
14	Rajasthan	63,55,811	74243.23	62,81,568	1.17%
15	Tamil Nadu	19,21,537	9626.44	19,11,911	0.50%
16	Telangana	37,04,597	754339	29,50,258	20.36%
17	Tripura	13,19,622	460273.58	8,59,348	34.88%
18	Uttar Pradesh	20,53,202	139965.45	19,13,237	6.82%
19	Uttarakhand	35,12,678	0	35,12,678	0.00%
20	West Bengal	14,64,127	21586.29	14,42,541	1.47%
Total		881,90,368	13011563.76	737,75,265	14.75%

Figure 2 Recognised Forest Area against the Minimum Potential Forest Area



Even within this lower recognition rate, there is an uneven implementation of FRA across states. For example, Andhra Pradesh has recognised 23% of 29,64,000 acres of its minimum potential forest claim, while Jharkhand, with 52,36,400 acres of minimum potential forest area, has recognised only 5% of it. A similar phenomenon is at work within states, where some districts have performed better than others. For example, within a high performing state like Odisha, a district like Nabarangapur has a 100% IFR recognition rate, but in Sambalpur, it is at 41.34%. The MoTA's monthly FRA progress report reveals that since 2016, the total FRA claims received has declined. The advocates of the forest rights act argue that this is not because of delay in claim filing, but rather the state administration has done too little to facilitate the claim process.¹

¹ For this report, we extracted the potential forest land to be recognised under FRA from the 'CFR-LA, 2016 report on promise and performance of forest right act after ten years of its enactment'. To analyse the recognised forest land against the potential forest land to be recognised under FRA, we have used the cumulative figures for potential IFR and potential CFR land as the total potential forest land to be recognised under FRA for each state. The recognised area against the minimum potential area is done for only those states that have provided data set to the MPR of the Ministry of Tribal Affairs.

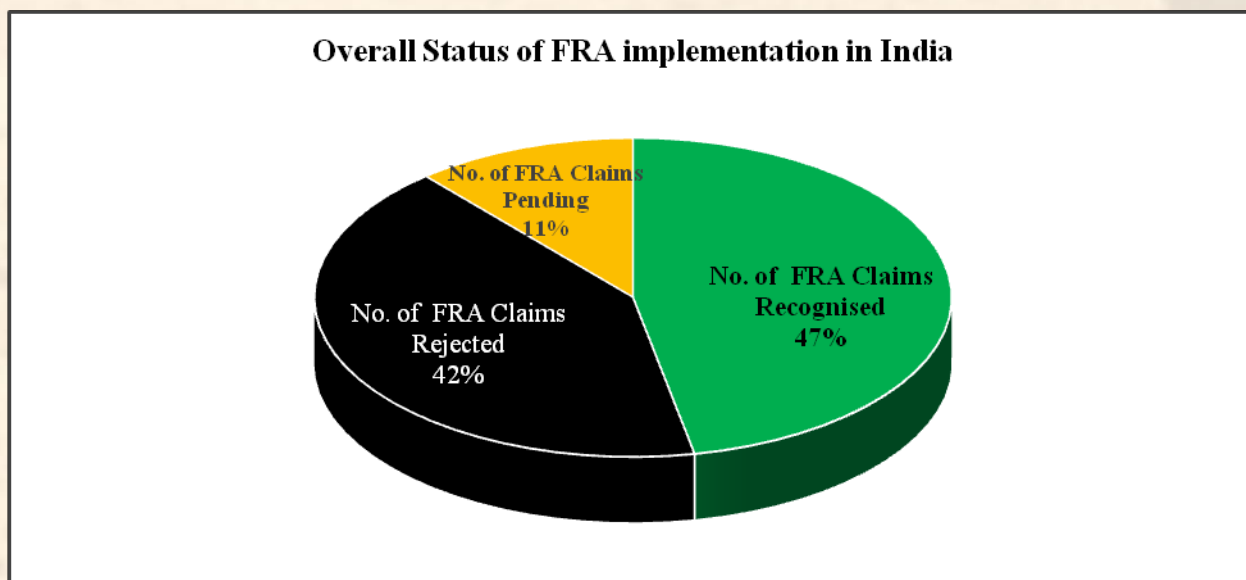
Trends in the Recognition of FRA in India

In this section, we showcase the trend of FRA implementation across India. The implementation of FRA came into force on 1st January 2008. A close look at the dataset from 1st January 2008 to August 2021 dataset reveals a set of important trends in the direction of FRA implementation in the country.

Table 2 : Overall Status of Implementation of FRA till August 2021

	No. of IFR and CFR Claims <u>Received</u>		No. of IFR and CFR Claims <u>Recognised</u>		No. of IFR and CFR Claims <u>Rejected</u>		Extent of Forest Land Recognised for both IFR and CFR Claims (in acre)	
	IFR	CFR	IFR	CFR	IFR	CFR	IFR	CFR
	4114626	150333	1923354	77274	1735646	48062	4185740	8825824
Total	4264959		2000628		1783708		13011564	

Figure 3 Overall Status of FRA implementation in India



Year-wise Trend and Status of Forest Rights Claims for the Period of 2008-2021

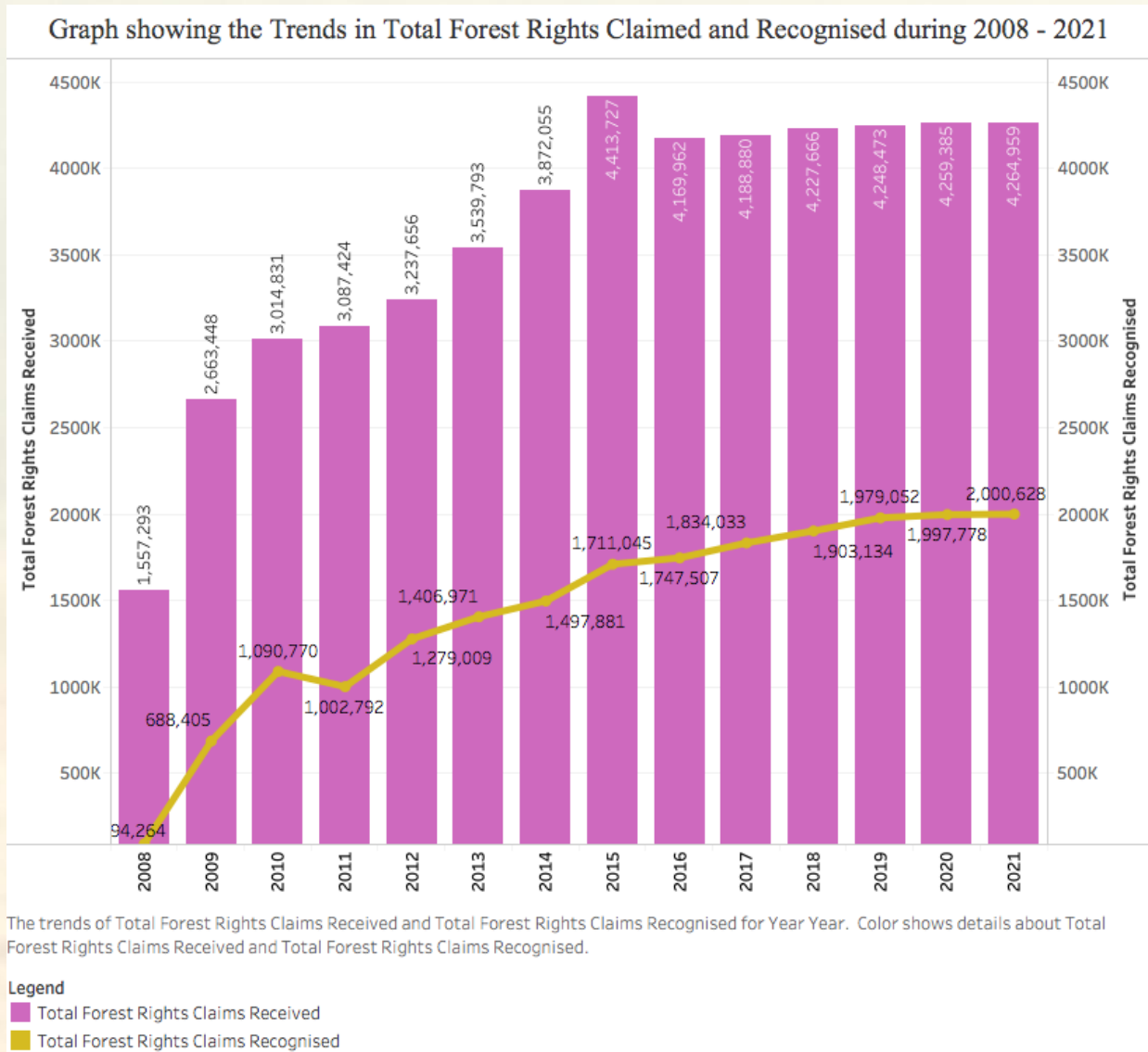
Table 3 : Year-wise Trend and Status of Forest Rights Claims for the Period of 2008-2021*

