

## **Karnataka: 44,016 claims under Forest Rights Act rejected in Shivamogga**

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Of the 97,074 claims received under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in Shivamogga, the Karnataka tribal welfare department rejected 44,016, according to officials. This means 53,058 claims are still pending with the department.

“We have received 97,074 applications of which 44,016 were rejected. This is the status as of January 31. However, those whose applications were rejected can again appeal within 90 days or else the forest department will evict them,” deputy director of tribal welfare Ajjappa told [The Indian Express](#).

Veerendra Patil, an environmental lawyer based in Shivamogga, questions the government over the pending claims. “There are several false claims under the Forest Right Act (FRA) in Shivamogga. The Supreme Court in the 2002 TN Godavarman Thirumulpad vs Union of India judgement ordered to remove post-1980 encroachments but this has not happened. Many claimants are just using forest land for cultivation and stay at far off places,” Patil said.

Senior forest department officials said that while most of the applications by scheduled tribes (ST) have been settled, the problem lies with the other traditional forest dwellers (OTFD).

“The responsibility of accepting the applications is not only of the forest department but also of the district committees. Most of the claims are rejected on the ground of lack of documents and bogus claims,” he said.

Under the FRA, OTFD needs to prove antecedents of three generations or 75 years of ownership of forest land prior to 2008 or else they could not claim their rights over the forest land.

“To qualify as OTFD and be eligible for recognition of rights under the FRA, two conditions need to be fulfilled: Primarily resided in forest or forests land for three generations (75 years) prior to 13-12-2005, and depend on the forest or forests land for bonafide livelihood needs,” the Ministry of Tribal Affairs says.

The FRA, the ministry says, is intended to recognise the rights of the country’s poorest and most marginalised people. “Such communities frequently will not even become aware of the existence of this legislation for long periods. Imposing a cut-off date would amount to penalising them for the failure of the state machinery to inform them of their rights,” the ministry clarified on not having any time frame to clear the applications.

After a long struggle by the tribals to assert their rights over forest land due to their dependence on it, the Forest Right Act was enacted in 2006. The Ministry of Tribal Affairs says the objective of the Act is to undo the historical injustice that occurred to the forest-dwelling communities and ensure land tenure, livelihood and food security of the forest-dwelling scheduled tribes and other traditional forest dwellers.

Former principal chief conservator of forest (head of forest force), Karnataka, BK Singh stated that post the enactment of the Act, large scale deforestation for claiming the titles took place in Shivamogga, Kodagu and Haveri districts.

“Many false claims under FRA were manufactured. Trees were cleared, burnt and claims have been filed. If the satellite images of relevant periods are compared, the facts will come to light. It has been observed that once the claims are rejected, fresh applications are filed and cases are reopened,” Singh shared the insight of his tenure.

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