

STATUS OF IMPLEMENTATION

As per the status report of implementation of FRA published by the Ministry of Tribal Affairs for period ending May 31, 2017 a total of 41,70,635 claims (40,32,210 individual claims, 1,38,425 community claims) have been filed and 17,93,999 titles (17,31,106 individual, 62, 893 community CFR claims) have been distributed. A total of 23,76,636 (56.9%) claims have been rejected.¹Also Annexure1. However there are variations among the states which is clearly brought out by the data on state wise details of claims and titles distributed available on the Ministry of Tribal Affairs (MoTA), Government of India website.

Gujarat has been implementing the FRA. The data shows that Tripura, Kerala, Odisha, Rajasthan, Telangana, Jharkhand and Andhra Pradesh are better than Gujarat in terms of total individual and community claims received and title distributed. In terms of individual claims Gujarat ranks 8 and in terms of community claims Gujarat ranks 5.

In Gujarat as on May 31, 2018, 1,82,869 individual and 7,187 community claims were received out of which 84,402 individual and 4659 community claims title have been distributed. Which is around 44 % of the total claims received. There is variation among the districts. The table below gives the details:

District-wise Status of Individual Forest Rights (IFRs) Claims in Gujarat

Sr. No	District	Claims Received	Claims Approved	Rejected *	Pending	% claims approved to total	Area Approved Hectares
1	Banaskantha	9,488	6,611	2,877	0	70	3,624
2	Sabarkantha + Arvalli	19,625	6,708	12,917	0	34	3,776
3	Panchmahal + Mahisagar	23,666	7,182	7,834	8,650	30	5,071

¹Monthly update on status of implementation of the Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006, Ministry of Tribal Affairs, Government of India.

4	Dahod	20,150	3,453	16,697	0	17	2,213
5	Vadodara / Chhotau depur	17,557	6,667	0	10,890	38	4,157
6	Narmada	17,783	8,576	64	9,143	48	9,790
7	Bharuch	4,076	2,034	2,042	0	50	2,098
8	Surat	7,747	4,072	3,675	0	53	2,651
9	Tapi	11,947	5,295	0	6,652	44	5,360
10	Dangs	7,341	3,157	4,080	104	43	3,693
11	Navsari	9,322	3,950	5,372	0	42	1,656
12	Valsad	34,167	26,697	7,470	0	78	8,426
	Total	1,82,869	84,402	63,028	35,439	46	52,515

Note: * As per the Hon'ble High Court, Gujarat's directions, the claims which were not approved are being re-examined.

Source: Monthly Progress Reports - Office of Joint Commissioner, Tribal Development (FRA), Gandhinagar

Equally pertinent at this juncture, is to assess and examine the performance of the State of Gujarat on implementation of the FRA in light of performance of other States in the Union on the same. The table contained in Annexure – I, provides a comparative analysis of the above nature.

The Gujarat High Court, in its considered judgement in *Action Research in Community Health & Development and Ors. vs State of Gujarat and Ors.* on the 3rd of May, 2013 [WP(PIL) 100 of 2011] ordered the re-examination of all claims under the FRA that had hitherto been rejected. This process of re-examination continues to this day. As the table above indicates, there are a total of 63, 208 rejected claims that are to be re-examined. Needless to say, this number only covers those claims that are categorized under the Act as being claims to individual forest rights (IFRs). The status of 7, 187 claims to Community Rights and/or Community Forest Resources (CR/CFR) remain precarious.