

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
UNSTARRED QUESTION NO. 4620
TO BE ANSWERED ON 23.03.2020

COMMUNITY FOREST RIGHT

4620. SHRI RITESH PANDEY:

SHRI THIRUMAAVALAVAN THOL:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Government is planning to defend the constitutionality of the Forest Right Act (FRA) in the Supreme Court in the ongoing batch of matters pending before it and if so, the details thereof;
- (b) the details of nodal Ministry that has filed any petition before the Hon'ble Supreme Court for establishing the legal position that the FRA does not have any provision for eviction and instead recognizes the rights of communities over the forests, which in turn enables them to conserve forests; and
- (c) the status of implementation of the FRA, 2006 especially the status of recognition of Community Forest Resource rights as the implementation of Community Forest Right (CFR) continue to be poor across the States?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFIARS

(SMT. RENUKA SINGH SARUTA)

- (a) Ministry of Tribal Affairs (MoTA) have already filed Counter affidavits before the Hon'ble Supreme Court in WP(C) No. 109/2008 and IA No.5 of 2014 in WP(C) No. 109/2008 in the matter of Wildlife First and Others Vs UOI & Others defending the Constitutional validity of Forrest Right Act (FRA).
- (b) In the context of orders of Hon'ble Supreme Court dated 13.02.2019 in W.P.(C) No. 109 of 2008, MoTA has filed affidavit inter-alia indicating that, "*...under the Act, the rejection of a claim does not ipso facto lead to eviction of a tribal. There is no provision in the Act that provides for eviction after a claim is rejected. If a claim is rejected, then the appropriate state government would be obliged to resort to appropriate provisions to evict a person from the forest in accordance with law*".
- (c) As per Forest Rights Act, 2006 and the rules made thereunder, the State Governments are responsible for implementation of the Act.

As per information received from the State Governments, the overall and State wise status of implementation of Forest Rights Act, 2006 is given as **Annexed**.

Annex

Annex of reply to Part (c) of Lok Sabha Unstarred Question No. 4620 for 23.03.2020 asked by Shri Ritesh Pandey and Shri ThirumaavalavanThol regarding “Community Forest Right”

State wise details of claims received, titles distributed and the extent of forest land for which titles distributed (individual and community), as on 30.11.2019, in major States, is indicated below:

S. No.	States	No. of Claims received upto 30.11.2019			No. of Titles Distributed upto 30.11.2019			Extent of Forest land for which titles distributed (in acres)		
		Individual	Community	Total	Individual	Community	Total	Individual	Community	Total
		1	2	3	4	5	6	8	9	10
1	Andhra Pradesh	1,77,446	4,062	1,81,508	96,675	1,374	98,049	2,39,554	4,53,384	6,92,938.00
2	Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802	NA/NR	NA/NR	NA/NR
3	Bihar	8,022	NA/NR	8,022	121	0	121	NA/NR	NA/NR	NA/NR
4	Chhattisgarh	8,58,682	31,558	8,90,240	4,01,251	21,967	4,23,218	8,43,100.69	20,38,146.15	28,81,246.84
5	Goa	9,758	378	10,136	17	8	25	76.60	10.25	86.86
6	Gujarat	1,82,869	7,187	1,90,056	88,226	3,516	91,742	1,39,776.25	11,61,351.00	13,01,127.25
7	Himachal Pradesh	2,071	170	2,241	129	7	136	5.96	4,670.56	4,676.52
8	Jharkhand	1,07,032	3,724	1,10,756	59,866	2,104	61,970	1,53,395.86	1,03,758.97	2,57,154.83
9	Karnataka	2,75,446	5,903	2,81,349	14,667	1,406	16,073	20,813.51	28,155.75	48,969.26
10	Kerala	36,140	1,395	37,535	24,599	NA	24,599	33,018.12	NA	33,018.12
11	Madhya Pradesh	5,85,239	42,182	6,27,421	2,29,027	27,970	2,56,997	8,14,034.79	14,65,058.49	22,79,093.28
12	Maharashtra	3,62,679	12,037	3,74,716	1,65,032	7,084	1,72,116	3,92,928.73	27,36,660.68	31,29,589.41
13	Odisha	6,18,771	13,826	6,32,597	4,36,000	6,576	4,42,576	6,48,465.15	2,35,400.58	8,83,865.72
14	Rajasthan	74,414	1,441	75,855	38,007	103	38,110	57,730.26	2,993.64	60,723.90
15	Tamil Nadu	32,983	1,005	33,988	6,111	276	6,387	8,607.26	NA/NR	8,607.26
16	Telangana	1,83,252	3,427	1,86,679	93,639	721	94,360	3,00,284.00	4,54,055.00	7,54,339.00
17	Tripura	2,00,358	277	2,00,635	1,27,931	55	1,27,986	4,60,182.41	91.16	4,60,273.57
18	Uttar Pradesh	92,520	1,124	93,644	17,712	843	18,555	18,854.00	1,20,802.06	1,39,656.06
19	Uttarakhand	3,574	3,091	6,665	144	1	145	0.00	0.00	0.00
20	West Bengal	1,31,962	10,119	1,42,081	44,444	686	45,130	21,014.27	572.03	21,586.29
TOTAL		40,92,183	1,48,952	42,41,135	19,00,923	76,174	19,77,097	41,51,842	88,05,110	1,29,56,952.17