Year	Number of IFR Claims Received	Number of CFR Claims Received	Total Forest Rights Claims Received	Number of IFR Claims Recognised	Number of CFR Claims Recognised	Total Forest Rights Claims Recognised	Number of IFR Claims Rejected	Number of CFR Claims Rejected	Total Forest Rights Claims Rejected	Recognised Forest Areas for IFR Claims (In acre)	Recognised Forest Areas for CFR Claims (In acre)	Total Forest Areas Recognised (In acre)
2008	NA	NA	1557293	NA	NA	94264	NA	NA	24221	NA	NA	NA
2009	1492400	38994	2663448	NA	NA	688405	NA	NA	831178	NA	NA	NA
2010	2901902	51243	3014831	816311	3867	1090770	NA	NA	1403732	1239066.5	21252.73	3400331.02
2011	29,95,760	54,417	30,87,424	8,24,030	21382	1002792	NA	NA	1465403	1239706.4	21261.07	3520258.88
2012	3173565	64091	3237656	1270511	8498	1279009	NA	NA	1512254	1759879.4	435327.2	4641479.94
2013	3468639	71154	3539793	1386116	20855	1406971	1661325	10187	1671512	1231277.6	705851.24	5451626.365
2014	3774476	97579	3872055	1470963	26918	1497881	1692989	7902	1700891	1016958.1	205826.35	6181032.204
2015	4299589	114138	4413727	1669716	41329	1711045	NA	NA	2064536	5986849	2151573.8	8138422.8
2016	4057533	112429	4169962	1697197	50310	1747507	NA	NA	1880530	3994308	8298829	12293137
2017	4046495	142385	4188880	1765952	68081	1834033	NA	NA	1629352	4313055.6	10294735	14607797
2018	4079278	148388	4227666	1827256	75878	1903134	1892029	46444	1938473	3939385.5	8741965	12681351
2019	4099675	148798	4248473	1902850	76202	1979052	1710706	46885	1757591	4153885	8805182	12959066
2020	4109105	150280	4259385	1920507	77271	1997778	1705914	47984	1753899	4182274	8844668	13026942
2021	4114626	150333	4264959	1923354	77274	2000628	1735646	48062	1783708	4185740	8825824	13011564

*Few States whose cumulative figures alone are available have been included in the total figures and not in IFR, CFR breakup. Hence, addition of IFR and CFR claims and titles is not true for all years

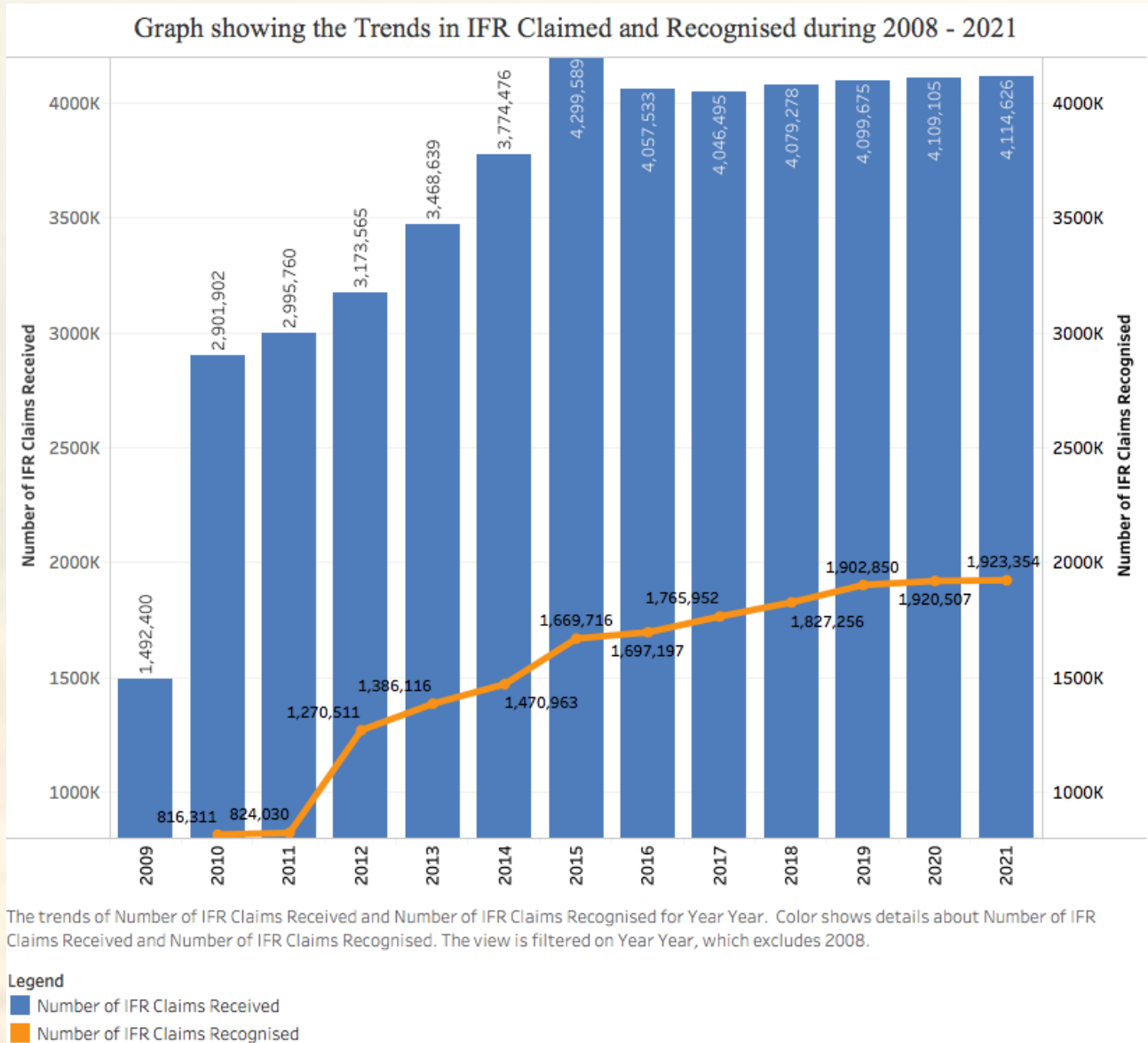
The number of forest claims filed has been almost static for the past three years, so is the case with rate of recognition of claims. The gap between the number of claims filed and number of claims recognised, which was high to begin with, has increased post 2014.

