

**GOVERNMENT OF INDIA  
TRIBAL AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:275

ANSWERED ON:15.03.2013

IMPLEMENTATION OF THE FOREST RIGHTS ACT

Das Shri Khagen;Gandhi Shri Feroze Varun

**Will the Minister of TRIBAL AFFAIRS be pleased to state:**

- (a) whether the Government has identified the factors that impede the implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the country;
- (b) if so, the details thereof along with the corrective measures taken by the Government including amendments to be made in the Act in this regard;
- (c) the details of the claims for distribution of titles lying pending under the Act, State/UT-wise along with the time by which these are likely to be settled;
- (d) whether some States have also shown concerns in the implementation of the Act, and
- (e) if so, the names thereof indicating the implementation status thereof by the States /UTs along with the corrective measures taken by the Government in this regard?

**Answer**

MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO)

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

Statement referred to reply to parts (a) to (e) of Lok Sabha Starred Question No. 275 (15th position) for answer on 15.03.2013 tabled by Shri Khagen Das & Shri Varun Gandhi regarding "Implementation of the Forest Rights Act, 2006".

(a) & (b) The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 had been enacted with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. The Act became operational with the notification of Rules on 01-01-2008. The Ministry noticed several problems impeding the implementation of the Act in letter and spirit, which inter-alia included convening of Gram Sabha meetings at the panchayat level (in some cases) resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered absolute rights over the minor forest produce (MFP) to forest dwellers; continuance of monopoly of the State Forest Corporations in the trade of high value MFPs; rejection of claims without assigning any reason; claimants not being informed about rejection of claims thereby denying them the opportunity to appeal against rejection; insistence on particular type of evidence for accepting claims; introducing extraneous evidences such as satellite imagery to reject claims duly supported by evidences required under the Rule; lack of awareness about community rights, non-recognition of rights in National Parks and Sanctuaries etc.

The Ministry undertook an exercise to arrive at certain provisions and steps for facilitating robust implementation of the Act. Based on the outcome of the said exercise, the Ministry has issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act and followed it up by amending the Forest Rights Rules on 06-09-2012 to remove the impediments in the implementation of FRA in letter and spirit. At present, no amendment in the Act is proposed.

(c) The details of the claims for distribution of titles lying pending under the Act, State/UT-wise, is at Annexure. As per the Act, the onus of implementation of the provisions of the Act lies at the level of State/UT Governments. The State Governments have prepared Action Plans for the implementation of FRA which include disposal of pending claims in a time-bound manner.

(d) & (e) The State Governments of Arunachal Pradesh, Nagaland, Manipur, Meghalaya and Sikkim have informed about the limitations of applicability of FRA in their States. The State Government of Arunachal Pradesh has informed that barring few pockets of land under wildlife sanctuaries and reserved forests, most of the land in the entire State is community land and therefore, FRA does not have much relevance in the State. The State Government of Manipur has informed that the tribal communities and tribal chiefs are already holding ownership of forest land and therefore, implementation of FRA is perceived minimal. The State Government of Meghalaya has informed that 96% of the forest land is owned by the clans/communities/individuals and therefore implementation of FRA has limited scope. The State Government of Nagaland has informed that the land holding system and the village system of the Naga people is peculiar in the sense that the people are the land owners, hence FRA per se may not be applicable to the State. However, a Committee has been constituted to examine the applicability of the Act as per the provisions of Article 371(A) of the Constitution. The State Government of Sikkim has informed that there are no forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers in the true sense of the term as most of the Scheduled Tribes of Sikkim hold revenue land and are not solely

dependent on forests for their livelihood.

The Ministry organized five Regional Workshops on FRA including one for the North-East States on 19-11-2012. The Ministry emphasized to these States that FRA provides an opportunity to get all the traditional rights over forest land recorded, thereby giving legal force to the traditional rights already being enjoyed by the people/communities/ clans in the North Eastern States. The implementation status in all the States/UTs including the above States is at Annexure.