

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1558
ANSWERED ON:27.11.2009
FOREST VILLAGE DWELLERS
Masram Shri Basori Singh

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether no concrete steps have been taken so far for the actual implementation of Forest Rights Law despite it has already been enacted/enforced;
- (b) whether the Government have formulated any policy for giving ownership rights to the tribals in their land;
- (c) if so, the details thereof;
- (d) whether the Government are depriving tribals, particularly in Madhya Pradesh and Chhattisgarh of their ownership rights in their land by acquiring their lands;
- (e) if so, the reasons therefor;
- (f) if not, the facts in this regard;
- g) the number of the families to whom permanent lease has been awarded, State-wise;
- h) the number of families to whom permanent lease has not been awarded, State-wise;
- i) the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (DR. TUSHAR A. CHAUDHARY)

(a): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been notified for operation with effect from 31st December, 2007. The responsibility for implementing the Act lies with the State/ UT Governments. Soon after the operationalisation of the Act, this Ministry had addressed the State/UT Governments on 11.1.2008 for constituting various Committees under the Act and for initiating necessary action for recognition and vesting of the forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers. In order to ensure speedy implementation of the Act, the Ministry had subsequently conveyed the major actionable points, along with the timelines to the State/UT Governments on 31.1.2008 for initiating follow up action. The Ministry has been interacting with all the State/UT Governments regularly urging them to take all necessary steps for expeditious implementation of the Act. Review meetings with the concerned officers of the State/UT Governments are being held and the officers of the Ministry are visiting the States to assess and guide the pace of implementation. The Ministry has recently advised and is pursuing all the State/ UT Governments to ensure completion of the work relating to vesting of forest rights by end of December, 2009.

(b) & (c): Section 3(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 already recognizes the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, including the right to hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood.

(d) to (f): No, Sir. There are no reports that eligible forest dwellers are being denied their rights. As per the information collected till 31st October, 2009, the status of implementation of the Act in the States of Chhattisgarh and Madhya Pradesh is as under:

	Chhattisgarh	Madhya Pradesh
No. of claims filed at		
Gram Sabha level	4,57,857	3,71,993
	(3,69,437 individual and 2,556 community)	
No. of titles distributed	1,92,088	47,460 distributed and 39,799 ready
No. of claims rejected	2,01,903	2,27,964

(g) to(i): The requisite details are given in the Annexure. The forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers are recognized and vested as per the process laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 notified on 1.1.2008.

Notes:

1. Arunachal Pradesh: The State Government has informed that though they have constituted the SDLC, DLC and SLMC under the Act but unlike the other States of Indian Union where the Scheduled Tribes and other traditional forest dwellers are in minority and socio economically marginalized by other dominant non-tribal population, the State of Arunachal Pradesh is wholly domiciled by various ethnic tribal groups whose land and forests are specifically identified with natural boundaries of hillocks, ranges, rivers and tributaries. Barring few pockets of land under wildlife sanctuaries, reserved forests, most of the land in entire State is community land. Territorial boundaries of land and forest belonging to one community or tribes from the others are also identified in the same line leaving no scopes for any dispute over the possession of land forest or water bodies among the tribes. Therefore, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in true sense does not have much relevance to the State of Arunachal Pradesh.
2. Haryana: The State Govt. has informed that there are no Scheduled Tribes and other traditional forest dwellers living in the forests of Haryana.
3. Manipur: Information not available.
4. Mizoram: The State Government has informed that the Act is to be approved by the State Legislative Assembly as per the Article 371(G) of the Constitution. This is awaited.
5. Nagaland: The Government of Nagaland has informed that the land holding system and the village system of the Naga people is peculiar in that the people are the land owners. Hence, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 per se may not be applicable to the State of Nagaland.
6. Sikkim: The Government of Sikkim has issued a notification dated 28.1.2008 regarding constitution of an Expert Committee for identification of Critical Wildlife habitats in Protected Areas (PAs) and have also constituted the various Committees under the Act but has not sent any report regarding the progress of implementation of the Act in the State so far.
7. A&N Islands: The Andaman & Nicobar Administration has informed that in A&N Islands there are no non-tribal forest dwellers as defined in the Act. The area inhabited by the Scheduled Tribes of A&N Islands has been declared as reserved area under the A&N Islands Protection of Aboriginal Tribes (Regulation), 1956. The interest of the tribals in the land situated in the reserved areas are fully protected under the provision of the regulation. The tribal reserves have been notified as reserved or protected forest reserve.
8. Daman & Diu: No progress.
9. Lakshadweep: The UT Administration has intimated that there are no terrestrial forests and no forest tribes or traditional forest dwellers in Lakshadweep.
10. Puducherry: The Government of Puducherry has informed that there are no recognized Scheduled Tribes in the Union Territory of Puducherry and also no land in Puducherry is classified as "Forest Land" coming within the definition of Clause 2(d) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.