Figure 4 Trends in Total Forest Rights Claimed and Recognised during 2008-2021



Year-wise Trend in the Recognition of Individual Forest Rights Claims

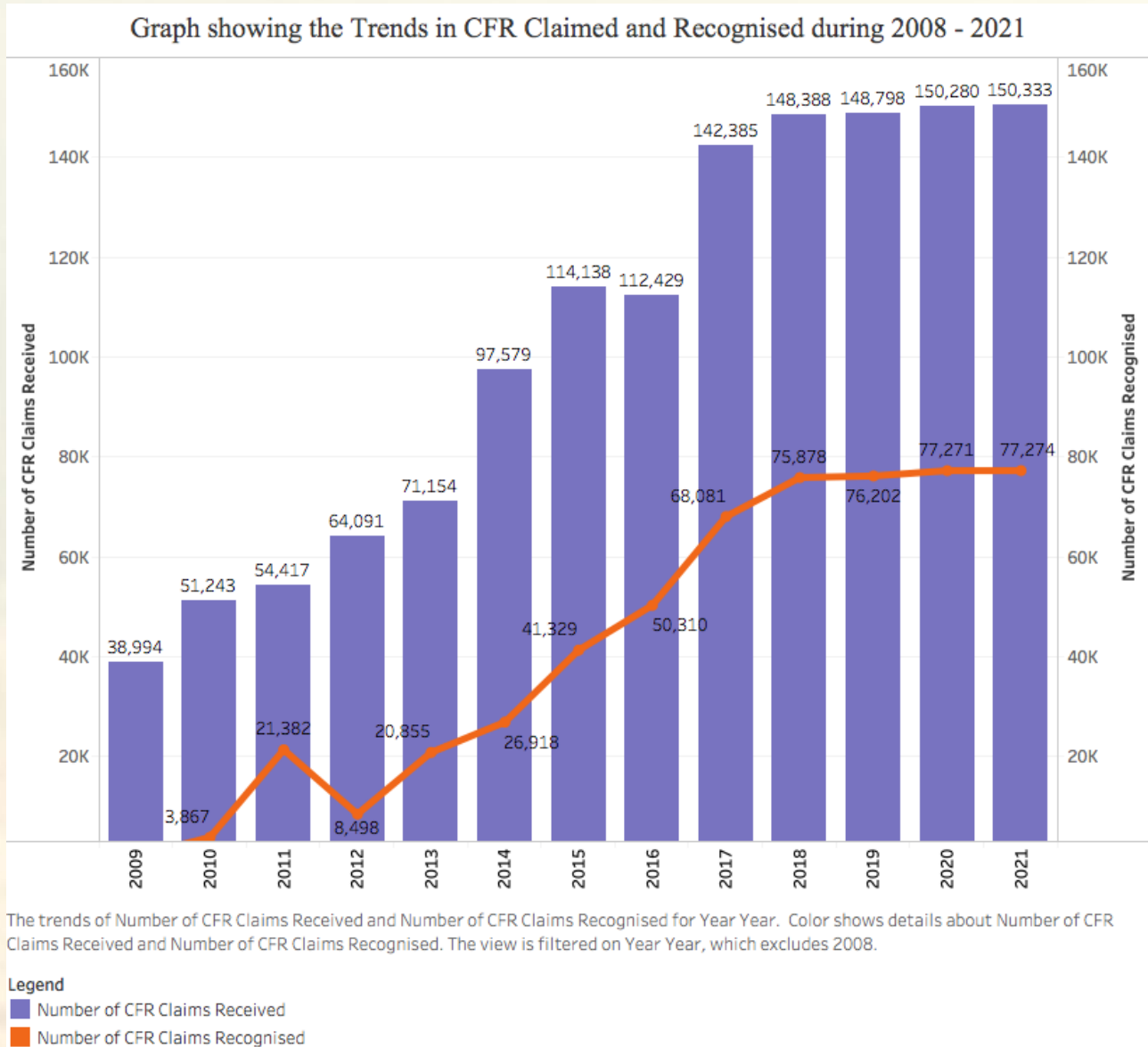
Figure 5 Trends in IFR Claimed and Recognised during 2008-2021



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Year-wise Trend in the Recognition of Community Forest Rights Claims

Figure 6 Trends in CFR Claimed and Recognised during 2008-2021



Implementation of the Forest Rights Act: United Progressive Alliance (UPA) versus National Democratic Alliance (NDA)

The implementation of FRA is highly dependent on the political will and grit to put into action the various provisions in the legislation. Hence a comparison of performance of the previous UPA government and the present NDA government is pertinent to understand the direction of FRA implementation with changing state power.

The most significant observation is that of all the forest claims received so far, including both IFR and CFR, over 88% claims have been recorded during the UPA government. The period from 2014 to 2021 has received barely 12% of the total forest claims. This shows the lack of concerted political and administrative strategies to upscale the enforcement of the act during the present government in making forest dwellers aware of their rights.

The rate of recognition of IFR for NDA is only 27% of all the IFR claims received, though, for CFR, it is 69% which is more than the UPA time. The CFR recognition rate is higher for NDA than UPA, which could be attributed to the increased power and collective action of Gram Sabhas, aided by forest rights NGOs and funding agencies' support to upscale the recognition of forest rights in the last few years. The direct economic benefit from forest produce, collective bargaining power, and organised grassroots mobilisations have also led to a higher demand for CFR titles. Even though NDA has recognised more CFR titles than the previous government, NDA also has a high rate of rejection for the CFR claims.

