

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2508

ANSWERED ON:07.12.2012

RIGHTS OVER FOREST RESERVES

Adhalrao Patil Shri Shivaji; Adsul Shri Anandrao Vithoba; Dharmshi Shri Babar Gajanan

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Union Government proposes to hand back rights over forest resources to tribals;
- (b) if so, whether there is conflict between the Scheduled Tribes and other Traditional Forest Dwellers, Recognition of Forest Rights Act, 2006 and the Indian Forest Act (IFA), 1927;
- (c) if so, the details thereof;
- (d) the steps taken by the Union Government to resolve the conflict;
- (e) whether there is any proposal to handover forests to gram sabhas; and
- (f) if so, the details thereof?

Answer

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

(a): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, Forest Rights Act, 2006), administered by the Ministry of Tribal Affairs, seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers recognized under the Act inter alia include (i) the right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries, and (ii) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

(b) to (d): Yes, Madam. There is some conflict between the Forest Rights Act, 2006 and the Indian Forest Act, 1927. Section 2 (i) of the Forest Rights Act, 2006 defines the term "minor forest produce" to inter alia include bamboo, brush wood, stumps and cane, whereas Section 2(7) of the Indian Forest Act, 1927 defines bamboos as trees, which also includes palms, stumps, brush wood and canes. The Ministry of Environment & Forests, at the level of the then Minister of State (I/C) Environment & Forests, has issued an advisory to the all Chief Ministers on 21.3.2011, bringing to their notice the legal provisions of the Forest Rights Act, 2006 and requested them to direct the State Forest Departments to treat bamboo as a minor forest produce and respect the rights accrued to communities as per the Forest Rights Act, 2006.

(e) & (f): There is no proposal under the consideration of the Ministry of Tribal Affairs to hand over forests to Gram Sabhas. The Forest Rights Act, 2006, however, empowers the holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act to inter alia protect the wildlife, forest and bio-diversity and ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forests and the bio-diversity are complied with.