

PROTECTION OF ANCESTRAL LAND RIGHTS OF TRIBALS

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Replying to an un-starred question today in Lok Sabha the Union Minister of State for Tribal Affairs Shri Durgadas Uikey informed that as per the provisions of 'Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' and Rules made thereunder, the State Governments are responsible implementation of various provisions of the Act and are being implemented in 20 States (including Karnataka) and 1 UT.

As informed by the State Government of Karnataka, a total of 52 Jenukuruba families have come to the forest area called AtturKolli under K. Badaga Gram Panchayat Ponnampet Taluk, which falls under the jurisdiction of Nagarahole Tiger Reserve to protest and demand the issuance of forest rights under the Forest Right Act, 2006. These families filed claims under FRA, out of which 39 claims were rejected at the Gram Sabha Level due to lack of adequate evidence/records, and the remaining claims are still pending before the Gram Sabha to review the applications. The rejected applicants subsequently filed appeals before the Sub-Divisional Level Committee (SDLC); however, all 39 applications were again rejected by the SDLC through a meeting held on 22-05-2025, due to lack of evidence. As per the provisions of the Act, claimants were given 90 days' time to appeal before the District Level Committee (DLC). The claimants now have filed a writ petition against the SDLC decision before the Hon'ble High Court of Karnataka. Further, the State Tribal Welfare Department has requested the Director and Deputy Conservator of Forests, Nagarahole Tiger Reserve, Hunsur, not to initiate the eviction of these 52 Jenukuruba families until the final decision in this matter. Presently, all 52 Jenukuruba families are residing AtturKolli, forest area of Kodagu District.

As informed by the State Government of Karnataka, a total number of Forest Rights claims filed, rights distributed, claims rejected and pending claims of Jenukuruba Community are as below:

Individual:

No. of application received	No. of title deeds distributed	No. of claims rejected	No. of claims pending
5993	1680	3953	360

Community:

No. of application received	No. of title deeds distributed	No. of claims rejected	No. of claims pending
139	72	50	17

Ministry of Tribal Affairs, being the Nodal Ministry for administering the legislative matters of "Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act 2006" (in short FRA), has been issuing directions and guidelines from time to time on various aspects to ensure proper implementation of the Act.

Under the FRA, there are extant rights within the legislation to protect the cultural and livelihood rights of tribal communities in protected regions while balancing conservation efforts.

Under Section 3(1), Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers are given rights to hold, live in and use forest land and resources for habitation and livelihood, including community rights over customary forests and access to biodiversity and traditional knowledge.

Section 5 of the FRA empowers rights holders, Gram Sabhas and village institutions to: protect wildlife, forests and biodiversity; safeguard catchments, water sources and other ecologically sensitive areas; and ensure that the habitat of forest-dwelling communities is preserved from destructive practices affecting their cultural and natural heritage. Community Forest Resource rights under Section 3(1)(i) further allow Gram Sabhas, Forest-Dwelling Scheduled Tribes and other Traditional Forest Dwellers to protect, regenerate, conserve and manage their traditional forests, enabling community-led conservation that sustains livelihoods and protects cultural relationships with forest. This Ministry has issued guidelines for the Conservation, Management and Sustainable use of Community Forest Resource (CFR) on 12.09.2023.

Further, in the last few years, the Ministry has conducted several National Level Conferences and Brainstorming Sessions, Video Conferences etc with State Officials and Tribal Welfare Departments including District Collectors, where the members of CSOs are invited to discuss the ways to strengthen the implementation process of FRA inter alia, to protect the cultural and livelihood rights of tribal communities in protected regions while balancing conservation efforts.

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