Figure 7 Total Forest Rights Claims Received during UPA & NDA Government

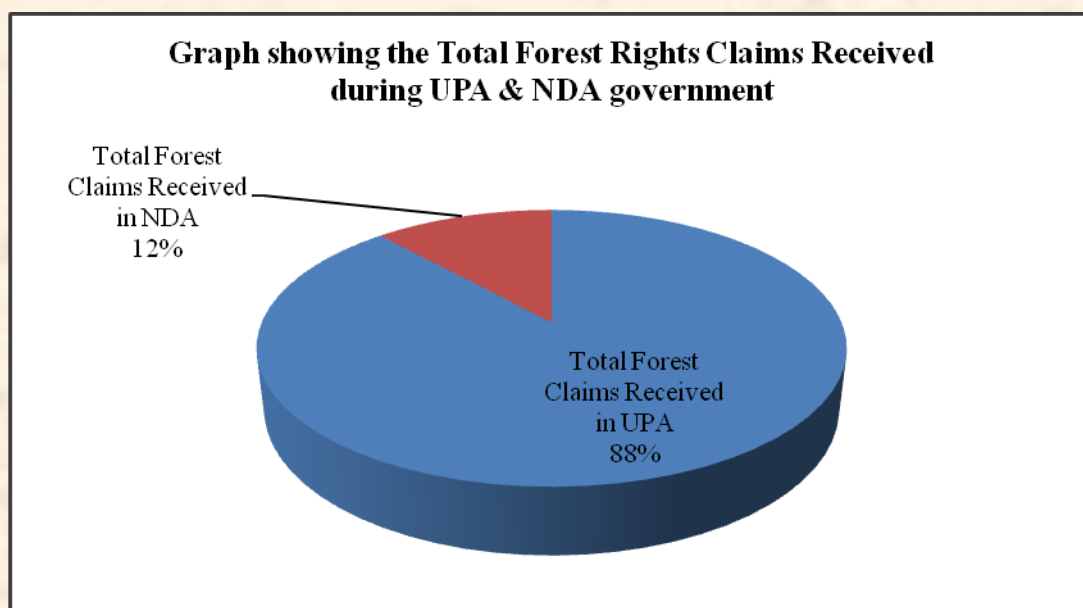


Figure 8 Total Forest Rights Claims Recognised during UPA & NDA Government

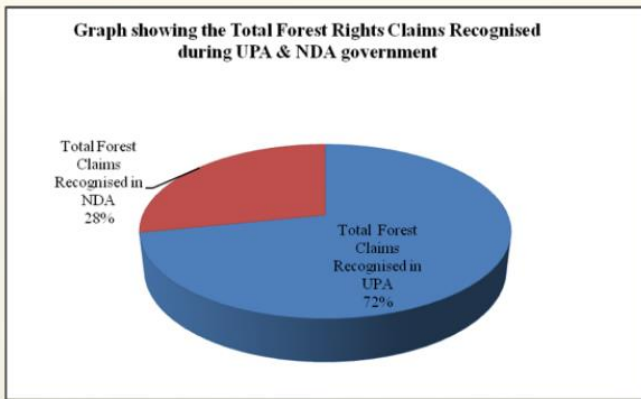


Figure 9 Total Forest Rights Claims Rejected during UPA & NDA Government

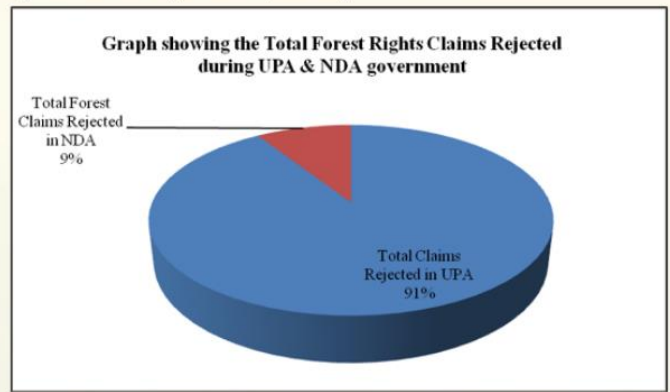


Figure 10 Total IFR Claims Received during UPA & NDA Government

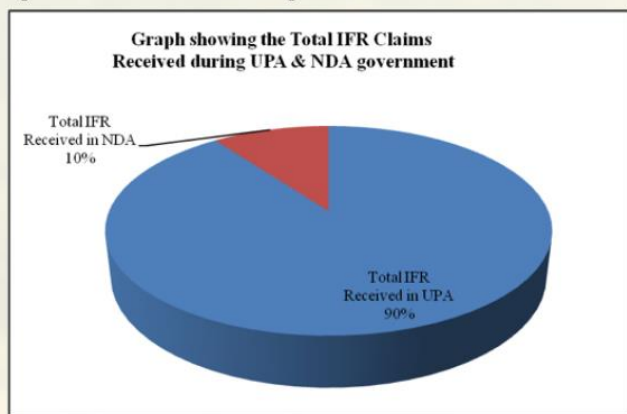


Figure 11 Total IFR Claims Recognised during UPA & NDA Government

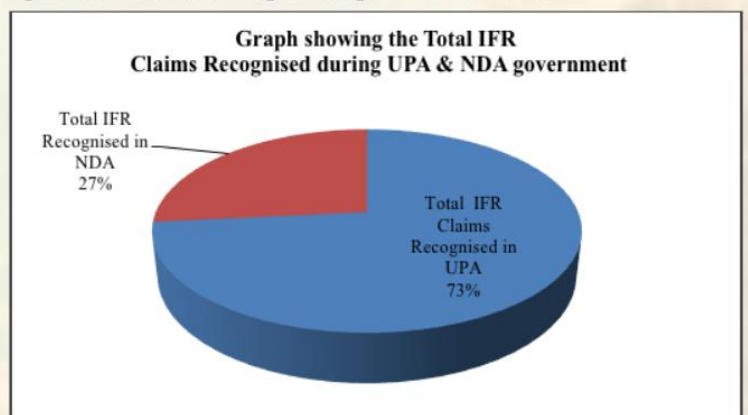
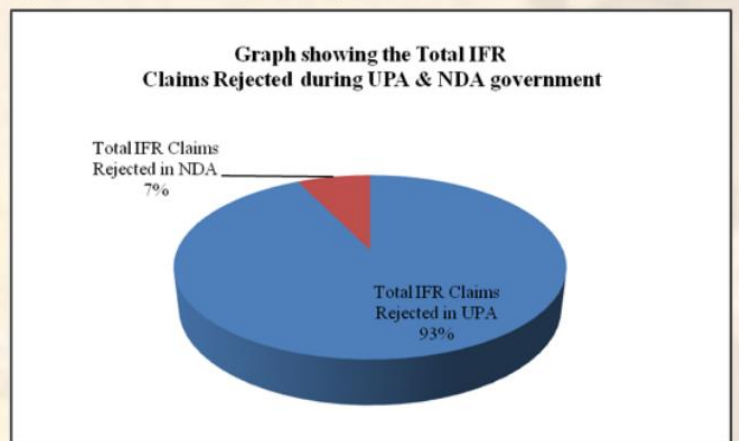


Figure 12 Total IFR Claims Rejected during UPA & NDA Government



Statement of claims and distribution of title deeds under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

(As on 31.12.2008)

S. No	State	Claims received	Title deeds distributed
1.	Andhra Pradesh	3,12,564	330 distributed before the receipt of court order and 63468 ready.
2.	Arunchal Pradesh		
3.	Assam		
4.	Bihar	495	
5.	Chhattisgarh	4,00,000 (approx.)	85,549 distributed
6.	Goa		
7.	Gujarat	113785 (individual) and 4395 (community).	109350
8.	Himachal Pradesh		
9.	Jharkhand		
10.	Karnataka		
11.	Kerala		
12.	Madhya Pradesh	2,97,000	8059 distributed and 7192 ready.
13.	Maharashtra	107,863	
14.	Manipur		
15.	Meghalaya		
16.	Minoran		
17.	Orissa	77,894	
18.	Rajasthan	34,417	321 distributed and 1722 ready.
19.	Sikkim		
20.	Tamil Nadu	1080	
21.	Tripura	74370	

22.	Uttar Pradesh		
23.	Uttaranchal		
24.	West Bengal	1,37,825	5 only
25.	A & N Islands		
26.	Daman & Diu		
27.	Dadra & Nagar Haveli		
	Total	15,57,293	94,264 distributed and 92,382 ready

Figure 13 Total CFR Claims Received during UPA & NDA Government

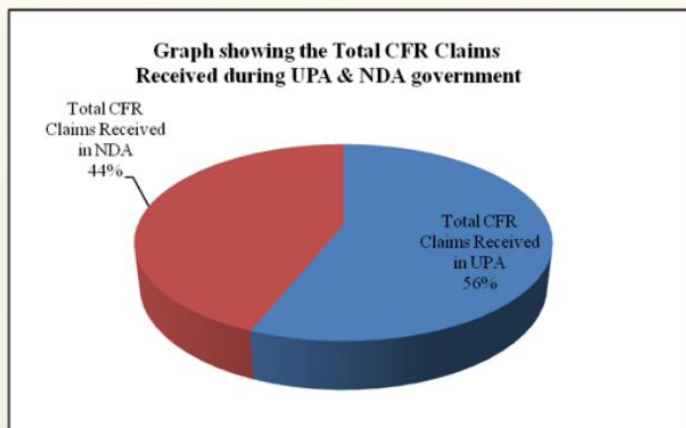


Figure 14 Total CFR Claims Recognised during UPA & NDA Government

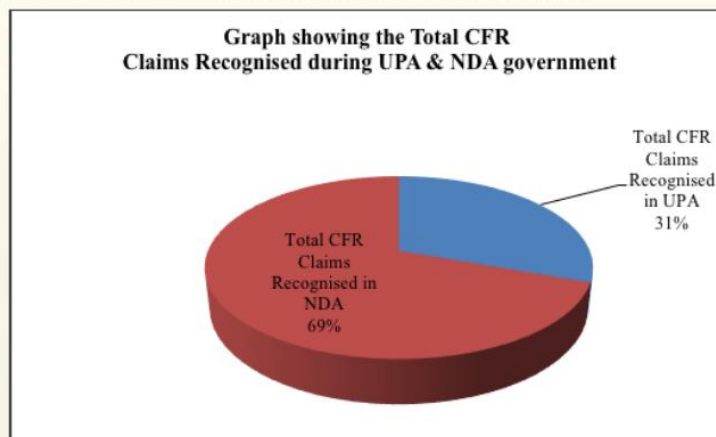
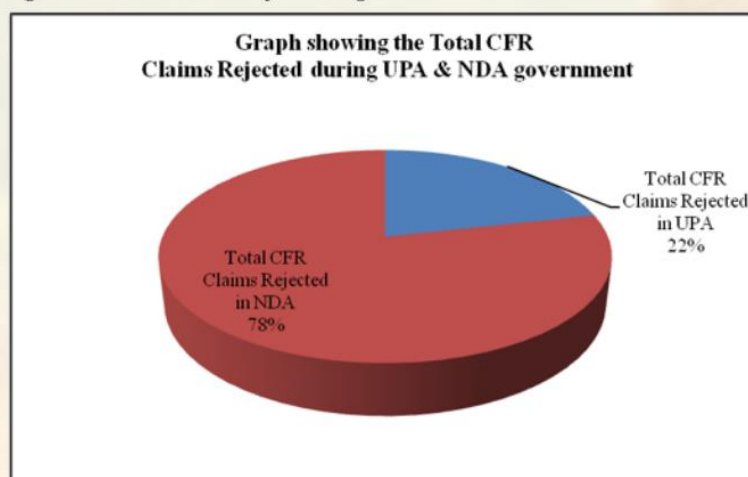


Figure 15 Total CFR Claims Rejected during UPA & NDA Government



Government of India
Ministry of Tribal Affairs

Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31st May, 2014]

1. Status of Court cases filed against the Act:

Action taken in each court case is indicated in **Annexure-I**.

