

WHO GAINS FROM THE FOREST RIGHTS ACT, 2006?

**Findings of a Study on Individual Forest
Rights Claims in Kinnaur, Himachal
Pradesh**



A STUDY BY HIMDHARA ENVIRONMENT
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CURRENT STATUS OF FRA, 2006

HIMACHAL PRADESH

KINNAUR

17503

FRCs FORMED

136

8

CFR TITLES ISSUED

1

129

IFR TITLES ISSUED

0

A major '**concern**' expressed by the administration on FRA implementation has been that **only bigger encroachers would gain from individual claims, without benefitting vulnerable sections**. In order to challenge this concern, the study was carried out.

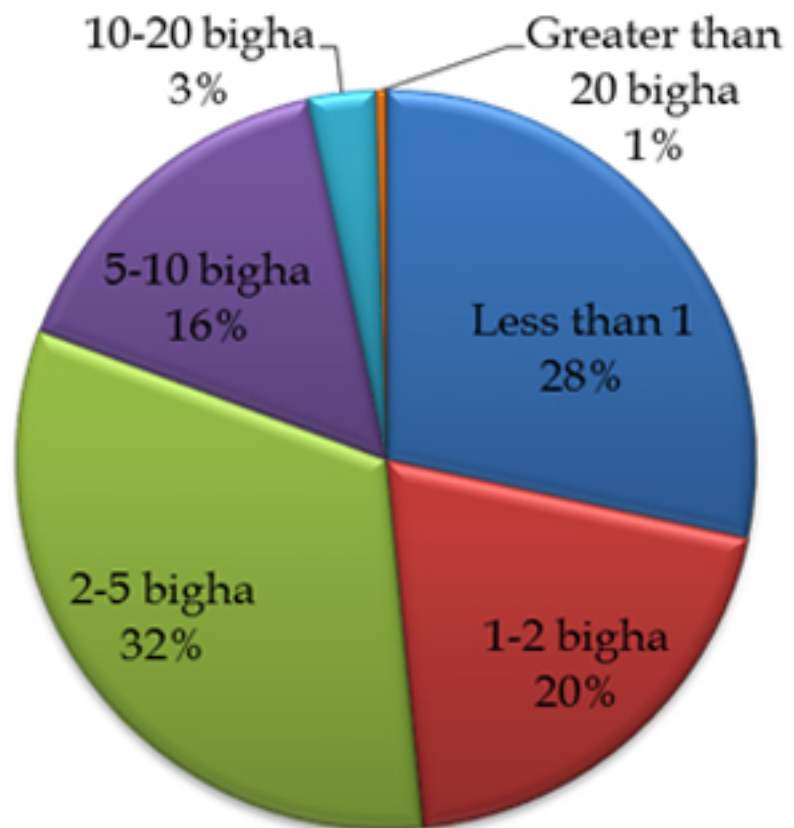
STUDY AND FINDINGS

The study analysed **1351** IFR claims of **22** FRCs in **3** SDLCs of Kinnaur: Peo, Bhabha and Pooh.

1. HOW MUCH LAND IS BEING CLAIMED UNDER FRA?

1351 IFR claimants have claimed total of **4236** bighas of land.

The average size of land claimed is **3.13** bighas.

