

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION No. 2070
TO BE ANSWERED ON- 06/08/2025

IMPLEMENTATION OF FRA

2070. Dr. Sasmit Patra:

Will the Minister of Tribal Affairs be pleased to state:

- (a) the total number of pending Community Forest Right (CFR) claims as of June, 2025;
- (b) the reasons why states are diverting tribal land without Gram Sabha consent in violation of the Forest Rights Act (FRA);
- (c) whether the Ministry has responded to NHRC and CAG concerns about land alienation in mineral-rich belts; and
- (d) what percentage of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) and District Mineral Foundation (DMF) funds were allocated for tribal rehabilitation?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI DURGADAS UIKEY)

(a): As per the provisions of 'The Scheduled Tribes And Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' and Rules made thereunder, the State Governments are responsible for implementation of various provisions of the Act and are being implemented in 20 States and 1 UT. Ministry of Tribal Affairs (MoTA) monitors the Monthly Progress Reports submitted by States/UTs. As reported by States/UTs, cumulatively till 31st May 2025, a total of 2,11,609 community claims have been filed at Gram Sabha Level, out of which a total of 1,74,744 (82.58%) community claims have been disposed (1,21,705 community titles were distributed and 53,039 community claims have been rejected) and **36,865 (17.42%) community claims are pending.**

(b) & (c): Land and its management fall under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India (Seventh Schedule- List II (State List)- Entry No. (18). The Ministry of Rural Development, Department of Land Resources (DoLR) is the Nodal Ministry at the Centre for land related matters. For matters and concerns related to land alienation as received from time to time in form of grievances etc., the Union Government has been advising the state governments with regard to safeguards available for the tribal communities under various laws. The Special provisions under various laws to protect the interest of Scheduled Tribe communities, are at **Annexure**. Further, the Ministry of Tribal Affairs, being the Nodal Ministry for administering the legislative matters of FRA, by exercising power under Section 12 of the Act, has been issuing directions and guidelines from time to time on various aspects to ensure proper implementation of the Act.

(d): Ministry of Environment, Forest and Climate Change has informed that, Compensatory Afforestation Fund (CAF) and eco-restoration activities are taken up as per the provision of Compensatory Afforestation Fund Act, 2016 (CAF Act, 2016) and the CAF Rules, 2018 framed thereunder. These activities are taken up in forest areas and the States/UTs implement these activities with the involvement of forest dependent communities including tribal and forest dwellers.

The Ministry of Mines has informed that through the amendment in Mines & Minerals (Development & Regulations) (MMDR), Act, in 2015, Government of India has made provision for establishment of District Mineral Foundation (DMF) in all the districts affected by mining. The object of the District Mineral Foundation is to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government. Till date, 646 DMFs have been established in 23 States across the country. To facilitate synergy in implementation of DMF across the States, the Central Government has launched the Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) and issued the guideline thereupon on 16.09.2015 with objective of welfare of areas and people affected by mining related operations, using the funds accumulated under DMFs. Further, the Ministry of Mines has issued revised PMKKKY guidelines on 15.01.2024. Clause 7 of the PMKKKY guidelines 2024 provides special provisions for Schedule areas which read under: “The process to be adopted for utilization of PMKKKY funds in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.” Till May 2025, an overall total of Rs. 1,09,423.90 Cr has been collected under DMF and Rs. 91,514.07 Cr has been allocated for various projects. No separate data is maintained for scheduled areas.

Annexure referred to in reply to part (b) & (c) of Rajya Sabha Unstarred Question No. 2070 for answer on 06.08.2025

Special provisions under various laws to protect the interest of Scheduled Tribe community, some of them are as follows:

(1) Constitutional provisions under Schedule - V provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State which has scheduled Areas is empowered to prohibit or restrict transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases. Para 5.2 of the V Schedule of the Constitution has a predominant object of imposing total prohibition on transferring immovable property in a scheduled area to any person other than a tribal.

(2) The Panchayats (Extension to the Scheduled Areas) Act, 1996 (in short PESA) also provides that "The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas".

(3) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act" (in short, FRA) enacted in 2006 provides adequate safeguards to avoid any displacement of tribal population but also seeks to involve democratic institutions in the process of recognition and vesting of forest rights at the grassroots level.

a) **Section 4 (4) of FRA** stipulates that the right shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

b) **Section 4 (5) of FRA** states that "Save as otherwise provided, no member of a Forest Dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete".

(4) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides wrongfully dispossessing members of the Scheduled Tribes from their land or premises or interfering with the enjoyment of their rights, including forest rights, over any land or premises or water or irrigation facilities or destroying the crops or taking away the produce there from amount to offence of atrocities and are subject to punishment under the said Act.

(5) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (RFCTLARR Act, 2013) has special provisions for STs, which have been spelled out under Sections 41 and 42.

(i) The First Schedule of the RFCTLARR Act provides for compensation for land owners. As per Section 3(r)(ii) of the RFCTLARR, 2013, 'land owner' includes any person who is granted forest rights under FRA, 2006 (2 of 2007) or under any other law for the time being in force.

(ii) The Second Schedule of the RFCTLARR, provides for rehabilitation and resettlement for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the first Schedule.

(iii) The Third Schedule of the RFCTLARR, provides for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and RFCTLARR Act, 2013 further spells out the procedure for identification of the affected persons/ families [sub-section (c) of Section 3], determining and calculating the compensation amount (Section 26 to 29), as well as mechanisms for developing rehabilitation and resettlement processes (Chapters V and VI).