2. Readiness of the States in the implementation of the Act:

- (i) An updated status of State-wise implementation of the Act is given in **Annexure-II**. As per the information collected till 31st May, 2014, 37,64,315 claims **have been filed** and 14,36,290 titles **have been distributed**. Further, 34,421 titles **were ready for distribution**. A total of 30,57,126 claims have been disposed of (81.21%). Pending population of the web-site (www.forestrights.gov.in), a statement on claims received and distribution of title deeds in various states, as in **Annexure-III**, is being maintained.

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS

Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31.08.2021]

Readiness of the States in the implementation of the Act:

- (i) An updated status of State-wise implementation of the Act is given in **Annexure-I**. As per the information collected till now, **42,64,959 claims** (41,14,626 individual and 1,50,333 community claims) have been filed and **20,00,628 titles** (19,23,354 individual and **77,274** community claims) have been distributed.
- (ii) A total of **37,84,336 (88.73%)** claims have been disposed of.
- (iii) A statement on claims received and distribution of title deeds in various states, as in **Annexure-II**, is being maintained.

State-wise Current Status of FRA titles in India till 31st August 2021

Table 4: Year State-wise Current Status of FRA titles in India till 31st August 2021

Sr. No.	States	No. of FRA Claims Received	No. of FRA Claims Recognised	No. of FRA Claims Rejected	No. of FRA Claims Pending	Rate of Recognition
1	Andhra Pradesh	181508	98049	75927	7532	54.02%
2	Assam	155011	58802	Not Available	Not Available	37.93%
3	Bihar	8022	121	4215	Not Available	1.51%
4	Chhattisgarh	890240	423218	461590	5432	47.54%
5	Goa	10136	46	12	Not Available	0.45%
6	Gujarat	190056	95363	61889	32804	50.18%
7	Himachal Pradesh	3021	164	47	Not Available	5.43%
8	Jharkhand	110756	61970	28107	20679	55.95%
9	Karnataka	281349	16073	180956	84320	5.71%
10	Kerala	44478	26774	11888	5816	60.20%
11	Madhya Pradesh	627453	258004	358767	10682	41.12%
12	Maharashtra	374716	172116	45525	157075	45.93%
13	Odisha	638549	450335	179628	8586	70.52%
14	Rajasthan	84690	44456	35414	4820	52.49%
15	Tamil Nadu	34837	8594	9493	16750	24.67%
16	Telangana	186679	94360	83757	8562	50.55%
17	Tripura	200973	127986	68657	4330	63.68%
18	Uttar Pradesh	93739	18910	74741	88	20.17%
19	Uttarakhand	6665	157	6508	0	2.36%
20	West Bengal	142081	45130	96587	364	31.76%
Total		4264959	2000628	1783708	480623	46.91%

Figure 16: State-wise Current Status of FRA titles in India

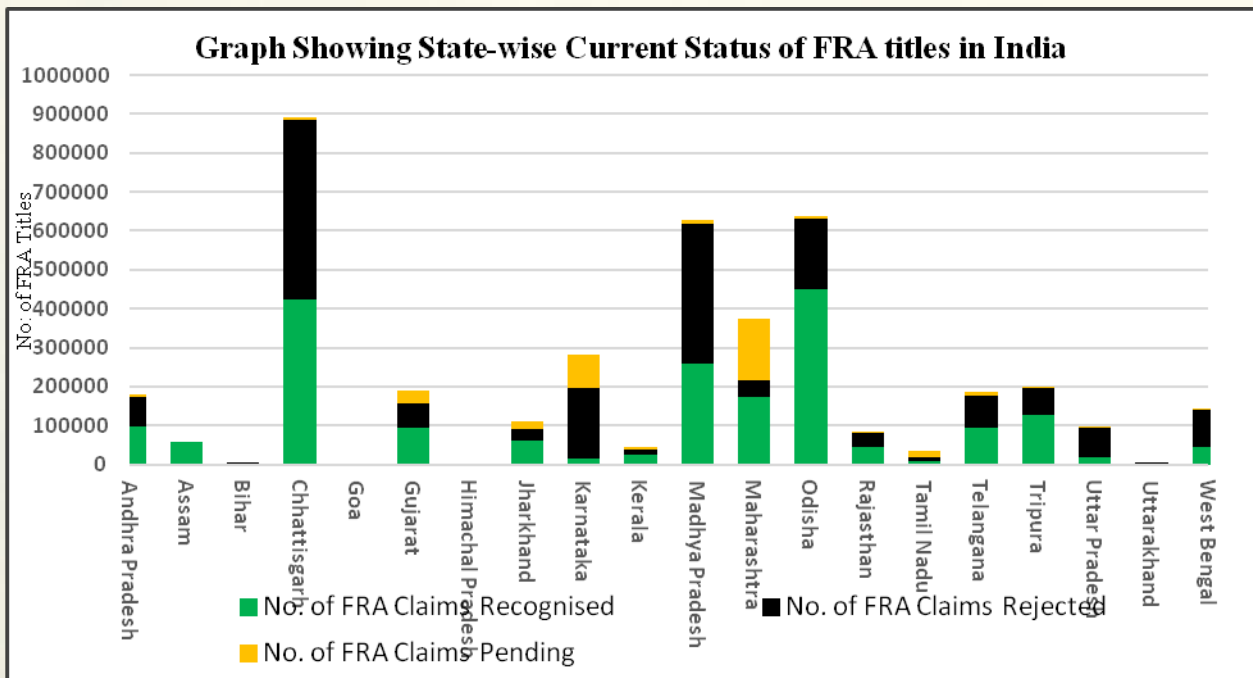


Figure 17: Recognised Forest Areas – IFR Vs CFR

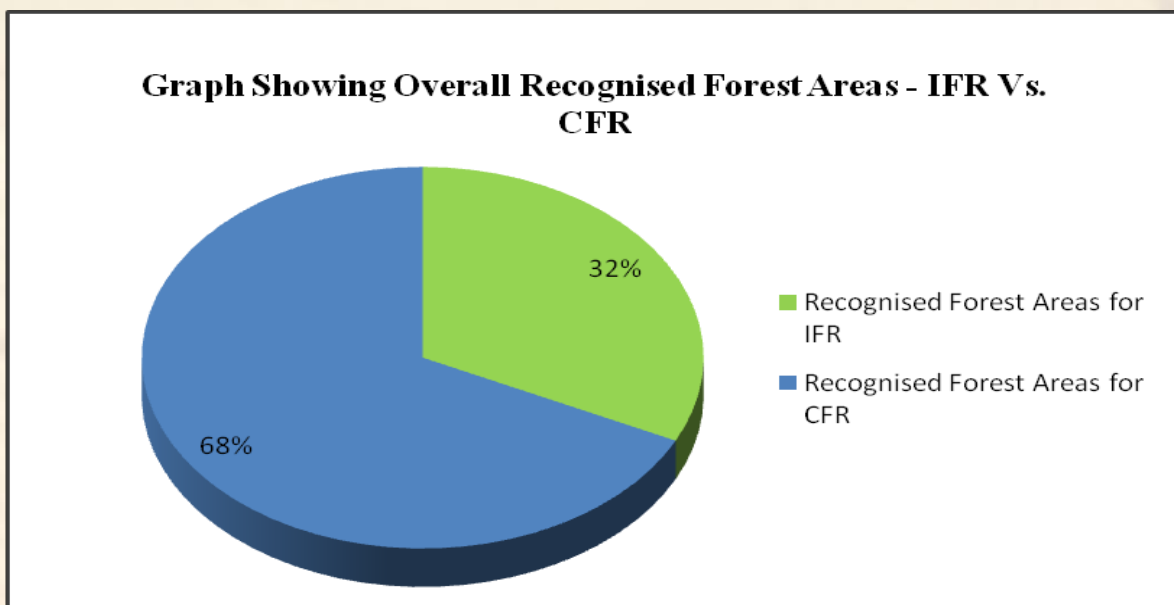


Table 5: Top Five States with Forest Rights Claims (FRC) Rate of Recognition in India

