

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2720

ANSWERED ON:11.03.2011

NATIONAL ADVISORY COUNCIL FOR WELFARE OF TRIBALS

Rathwa Shri Ramsinhbhai Patalbhai;Ray Shri Bishnu Pada;Sugavanam Shri E.G.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether any meeting of the National Advisory Council (NAC) for Welfare of Tribals has been held recently;
- (b) if so, the details and the outcome thereof;
- (c) whether NAC has submitted its report to the Government;
- (d) if so, the details thereof; and
- (e) the action taken by the Government thereon?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS(SHRI MAHADEO SINGH KHANDELA)

(a) & (b): Yes, Madam. As per the information received from the National Advisory Council, the Tenth meeting of the Council, held on 26th February 2011, has recommended for issue of operational guidelines by the Central Government under Section 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in respect of following issues:

- (i) calling of Gram Sabha meetings at the level of actual compact settlements of the hamlet or village;
- (ii) admissibility of diverse forms of evidence in support of claims and provision for giving opportunity to the claimants for being heard at sub-divisional or district levels before rejection of their claims;
- (iii) specific procedures for claiming and recognizing community forest resource rights, and to prevent eviction, forced relocation or diversion of forest land in violation of people's rights, or where the gram sabha has not certified the process to be complete;
- (iv) provision of guaranteed minimum support price to the collectors of minor forest produce with freedom to sell either to state agencies or outside, widening and expansion of the procurement net by the state agencies to cover all forms of minor forest produce, and review of the practice of leasing of minor forest produce (such as bamboo) by the Ministry of Environment and Forests;
- (v) need to promote awareness and facilitate continued filing of claims by removing deadlines, the removal of procedural obstacles to recognitions of other community rights, and the need for effective monitoring and grievance redressal;

The National Advisory Council has also proposed changes in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 to:

- (i) increase the mandatory tribal membership of Forest Rights Committees from the present one-thirds to two-thirds [Rule 4(2)];
- (ii) reduce the present requirement of quorum of two-thirds in the gram sabha meetings to one-half [Rule 3(1)];
- (iii) clarify that the term 'sustenance' includes fulfillment of livelihood needs of self and family, including the sale of any produce [Rule 2(b)]; and
- (iv) allow transportation of minor forest produce through 'locally appropriate means of transport for use of such produce or sale by the gatherer or their cooperatives/federations or the community for livelihood in accordance with the gram sabha's rules for sustainable use, if any'[Rule 2(d)].

(c) & (d): The Ministry of Tribal Affairs has not received the recommendations of the National Advisory Council so far.

(e) : In view of the reply to parts (c) & (d) above, this question does not arise.