

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
STARRED QUESTION NO. *33
TO BE ANSWERED ON 18.12.2017

CLAIMS ON FOREST LAND TITLES

*33. SHRI RABINDRA KUMAR JENA:
SHRI VIJAY KUMAR HANSDAK:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) the details of the community claims for land titles filed under the Forest Rights Act, 2006 and the number of titles granted till date, State-wise along with the annual rate of rejection of community claims on forest land titles during the last three years;

(b) whether the Ministry regularly conducts any awareness programmes or drives to make tribals aware of their customary rights over forest land and if so, the details thereof;

(c) whether land notified as Community Forest Resources and/or issued titles of Individual Forest Rights for tribals can be used for the purpose of Compensatory Afforestation and if so, the details thereof;

(d) whether the Government has taken cognisance of the fact that tribal land is increasingly being notified as non-forest land for the purpose of Compulsory Afforestation in the country, especially in districts like Keonjhar in Odisha and if so, the details thereof; and

(e) whether the said Act has not been implemented effectively by some of the States and if so, the reaction of the Government thereto along with the steps taken by the Government in this regard and the achievements made as a result thereof?

ANSWER

MINISTER OF TRIBAL AFFAIRS
(SHRI JUAL ORAM)

(a) to (e) A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No.*33 for answer on 18.12.2017 tabled by SHRI RABINDRA KUMAR JENA and SHRI VIJAY KUMAR HANSDAK regarding 'Claims on Forest Land Titles'.

(a) As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA) and rules thereunder, responsibility for implementation of the Act lies with the States/UTs. As per the information received from State Governments, till 31.08.2017 the State-wise details of number of claims filed (individual and community), titles granted, number of claims rejected, total number of claims disposed off and percentage of claims disposed off with respect to claims received under FRA is at **Annexure-1**. The State-wise information on total claims received and annual rate of rejection during the last three years is at **Annexure-2**.

(b) For effective implementation of FRA, various steps have been taken which inter-alia includes Translation of Act, Rules and guidelines into local languages through the Tribal Research Institutes (TRIs), conducting awareness camps, Regional Consultations/Workshops, appointment of nodal officer, constitution of Forest Rights Committees and Training of Officials of the State Governments who are responsible for implementing the Act at the ground level etc.

(c) As per provision of Section 4 (7) of the FRA, the forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

Further, Section 5 (c) empowers the forest right holders, Gram Sabha and village level institutions in areas where there are holders of any forest right 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;

Thus, the forest land on which titles are recognized under FRA cannot be used for the purpose of Compensatory Afforestation.

(d) No such instance has come to the notice of this Ministry.

(e) The responsibility for implementing the provisions of the Forest Rights Act lies with the State Governments. Different states are at different stages of implementation of the Act. As far as North-East States are concerned, Mizoram has notified its adoption in the entire State in 2010. Nagaland is in the process of examining the law. Manipur, Meghalaya and Arunachal Pradesh have informed during various meetings that the Act is not so relevant in the context of their States because of the prevalent customary community ownership of forest land. Sikkim Government has informed there are no forest dwelling STs and Other Forest Dwellers in the true sense of the term and most of STs of Sikkim hold revenue land in their own name and they are not solely dependent on the forests for their livelihood.

Annexure-1

Statement in reply to part (a) of Lok Sabha Starred Question No. *33 for 18.12.2017 tabled by SHRI RABINDRA KUMAR JENA and SHRI. VIJAY KUMAR HANSDAK regarding 'Claims on Forest Land Titles'