Sr. No.	States	No. of FRC Claims Made	No. of FRC Claims Recognised	Rate of recognition	Total Recognised FRC Area (in acres)	Average Area for Recognised FRA (in acres)
1	Odisha	638549	450335	70.52%	939650.91	3.12
2	Tripura	200973	127986	63.68%	460273.58	
3	Kerala	44478	26774	60.20%	35121.5	
4	Jharkhand	110756	61970	55.95%	257154.83	
5	Andhra Pradesh	181508	98049	54.02%	692938	
Total		1176264	765114	65.05%	2385138.82	

Table 6: Bottom Five States with FRC Rate of Recognition in India

Sr. No.	States	No. of FRC Claims Made	No. of FRC Claims Recognised	Rate of recognition	Total Recognised FRC Area (in acres)	Average Area for Recognised FRC (in acres)
1	Goa	10136	46	0.45%	93.53	3.25
2	Bihar	8022	121	1.51%	Not available	
3	Uttarakhand	6665	157	2.36%	Not available	
4	Himachal Pradesh	3021	164	5.43%	4747.76	
5	Karnataka	281349	16073	5.71%	48969.26	
Total		309193	16561	5.36%	53810.55	

Table 7: State-wise Current Status of IFR titles in India

Sr. No.	States	No. of IFR Claims Received	No. of IFR Claims Recognised	No. of IFR Claims Rejected	No. of IFR Claims Pending	Rate of Recognition
1	Andhra Pradesh	177446	96675	73469	7302	54.48%
2	Assam	148965	57325	Not Available	Not Available	38.48%
3	Bihar	8022	121	4215	3686	1.51%
4	Chhattisgarh	858682	401251	454212	3219	46.73%
5	Goa	9758	35	12	9711	0.36%
6	Gujarat	182869	91476	59527	31866	50.02%
7	Himachal Pradesh	2746	129	47	2570	4.70%
8	Jharkhand	107032	59866	26370	20796	55.93%
9	Karnataka	275446	14667	176540	84239	5.32%
10	Kerala	43466	26600	11515	5351	61.20%
11	Madhya Pradesh	585266	230028	346702	8536	39.30%
12	Maharashtra	362679	165032	45188	152459	45.50%
13	Odisha	623476	443686	178624	1166	71.16%
14	Rajasthan	82957	44100	34097	4760	53.16%
15	Tamil Nadu	33755	8144	9407	16204	24.13%
16	Telangana	183252	93639	82075	7538	51.10%
17	Tripura	200696	127931	68435	4330	63.74%
18	Uttar Pradesh	92577	18049	74460	68	19.50%
19	Uttarakhand	3574	156	3418	Not Available	4.36%
20	West Bengal	131962	44444	87333	185	33.68%
Total		4114626	1923354	1735646	363986	46.74%

