

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4632
ANSWERED ON:21.02.2014
IMPLEMENTATION OF FOREST RIGHTS ACT
Kateel Shri Nalin Kumar;Suresh Shri D.K.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 makes provisions for the preservation of sustainable livelihoods of the tribes and other traditional forest dwellers;
- (b) if so, the details thereof;
- (c) whether the provisions of the Act has not been implemented in many States including Karnataka;
- (d) if so, the details thereof indicating the implementation status thereof, State-wise;
- (e) whether there are complaints regarding eviction of tribals from their lands/forest area in the country including Karnataka;
- (f) if so, the details of complaints received in this regard during the last three years and the current year along with the action taken thereon; and (g) the corrective measures taken by the Government for implementation of Act in the country along with the removal of factors impeding its implementation?

Answer

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

(a) & (b): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA, 2006) has been enacted to recognize and record rights of the forest dwellers who have been residing in such forests for generations and whose rights could not be recorded and secondly to empower them and their community institutions as statutory authorities with the power to protect and manage forests. The preamble of the Act contains livelihood aspect . Relevant portion is reproduced below:

"Whereas the recognized rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forest while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other Traditional Forest Dwellers";

The other relevant provisions in FRA, 2006 pertaining to livelihood aspect of forest dwellers are also given below:-

Section 3. (l) of FRA, 2006 inter-alia, provides for the following forest right, which secure individual or community tenure or both, of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers on all forest lands namely:-

- (i) rights to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;
- (ii) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- (iii) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(c)& (d): A statement of claims and distribution of title deeds including Karnataka under FRA, 2006, as on 31.12.2013, is at Annexure.

(e) & (f):As per the provisions of the Act and Rules framed thereunder, the onus of implementation of the Act lies at the level of State/UT Governments. The complaints received by the Ministry regarding violation of FRA 2006 were sent to respective State/UT Governments for taking necessary action as the implementation of the Act lies with the State/UTs.

The Ministry is not maintaining record of action taken by the State/UT in respect of the complaints forwarded to them.

(g): The Ministry organized five regional consultations followed by a National meeting in 2012 and three theme based regional consultations during 2013 to create awareness and time bound disposal of claims and recognizing genuine claims and vesting rights therein was emphasized. During implementation of the Act, bottlenecks impeding the benefits of welfare legislation were noticed.

These were removed through guidelines issued on 12.7.2012 and amendment in the Rules notified on 06.09.2012.

The Amendment Rules 2012 mainly relate to –

For expediting disposal of claims and transparency in the process, reduction of the quorum of Gram Sabha from two- third to one half of the members and ensuring presence of at least fifty percent of the claimants to forest rights where any resolution in respect of claims to forest rights are to be passed and passing of such resolutions by a simple majority of those present and voting;

Increased Scheduled Tribe representation in the Forest Rights Committee from one-third to two-third;

Communication of the decision for rejection or modification of claim to the claimant and giving a reasonable opportunity to the claimant;

Recording of detailed reasons where decisions of the SDLC and DLC involve modification or rejection of a Gram Sabha resolution;

Non-rejection of claims accompanied by any two forms of evidences specified in Rules 13, without giving reasons in writing;

Issue of transit permit through a Committee constituted by Gram Sabha or a person authorized by the Gram Sabha and making collection of MFP free of all royalties or fees or any other charges;

Conversion of all forest villages under Clause (h) of Section 3 of the Act to include actual land use of the village in its entirety.