S. No.	States	No. of Claims received upto 31.08.2017			No. of Titles Distributed upto 31.08.2017			No. of Claims Rejected	Total No. of Claims Disposed off	% Claims disposed off with respect to claims received
		Individual	Community	Total	Individual	Community	Total			
1	Andhra Pradesh	1,69,153	4,726	1,73,879	87,861	1,428	89,289	55,397	1,44,686	83.21%
2	Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802	0	58,802	37.93%
3	Bihar	8,022	0	8,022	121	0	121	4,215	4,336	54.05%
4	Chhattisgarh	8,43,539	25,977	8,69,516	3,73,718	12,714	3,86,432	4,74,113	8,60,545	98.97%
5	Goa	9,372	361	9,733	0	3	3	23	26	0.27%
6	Gujarat	1,82,869	7,187	1,90,056	81,178	3,516	84,694	0	84,694	44.56%
7	Himachal Pradesh	591	68	659	53	7	60	0	60	9.10%
8	Jharkhand	99,224	3,286	1,02,510	54,458	1,723	56,181	27,652	83,833	81.78%
9	Karnataka	2,98,795	5,741	3,04,536	12,421	628	13,049	1,71,592	1,84,641	60.63%
10	Kerala	36,140	1,395	37,535	24,599	NA	24,599	7,889	32,488	86.55%
11	Madhya Pradesh	5,75,639	39,828	6,15,467	2,17,245	27,510	2,44,755	3,64,166	6,08,921	98.94%
12	Maharashtra	3,52,950	11,408	3,64,358	1,06,898	5,748	1,12,646	2,31,856	3,44,502	94.55%
13	Odisha	6,14,863	13,483	6,28,346	4,06,919	5,952	4,12,871	1,49,962	5,62,833	89.57%
14	Rajasthan	73,122	705	73,827	36,877	88	36,965	34,231	71,196	96.44%
15	Tamil Nadu	18,420	3,361	21,781	0	0	0	0	0	0.00%
16	Telangana	1,83,107	3,427	1,86,534	93,494	721	94,215	82,572	1,76,787	94.77%
17	Tripura	1,98,238	277	1,98,515	1,25,020	55	1,25,075	65,779	1,90,854	96.14%
18	Uttar Pradesh	92,520	1,124	93,644	17,712	843	18,555	74,945	93,500	99.85%
19	Uttarakhand	182	0	182	0	0	0	1	1	0.55%
20	West Bengal	1,31,962	10,119	1,42,081	44,444	686	45,130	96,587	1,41,717	99.74%
TOTAL		40,37,673	1,38,519	41,76,192	17,40,343	63,099	18,03,442	18,40,980	36,44,422	87.27%

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Annual rate of rejection of claims on Forest Land titles during last three years (information on 31st December of the year)

S.No.	States	2014			2015			2016		
		Total no. of claims received	Total no. of claims rejected	% of total claims rejected	Total no. of claims received	Total no. of claims rejected	% of total claims rejected	Total no. of claims received	Total no. of claims rejected	% of total claims rejected
1	Andhra Pradesh	411012	165466	40.26	411012	165466	40.26	1,73,570	62,208	35.84
2	Assam	131911	37669	28.56	131911	37669	28.56	1,55,011	0	0.00
3	Bihar	2930	1644	56.11	8022	4102	51.13	8,022	4,215	52.54
4	Chhattisgarh	817809	460023	56.25	860364	507907	59.03	8,60,364	5,07,907	59.03
5	Goa	0	0	0.00	0	0	0.00	9,733	23	0.24
6	Gujarat	190051	3556	1.87	190097	3556	1.87	1,89,867	0	0.00
7	Himachal Pradesh	5692	2160	37.95	5692	2162	37.98	659	0	0.00
8	Jharkhand	42003	16958	40.37	83553	25446	30.45	1,07,028	25,791	24.10
9	Karnataka	260679	173539	66.57	372248	188943	50.76	3,04,536	1,71,592	56.35
10	Kerala	37535	7889	21.02	37535	7889	21.02	37,535	7,889	21.02
11	Madhya Pradesh	592221	296261	50.03	609501	372125	61.05	6,14,704	3,64,624	59.32
12	Maharashtra	349543	273345	78.20	353169	229794	65.07	3,64,358	2,31,856	63.63
13	Odisha	609334	145526	23.88	616137	149575	24.28	6,35,055	1,50,133	23.64
14	Rajasthan	69775	33515	48.03	69775	33926	48.62	71,270	35,139	49.30
15	Tamil Nadu	21781	0	0.00	21781	0	0.00	21,781	0	0.00
16	Telangana	0	0	0.00	215370	101368	47.07	1,86,534	80,890	43.36
17	Tripura	182617	21384	11.71	191653	65900	34.39	1,94,028	65,902	33.97
18	Uttar Pradesh	93635	74583	79.65	93644	74945	80.03	93,644	74,945	80.03
19	Uttarakhand	182	1	0.55	182	1	0.55	182	1	0.55
20	West Bengal	140309	*	*	142081	93762	65.99	1,42,081	97,415	68.56
	Total	3959019	1713519	43.28	4413727	2064536	46.78	41,69,962	18,80,530	45.10

* not reported

Note: Disaggregated data on number of claims rejected (individual and community claims) is not provided by the State Governments.