Figure 18 State-wise Current Status of IFR titles in India

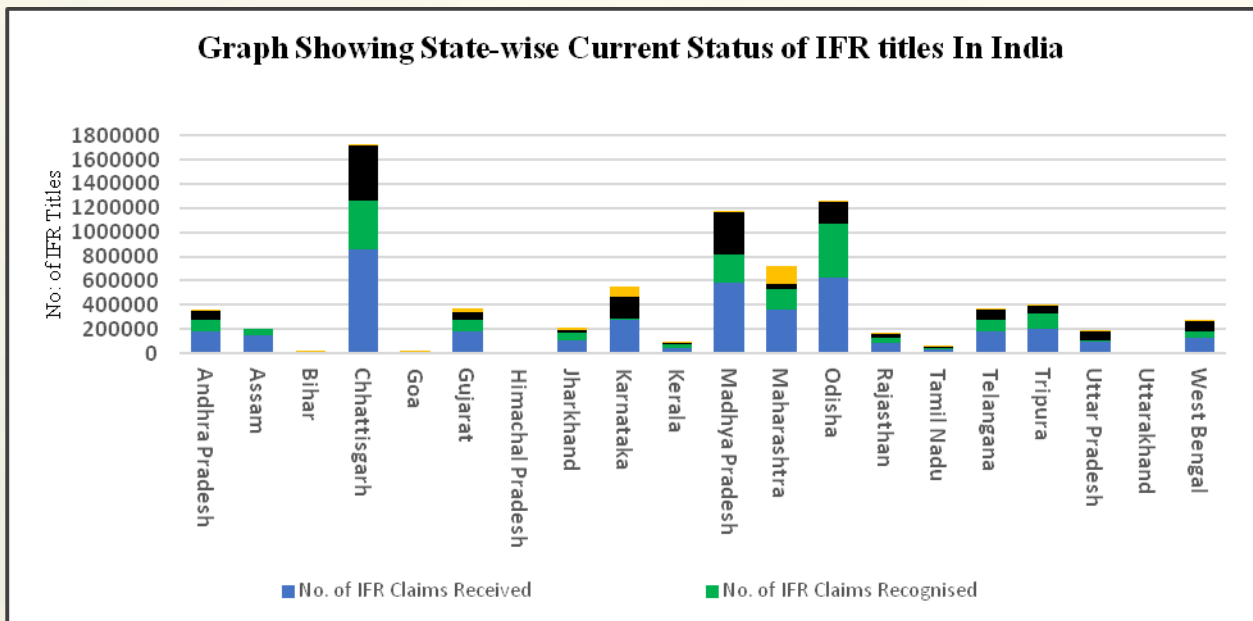


Figure 19 Overall Status of IFR Claims in India

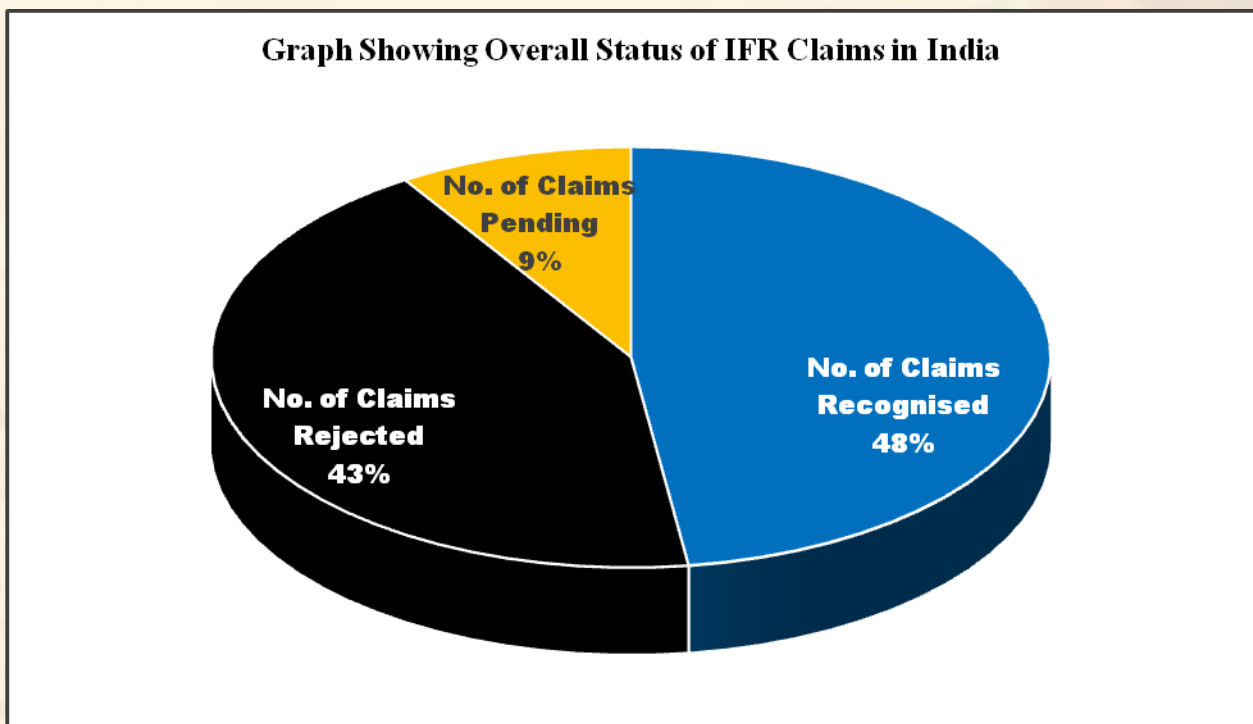


Table 8: Top Five States with IFR Rate of Recognition in India

Sr. No.	States	No. of IFR Claims Received	No. of IFR Claims Recognised	Rate of Recognition of IFR Claims	Total Recognised Forest Areas for IFR Claims (In acre)	Average Forest Areas Recognised for IFR Claims (In acre)
1	Odisha	623476	443686	71.16%	658951.54	2.05
2	Tripura	200696	127931	63.74%	460182.41	
3	Kerala	43466	26600	61.20%	35348.17	
4	Jharkhand	107032	59866	55.93%	153395.86	
5	Andhra Pradesh	177446	96675	54.48%	239554	
Total		1152116	754758	65.51%	1547431.98	

Table 9: Bottom Five States with IFR Rate of Recognition in India

Sr. No.	States	No. of IFR Claims Received	No. of IFR Claims Recognised	Rate of Recognition of IFR Claims	Total Recognised Forest Areas for IFR Claims (In acre)
1	Goa	9758	35	0.36%	76.6
2	Bihar	8022	121	1.51%	Not Available
3	Uttarakhand	3574	156	4.36%	Not Available
4	Himachal Pradesh	2746	129	4.70%	5.96
5	Karnataka	275446	14667	5.32%	20813.51
Total		299546	15108	5.04%	20896.07

Table 10: Status of IFR Rate of Recognition in Schedule V (PESA) States

Sr. No.	States	Total Number of FRC	Total Recognised FRC	Total Rejected FRC	Rate of Recognition	Total Recognised Forest Area	Average Recognised Forest Area (acres)
1	Andhra Pradesh	177446	96675	73469	54.48%	239554	
2	Chhattisgarh	858682	401251	454212	46.73%	843100.69	
3	Gujarat	182869	91476	59527	50.02%	151428.66	
4	Himachal Pradesh	2746	129	47	4.70%	5.96	
5	Jharkhand	107032	59866	26370	55.93%	153395.86	
6	Madhya Pradesh	585266	230028	346702	39.30%	817582.75	2.23
7	Maharashtra	362679	165032	45188	45.50%	392928.73	
8	Odisha	623476	443686	178624	71.16%	658951.54	
9	Rajasthan	82957	44100	34097	53.16%	61959.55	
10	Telangana	183252	93639	82075	51.10%	300284	
Total		3166405	1625882	1300311	51.35%	3619191.74	

Table 11: Top Five States with IFR Rate of Rejection in India

Sr. No.	States	No. of IFR Claims Received	No. of IFR Claims Recognised	No. IFR Claims Rejected	Rate of Rejection
1	Uttarakhand	3574	156	3418	95.64%
2	Uttar Pradesh	92577	18049	74460	80.43%
3	West Bengal	131962	44444	87333	66.18%
4	Karnataka	275446	14667	176540	64.09%
5	Madhya Pradesh	585266	230028	346702	59.24%
Total		1088825	307344	688453	63.23%

Table 12: Bottom Five States with IFR Rate of Rejection in India

Sr. No.	States	No. of IFR Claims Received	No. of IFR Claims Recognised	Rate of Recognition of IFR Claims	Total Recognised Forest Areas for IFR Claims (In acre)
1	Goa	9758	35	0.36%	76.6
2	Bihar	8022	121	1.51%	Not Available
3	Uttarakhand	3574	156	4.36%	Not Available
4	Himachal Pradesh	2746	129	4.70%	5.96
5	Karnataka	275446	14667	5.32%	20813.51
Total		299546	15108	5.04%	20896.07

Table 13: State-wise Current Status of CFR titles In India

Sr. No.	States	No. of CFR Claims Received	No. of CFR Claims Recognised	No. of CFR Claims Rejected	No. of CFR Claims Pending	Rate of Recognition
1	Andhra Pradesh	4062	1374	2458	230	33.83%
2	Assam	6046	1477	Not Available	Not Available	24.43%
3	Bihar	Not Available	Not Available	Not Available	Not Available	Not Available
4	Chhattisgarh	31558	21967	7378	2213	69.61%
5	Goa	378	11	Not Available	Not Available	2.91%
6	Gujarat	7187	3887	2362	938	54.08%
7	Himachal Pradesh	275	35	Not Available	Not Available	12.73%
8	Jharkhand	3724	2104	1737	-117	56.50%
9	Karnataka	5903	1406	4416	81	23.82%
10	Kerala	1012	174	373	465	17.19%
11	Madhya Pradesh	42187	27976	12065	2146	66.31%
12	Maharashtra	12037	7084	337	4616	58.85%
13	Odisha	15073	6649	1004	7420	44.11%
14	Rajasthan	1733	356	1317	60	20.54%
15	Tamil Nadu	1082	450	86	546	41.59%
16	Telangana	3427	721	1682	1024	21.04%
17	Tripura	277	55	222	0	19.86%
18	Uttar Pradesh	1162	861	281	20	74.10%
19	Uttarakhand	3091	1	3090	0	0.03%
20	West Bengal	10119	686	9254	179	6.78%
Total		150333	77274	48062	19821	51.40%

Figure 20: State-wise Current Status of CFR titles In India

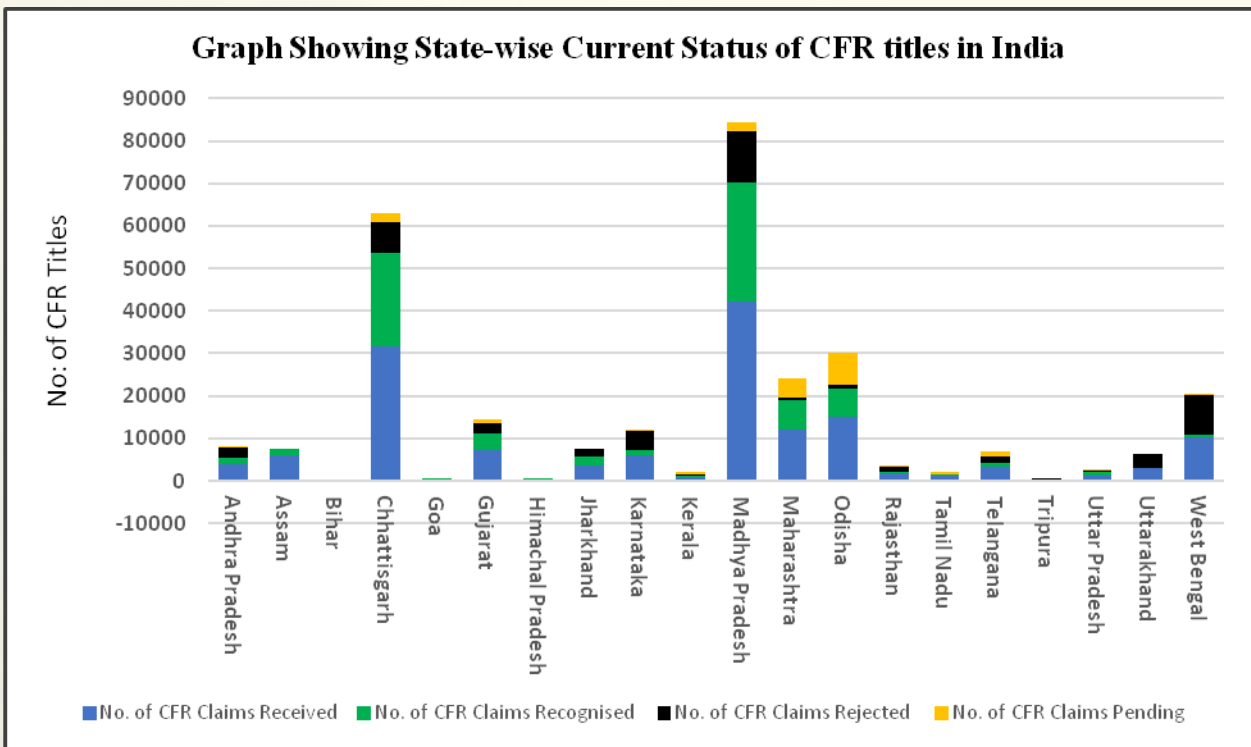


Figure 21: Overall Status of CFR titles.

