

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

STARRED QUESTION NO:108
ANSWERED ON:17.08.2012
FOREST RIGHTS AND TITLES
Sethi Shri Arjun Charan

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the number of claims filed for recognition of forest rights and the titles distributed under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, State/ UT-wise;
- (b) whether the Act mandated to protect the rights of tribals is serving the purpose for which it was enacted in the present format/ conditions;
- (c) if not, whether the Government proposes to amend it;
- (d) if so, the reasons therefor and the details thereof; and
- (e) the time by which these amendments are likely to be made?

Answer

MINISTER OF TRIBAL AFFAIRS (V. KISHORE CHANDRA DEO)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No. 108 (8th position) for answer on 17.08.2012 tabled by Shri Arjun Charan Sethi and Shri Pakuri Lal regarding "Forest Rights and Titles"

(a): As on 31-07-2012, the number of claims filed for the recognition of forest rights and number of titles distributed under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, are 32,28,887 and 12,68,766 respectively. The State/UT wise details are at the Annexure.

(b) to (e) : The objective of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is to remedy the historical injustice done to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Act has substantially met this mandate through distribution of 12,68,766 titles to the eligible claimants under the Act. However, several factors have come to the notice of the Ministry that are impeding the implementation of the Act in its letter and spirit and constraining the flow of intended benefits of this watershed legislation to the eligible forest dwellers. The recognition of community rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes remains very low. The rate of rejection of claims is also high.

The Ministry accordingly undertook an exercise to arrive at certain provisions/ steps for facilitating robust implementation of the Act. Pursuant to the said exercise, the Ministry has issued guidelines to the State Governments/ Union Territory Administrations on 12.7.2012 for improved implementation of the Act. These guidelines pertain to process of recognition of rights, evidence requirements, rights to minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, awareness raising, monitoring and grievance redressal.

To facilitate efficacious translation of objectives of the Act, the Ministry has initiated the process of amendments in the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008. The draft Rules titled "The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 has been published in the Gazette of India, Extraordinary, Part II - Section 3 - Sub-section

(i), dated 19.7.2012 for inviting objections and suggestions within one month of its publication from all the persons likely to be affected thereby. The proposed amendments to the Rules relate to laying down a procedure for identification of hamlets or settlements and process of their consolidation, increasing the mandatory Scheduled Tribe membership of Forest Rights Committees from the present one-third to two-third, reducing the present requirement of quorum of two-third in the gram sabha meetings to one-half, clarifying that the term 'bona fide livelihood needs' includes fulfillment of livelihood needs of self and family including the sale of surplus produce arising out of exercise of rights, allowing transportation of minor forest produce within and outside forest area through locally appropriate means of transport by gatherers or their cooperatives or associations or federations, laying down the process for recognition of rights including community rights, insertion of new Claim Forms for Rights to Community Forest Resource and Title Form for Community Forest Resources etc.

The guidelines issued by the Ministry on 12.7.2012 and the proposed amendments to the Rules, when notified, would lead to better

implementation of the Act at the ground level. At present, there is no proposal to amend the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.