

**GOVERNMENT OF INDIA  
TRIBAL AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:395  
ANSWERED ON:23.11.2012  
MINOR FOREST PRODUCE  
Singh Alias Pappu Singh Shri Uday

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

- (a) whether the tribals had allegedly been denied access to the minor forest produce trade by forest bureaucracy across the country;
- (b) if so, the details thereof;
- (c) whether the Government proposes to amend the existing laws to protect the rights of tribals on forest produce;
- (d) if so, the details thereof; and
- (e) The time by which these amendments are likely to be made?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SMT. RANEE NARAH)

(a) to (e): It had been noticed that traditional rights of Forest Dwelling Scheduled Tribes and other Traditional Forest Dweller of ownership, usufruct and management over forest resources had been constrained. The union Government enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to correct this historic injustice and guaranteed rights to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood; communities rights such as nistar or by whatever name called, including those in erstwhile Princely States, Zamindari or such intermediary regimes; right of ownership access to collect, use and dispose of Minor Forest Produce which has traditional been collected within or outside village boundaries; other communities rights of uses or entitlements such as fish and other products of water bodies, gazing and traditional seasonal resource access of nomadic and pastrol communities; rights including community tenures of habitat and habitation of PTGs and pre-agricultural communities; rights in or over disputed lands under any nomenclature in any States where claims are disputed; rights for conversion of Pattas or grants issued by any local authority or any State Government on forest lands to titles; rights of settlement and conversion of all forest villages, old habitations, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages, right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use; rights which are recognized under any state law or laws of any Autonomous District Council or Autonomous Regional Council or which are expected as rights of tribals under any traditional or customary law of the concerned tribes of any State; rights of access to by biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity; any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or Other traditional forest dwellers but excluding the traditional right of hunting or trapping or extracting part of the body of any species of wild animal; right to in-situ rehabilitation including alternative land in cases where the Scheduled Tribes and Other traditional forest dwellers have been illegally evicted or displaced from any forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of the December, 2005.

Appropriate changes in Rules have been brought about on 06.09.2012 and guidelines have been issued on 12.07.2012 to ease out the problems and hindrances encountered in the implementation of the Act, and to provide unencumbered access to rights already conferred by the Act.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 notified by the Ministry on 06.09.2012 provide for (1) disposal of Minor Forest Produce with in and outside forest areas through appropriate means of transport, (ii) Modification of the transit permit regime in relations to transportation of Minor Forest Produce and issue of the transit permit by a committee constituted by the Gram Sabha or the person authorized by the Gram Sabha and (iii) making the collection of the Minor Forest Produce free of all royalties or fees or another charges. The guidelines issued by the Ministry on 12.07.2012 inter-alia requires the State Government to ensure recognition of the forest rights relating to Minor Forest Produce and to bring the State Policies in alignment with the provision of Scheduled Tribes and Other Traditional Forest Dwellers) Act, do away the monopoly for the Forest Corporations in the trade of minor forest produce in the States, play the facilitation role in not only transferring unhindered absolute rights over minor forest produce to forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers but also in getting them remunerative price for the minor forest produce collected and processed by them.