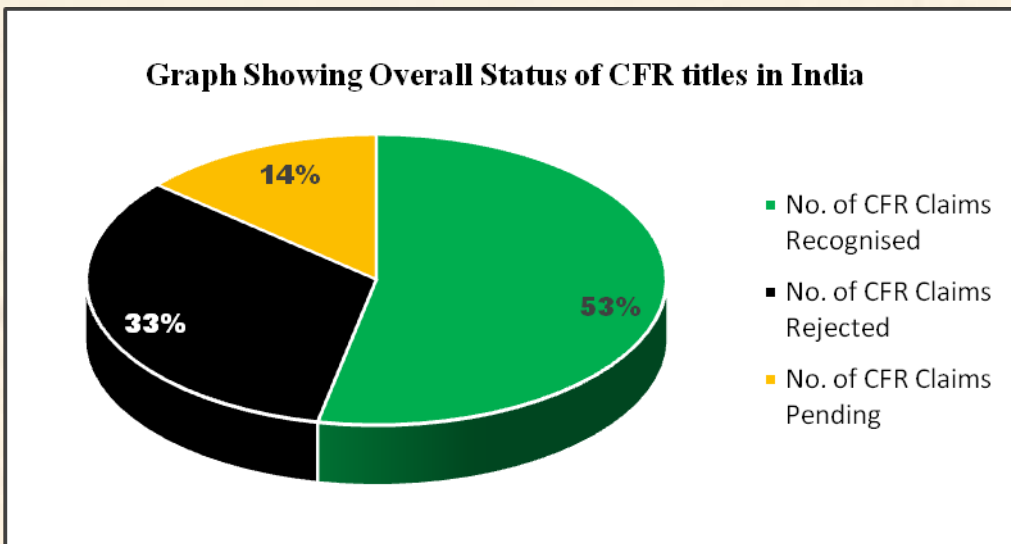


Table 14: Top Five States with CFR Rate of Recognition in India

Sr. No.	States	No. of Claims Made (CFR)	No. of Claims Recognised (CFR)	Rate of recognition (CFR)	Total Recognised CFR Area (in acre)	Average Area for Recognised CFR (in acre)
1	Uttar Pradesh	1162	861	74.10%	120775.18	107.76
2	Chhattisgarh	31558	21967	69.61%	2038146.15	
3	Madhya Pradesh	42187	27976	66.31%	1465112.71	
4	Maharashtra	12037	7084	58.85%	2736660.68	
5	Jharkhand	3724	2104	56.50%	103758.97	
Total		90668	59992	66.17%	6464453.69	

Table 15: Bottom Five States with CFR Rate of Recognition in India

Sr. No.	States	No. of Claims Made (CFR)	No. of Claims Recognised (CFR)	Rate of recognition (CFR)	Total Recognised CFR Area (in acre)	Average Area for Recognised CFR (in acre)
1	Uttarakhand	3091	1	0.03%	Not Available	5.88
2	Goa	378	11	2.91%	16.93	
3	West Bengal	10119	686	6.78%	572.03	
4	Himachal Pradesh	275	35	12.73%	4741.8	
5	Kerala	1012	174	17.19%	Not Available	
Total		14875	907	6.10%	5330.76	

Table 16: Status of CFR Titles in Schedule V (PESA) States

Sr. No.	Districts	Total No. of Claims	Total Recognised Claims (CFR)	Total Rejected Claims (CFR)	Rate of Recognition	Total Recognised Forest Area (acre)	Average Recognised Forest Area (acre)
1	Andhra Pradesh	4062	1374	2458	33.83%	453384	
2	Chhattisgarh	31558	21967	7378	69.61%	2038146.15	
3	Gujarat	7187	3887	2362	54.08%	1166063.24	
4	Himachal Pradesh	275	35	Not Available	12.73%	4741.8	
5	Jharkhand	3724	2104	1737	56.50%	103758.97	
6	Madhya Pradesh	42187	27976	12065	66.31%	1465112.71	120.76
7	Maharashtra	12037	7084	337	58.85%	2736660.68	
8	Odisha	15073	6649	1004	44.11%	278851.35	
9	Rajasthan	1733	356	1317	20.54%	12283.68	
10	Telangana	3427	721	1682	21.04%	454055	
Total		121263	72153	30340	59.50%	8713057.58	

Table 17: Top Five States with CFR Rejection in India

Sr. No.	States	No. of CFR Claims Made	No. of CFR Claims Recognised	No. CFR Claims Rejected	Rate of Rejection
1	Uttarakhand	3091	1	3090	99.97%
2	West Bengal	10119	686	9254	91.45%
3	Tripura	277	55	222	80.14%
4	Rajasthan	1733	356	1317	76.00%
5	Karnataka	5903	1406	4416	74.81%
Total		21123	2504	18299	86.63%

Enforcement Challenges

There is substantial evidence that the district administration and sub-division level committee are numb to the forest rights claims across the country. Thousands of claims have been pending for several years because members of the Sub-Division Level Committee (SDLC) and District Level Committee (DLC) do not meet regularly. Contrary to popular belief, district and sub-divisional level forest officers are not cooperating in the forest rights claim process. The district administration and tribal officers at the DLC and SDLC have shown significantly less interest in expediting the process of title filing and hearing. A perennial challenge in the enforcement of the FRA at the state level, regardless of the political party in power, is the lack of political and administrative support to implement the act.

The biggest challenge throughout the country has been a lack of coordination between tribal, forest and revenue departments at the local level. Equally pathetic is the sedentary attitude of the state-level monitoring committee to supervise the activities of the DLC and SDLC. Claims are arbitrarily rejected without explaining in writing to the claimants. Invariably, the claimed forest area for IFR and CFR is not recognised. Lesser forest area against the claimed area is recognised without giving justification. Wherever rights are recognised, little or no attempt is made to enhance the title holders' livelihood and increase the productivity of the recognised land. Recognition of claims in protected and tiger reserve areas is very low or rejected by misinterpreting the law. It is probably no mere coincidence that over the past few years, as several forest rights claims have been pending and rejected, the government of India has diverted more than 20,000 hectares of forest areas for developmental activities across India.

Key Recommendations

- It is essential to ensure that the potential of FRA is maximised. Several steps can be taken to achieve the goal of FRA. Each state's intervention strategies need to be different given the distinctive nature of forest history and landscape. To this effect, concerted political and administrative interventions to strengthen the enforcement of the law at the grassroots level would help ensure that forest-dwellers get their statutory rights. The intervention strategies of Maharashtra and Chhattisgarh to upscale the implementation of FRA are worth emulating.
- As Gram Sabhas struggle to file their claims, it will be critically important for the state machinery to create a climate that enables the Gram Sabhas to exercise rights recognised under the FRA. That means focusing on ground level challenges, coordination between administrative divisions, a sound monitoring system, accurate data set and maps on forest and revenue landscape, orientation for the officers, and a timeline for achieving the minimum potential of the FRA.
- It is essential to build a consistent, uniform and transparent database across states and build a fair understanding of lacunas in implementation over the years. The MoTA database, albeit the best available, comes with significant gaps in data non-availability, pending and carryover claims, the breakup of claims in the process of title recognition at different levels, including others.
- Policies that aim to support the post-recognition phase would also help the titleholders improve their livelihood and land productivity of the recognised forestland. Additional administrative programs may include integrating line department schemes with the forest rights titleholders and involving the titleholders in the planning and execution of line department schemes.

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