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# Scheduled Tribes panel requisitions FRA implementation reports from Supreme Court

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The NCST is in the middle of a face-off with the government over the new Forest Conservation Rules (2022) potentially diluting the Forest Rights Act, 2006

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In response, Minister for Environment, Forest, and Climate Change, Bhupendra Patel had insisted that the rules were framed under the Forest (Conservation) Act, 1980 and that the NCST's apprehension of these rules being in violation of the FRA was "not legally tenable".

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Amidst this, the ST Commission on February 3 wrote to the Supreme Court Registrar, invoking powers under Clause 8d of Article 338A, to seek all materials filed before the court in connection with a batch of petitions challenging the constitutionality of the FRA. The top court on February 20 ordered that the documents be supplied to the Commission.

Sources in the NCST said that the Commission is looking to review the overall implementation of the FRA at the ground level, examine rejection of titles, encroachments on forest land, and propose requisite recommendations to further secure the rights of tribespeople, as per its Constitutional mandate.

“This will be part of the report sent to the Office of the President of India, who will then table it in Parliament. Hence, we went to court for ‘authentic information,’” the source said.

According to data tabled in Rajya Sabha in December 2022, title rights had been issued against just 50% of the claims over forest land made under the FRA as of June, 2022, with maximum pendency and rejection seen in cases of individual claims — a little over half of which had been rejected or left pending. However, in community claims, titles were given to 60% of the claimants.

Among the documents that the NCST has now requisitioned from the Supreme Court are FRA implementation reports filed by all States and Union Territories, the number of claims rejected, the process and reasons for rejection, and the action taken against claimants whose applications were rejected.

While hearing the case, the three-judge Bench of the Supreme Court had in 2019 noted that in thousands of cases, eviction had not been carried out despite rejection of claims and ordered all State governments to carry out evictions as soon as possible. However, in the course of the hearings, the court was made aware of the detail that a lot of the

rejections pertained to individual claims filed by tribespeople and other traditional forest dwellers, who might be adversely affected if evicted. Further, it was noted during the proceedings that many were not served rejection notices appropriately and concerns raised about tribespeople not getting the chance to prove their claims.

Taking this into account, the top court had stayed its earlier order and called for all rejection records of claims under FRA, also pointing out that the question of “mighty people, industrialists” sitting on forest land by occupying it in the guise of OTFDs was of significance and cannot be ignored.

All these records have been requisitioned by the NCST now, including a satellite survey conducted by the Forest Survey of India, as ordered by the top court, to map illegal encroachments on forest land across the country, as far as possible.

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