

# Over 38% FRA claims for land rejected till November 2022: Centre to Lok Sabha

General reasons for rejection include non-occupation of land before the cut-off date, claim on non-forest land, multiple claims, and lack of enough evidence, Union Government says

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THE HINDU BUREAU

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The Ministry of Tribal Affairs told the Lok Sabha on March 13, 2023, that titles were not distributed for over 50% of the claims made under the Forest Rights Act, 2006. Image for representational purpose only. | Photo Credit:

The Hindu

Over 38% of all claims over land made under the **Forest Rights Act (FRA)**, 2006 till November 30, 2022, have been rejected, data tabled by the Ministry of Tribal Affairs in the Lok Sabha on March 13 showed.

The data showed that titles had been distributed for a little over 50% of the claims made under the FRA till the specified time, with the rest of the claims pending.

Responding to a question from Dean Kuriakose, Mohammad Javed and A. Chellakumar of the Congress, and Arjun Lal Meena of the BJP, the Ministry said that as reported by State governments, “general reasons” for rejection included “non-occupation of forest land prior to 13.12.2005, claim being made on land other than forest land, multiple claims, lack of sufficient documentary evidence etc.”.

The data showed that 39.29% of Individual Forest Rights (IFR) claims had been rejected in this time period compared with 24.42% rejection in Community Forest Rights (CFR) claims. However, the government could not provide the number of CFR rejections for Bihar, Goa and Himachal Pradesh, saying they were either ‘Not Applicable’ or ‘Not Reported’. It said the same for the unavailability of all rejection data for Assam.

The Supreme Court is currently seized by a batch of petitions, in which it has sought detailed rejection reports under the FRA from all States/Union Territories, after noting that in several cases, rejection notice might not have been served to claimants and that there was no clarity over whether they were given a chance to prove their claims.

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In response to a separate question in the Lok Sabha about safeguarding the rights of tribespeople and Other Traditional Forest Dwellers (OTFDs), the Tribal Affairs Ministry said that laws like the FRA, the Panchayats (Extension to Scheduled Areas) Act, 1996 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, already provide for strong safeguarding of the rights of tribespeople and OTFDs, including providing for social impact assessment.

In addition, the government said that the constitutional provisions under Schedule-V along with Acts and Regulations in the Ninth Schedule also provide for appropriate safeguards.

This reply comes at a time when the National Commission for Scheduled Tribes (NCST) is in the **middle of a row with the Union Government** over the Environment Ministry's new **Forest Conservation Rules (FCR), 2022**, which came into effect in 2022.

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The NCST had taken issue with the FCR, noting that it would invariably end up affecting land rights of Scheduled Castes and OTFDs under the FRA. It noted that the FCR, 2022 had done away with a clause requiring mandatory consent of locals through the Gram Sabha, before proceeding for Stage 1 clearance for a project involving diversion of forest land for non-forest purposes.

Flagging this, the NCST had written to Environment Minister Bhupender Yadav asking that the FCR, 2022 be put on hold. However, Mr. Yadav wrote back to the NCST, dismissing the commission's concerns and insisting that the FCR, 2022 would not affect FRA claims.

Following this, the NCST had, in a first, directly approached the Supreme Court, and requisitioned all documents and FRA reports filed by States and Union Territories in the matter before it.

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