

**GOVERNMENT OF INDIA  
TRIBAL AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2248

ANSWERED ON:24.08.2012

FOREST DWELLERS

Adsul Shri Anandrao Vithoba; Bhagat Shri Sudarshan; Chanabasappa Shri Udasi Shivkumar

**Will the Minister of TRIBAL AFFAIRS be pleased to state:**

- (a) whether despite five enactments, the law continues to suffer from many problems, as a result of which a majority of the forest dwellers are not receiving their rights;
- (b) if so, the details thereof;
- (c) whether a large number of forest dwellers are facing eviction or harassment at the hands of forest authorities;
- (d) if so, the details thereof and the reaction of the Union Government thereto;
- (e) whether several lacunae have been noticed/ pointed out in the law while implementing it at the ground grass root level;
- (f) if so, the details thereof; and
- (g) the corrective steps taken proposed to be taken by the Union Government in this regard?

**Answer**

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

(a) & (b): The Ministry of Tribal Affairs enacted the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 with the objective of remedying 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 till 31st July, 2012. However, the number of community rights recognized remains low and the rate of rejection of claims is more than fifty percent.

(c) & (d): Complaints have been received over a period of time concerning denial of rights and eviction of tribals from forest etc. These complaints have been sent to respective States/UTs for taking necessary action as the implementation of this Act lies with the States/UTs.

(e), (f) & (g): Yes, Madam. 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.