

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:3626

ANSWERED ON:18.04.2005

OWNERSHIP RIGHTS TO FOREST DWELLERS

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Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Government is aware that many tribal communities and other forest dwellers are facing eviction by authorities;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Ministry of Environment and Forests is giving final touches to the draft model legislation 'The State/Union Territory Forest Produce (ownership of Forest Dependent Community) Act, 2005';
- (d) if so, whether this seeks to endow rights to monitor forest produce to forest dwellers including tribals;
- (e) if so, the details of the proposed law;
- (f) the extent to which it will be different than the guidelines issued in 1990 for settlement of disputed claims of the tribal population on forest land;
- (g) by when this legislation is likely to be introduced; and
- (h) the extent to which it would be helpful?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a) & (b) Encroachment on forest lands is an offence under Section 26 of Indian Forest Act, 1927. However, as a one time dispensation, Central Government had provided an opportunity to the State / Union Territory Governments to regularize pre-1980 eligible encroachments on forest lands under Forest (Conservation) Act, 1980 and issued guidelines on 18-9-1990 to this effect. The guidelines also provided simultaneously eviction of in-eligible encroachments and all post-1980 encroachments. In pursuance of the Supreme Court order dated 23-11-2001, the Central Government instructed all the State/UT Governments on 3rd May 2002, to evict the ineligible encroachers and all post-1980 encroachers from forest lands in a time bound manner. Consequent follow up action by the State/UT Governments could not maintain distinction between the in-eligible and post-1980 encroachers, and the genuine tribals and forest dwellers who have been living on forest lands prior to enactment of Forest (Conservation) Act, 1980. To safeguard the rights of the tribals and forest dwellers on forest lands, the Central Government on 21-12-2004 requested the State / UT Governments that they should not resort to the eviction of tribals and forest dwellers other than in-eligible encroachers, till the complete survey is done for the recognition of such people and their rights on forest lands, as reiterated in guidelines dated 18-09-1990 and 30-10-2002 of the Central Government.

(c) to (h) Yes Sir. Ministry of Environment and Forests has prepared a draft model legislation titled 'The State/Union Territory Minor Forest Produce (Ownership of Forest Dependent Community) Act, 2005', which intends to endow the ownership rights of minor forest produce of Government forest lands, on forest dependent communities. The guidelines issued in 1990 were meant for settlement of disputed claims of tribals on forest lands, while the proposed model legislation intends to confer the ownership rights of minor forest produce on the tribals and forest dwellers. As per procedure, the draft model legislation needs wide ranging consultations with all the stakeholders including State / UT Governments.