

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO- 461

TO BE ANSWERED ON- 06/12/2023

LAND DIVERSIFICATION UNDER FOREST RIGHTS ACT 2006

461 SHRI GULAM ALI:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the comprehensive update on the number of cases of land diversification processed under the Forest Rights Act (FRA) 2006 across India, specifying the progress made in each state;
- (b) the details of copies of the pilot projects initiated under the FRA for land diversification, along with documented success stories, to offer insight into the effectiveness of these initiatives; and
- (c) whether there is any predetermined time schedule for obtaining a clearance from the relevant agencies for land diversification projects under the FRA, if so, the details on established timelines and any measures taken to ensure timely approvals?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI BISHWESWAR TUDU)

(a) to (c): Land and its management falls under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India [Seventh Schedule - List ii (State List) - Entry No. (18)]

‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (In short FRA) seeks to recognize and vest the forest rights and occupation in forest land in Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers who have been residing in such forests for generations but whose rights could not be recorded. As per FRA and rules made thereunder State Governments / UT Administrations are responsible for implementation of various provisions of the Act.

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- i. the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- ii. the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha, .

However, the details regarding cases of land diversification is not centrally maintained in this Ministry.

As per the guidelines issued by the Ministry dated 18th May 2009 in consultation with Ministry of Environment and Forest with regard to seeking prior approval for diversion of forest land for non-forest purpose under Section 3(2) of FRA, the user agency (a department of the Central or State Government or District Panchayat making a request for diversion of forest land for development project) is required to submit resolution adopted by the Gram Sabha to Range Forest Officer (RFO), who in three months time will record his views and submit to District Forest Officer (DFO) and DFO in turn, will have to communicate his decision in four weeks from the date of receipt of proposal from RFO.