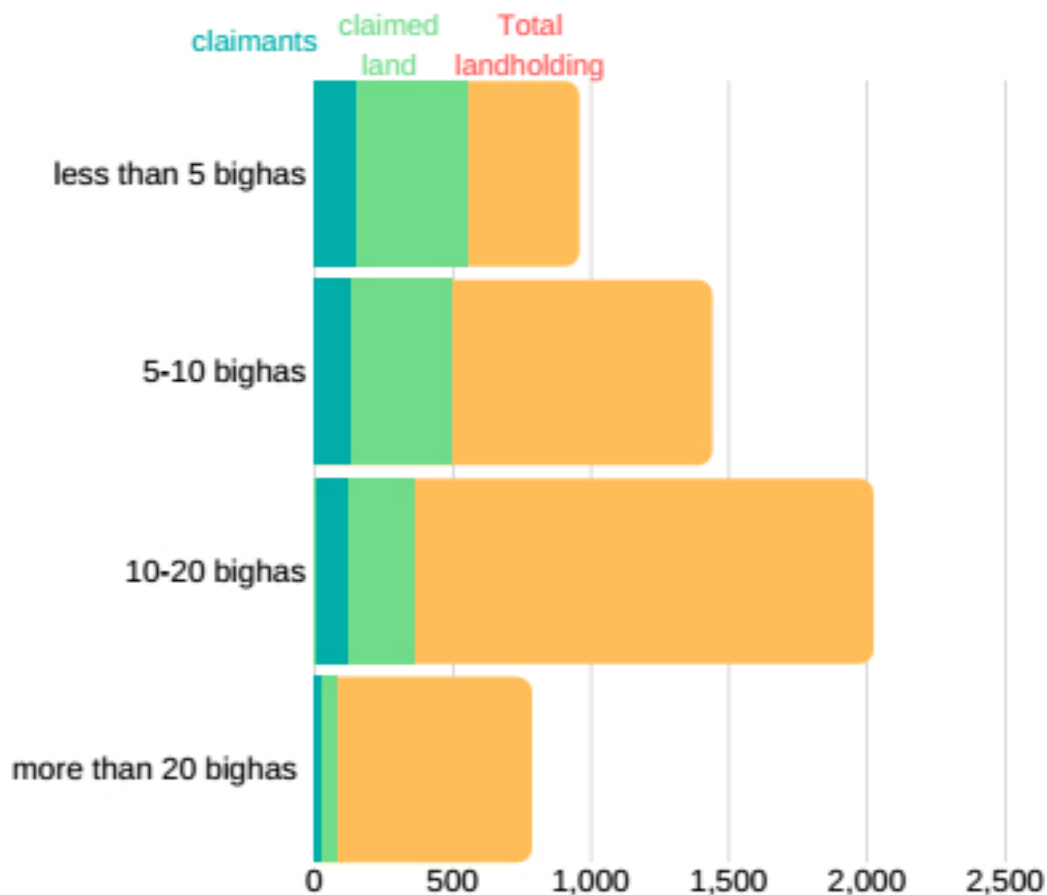


96.5% of claims are for under 10 bighas of land.

Only **0.44%** have claimed for more than 20 bighas of land.

This clearly indicates that there is **no large-scale land grab taking place as a result of the act**, as is often projected by the administration and government representatives.

2. ARE MOST OF THE CLAIMANTS LARGE FARMERS?



37% of the 417 claimants whose landholdings we studied, own **0 to 5 bighas** of land, and **34%** own **5 to 10 bighas** who together form **2/3rd** of the claimants.

Those having a landholding of **over 20 bighas** form only **6%** of claimants,.

Those in the 0-5 landholding category are claiming **virtually the same amount of land that they already OWN**, indicating a critical dependence on the occupied land.

3. IS THE ACT BENEFITTING MARGINALISED COMMUNITIES, LIKE SCHEDULED CASTES?

Category	Total No. of claims	Size of Land Claimed	Total Land Holding	Average land size claimed	Average land holding	Claimed +land holding	Average
ST	285	718.35	2894.87	2.52	10.15	3613.22	12.68
SC	132	367.42	801.2	2.78	6.07	1168.62	8.85
Total	417	1085.77	3696.07	2.6	8.86	4781.84	11.47

Average size of land claimed by SC community is fractionally more than that of ST community. The proportion of SC claims is 8% more than their share in total population.

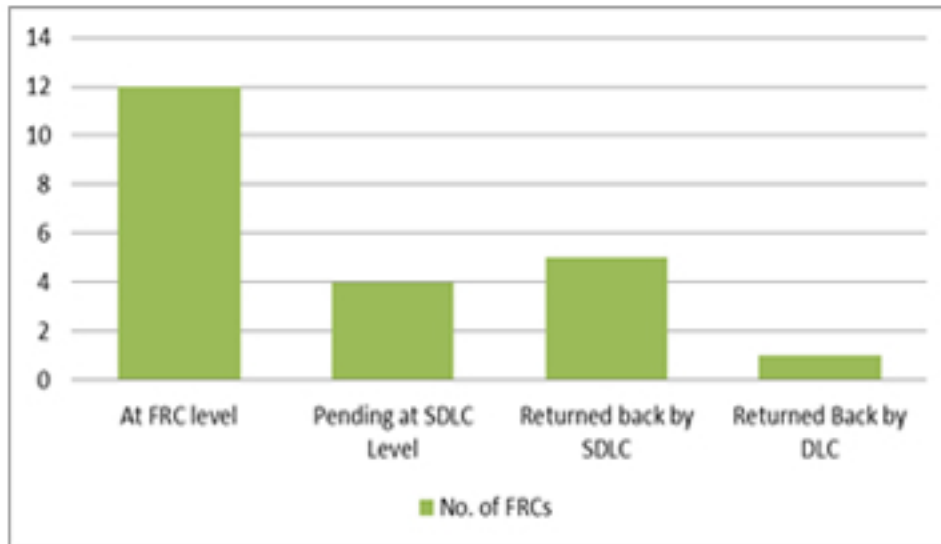
If all IFR claims of 417 SC claimants are cleared, then their average landholding will increase from 8.86 bigha to 11.47 bigha.

The existing average landholding of ST community is almost 67% more than SC community.

This act, if implemented in a fair and just manner, could play a critical role in reducing land ownership inequities in the region.

RECOMMENDATIONS

Our study shows that FRCs have submitted both individual and community claims under the Act, which are currently at different levels.



1. The administration should address the pending claims at SDLC and DLC level, conforming with the 30/08/16 High Court Order, Shimla that expedites the cases under Section 6 of FRA, 2006

2. Intensive trainings should be conducted for members of FRCs, SDLCs and DLCs, and line departments.

3. It is the responsibility of the government to ensure that the right holders are not unduly evicted. As FRA, 2006 overrides all other legislation, occupations on forest land cannot be treated as illegal encroachments under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act 1971, till the recognition and verification process mentioned under the Act is complete.