

**EIGHTEENTH REPORT  
COMMITTEE ON PETITIONS  
(SIXTEENTH LOK SABHA)**

**MINISTRY OF TRIBAL AFFAIRS  
AND  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE**

**(Presented to Lok Sabha on .....)**



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**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2015-2016)**

Shri Bhagat Singh Koshyari -Chairperson

**MEMBERS**

2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Shri Rajen Gohain\*
7. Dr. K. Gopal
8. Shri Chhedi Paswan
9. Shri Kamlesh Paswan
10. Smt. Krishna Raj\*\*
11. Shri Arjun Charan Sethi
12. Shri Kodikunnil Suresh
13. Shri Dinesh Trivedi
14. Shri Rajan Vichare
15. Shri Dharmendra Yadav

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| 2. Shri Shiv Kumar         | - | Joint Secretary      |
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| 4. Shri Alok Mani Tripathi | - | Committee Officer    |

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\*Shri Rajen Gohain ceased to be Member of the Committee *w.e.f.* 5<sup>th</sup> July, 2016 on his appointment as Minister of State, Government of India.

\*\*Smt. Krishna Raj ceased to be Member of the Committee *w.e.f.* 5<sup>th</sup> July, 2016 on her appointment as Minister of State, Government of India.

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(i)

**EIGHTEENTH REPORT OF THE COMMITTEE ON PETITIONS  
(SIXTEENTH LOK SABHA)**

**INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Eighteenth Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the Action Taken on the recommendations made by the Committee on Petitions in their Ninth Report, on the representation received from Shri M. Sai Sampath, regarding implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the Country and other important issues related therewith.

2. The Committee considered and adopted the draft Eighteenth Action Taken Report at their sitting held on 4 August, 2016.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI;**

**August, 2016  
Shravana, 1938 (Saka)**

**BHAGAT SINGH KOSHYARI  
Chairperson,  
Committee on Petitions**

## REPORT

### **ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) IN THEIR NINTH REPORT ON THE REPRESENTATION RECEIVED FROM SHRI M. SAI SAMPATH REGARDING IMPLEMENTATION OF THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 IN THE COUNTRY AND OTHER IMPORTANT ISSUES RELATED THEREWITH.**

The Committee on Petitions (Sixteenth Lok Sabha) presented their Ninth Report to Lok Sabha on 11 December, 2015 on the representation received from Shri M. Sai Sampath regarding implementation of the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 in the country and other important issues related therewith.

2. The Committee had made certain observations/ recommendations in the matter and the Ministry of Environment, Forest and Climate Change & Ministry of Tribal Affairs were asked to furnish their action taken notes thereon for consideration of the Committee.

3. Action Taken Notes have been received from the Ministry of Environment, Forest and Climate Change and the Ministry of Tribal Affairs in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Environment, Forest and Climate Change and the Ministry of Tribal Affairs are detailed in the succeeding paragraphs.

4. In paras 25 and 26 of the Report, the Committee had observed/ recommended as follows:

*"The Ministry of Tribal Affairs submitted that 'cut-off dates' are relevant in the case of Government schemes and welfare activities but have no relevance for a substantive Statute such as the FRA which recognises and vests forest rights with the forest dwellers. The Committee note that as per section 2(c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, 'forest dwelling Scheduled Tribes' means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs, whereas section 2(o) defines 'other traditional forest dweller' as any member or community who has for at least three generations prior to 13 December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs.*

*For the purpose of this clause, 'generation' means a period comprising of twenty-five years. The Committee were informed that 13 December, 2005 is only a reference date for the purpose of determining eligibility of making claims by genuine claimants, and hence, it is not a 'cut-off date' for regularisation of encroachments. The Committee find it quite contradictory that even though the duration of 3 generations (75 years) for computing the eligibility of the forest dwelling Scheduled Tribes/ Other Traditional Forest Dwellers to claim forest land is being computed on the basis of 13 December, 2005, yet the Ministry considers and maintains it only as a 'reference date'. The Committee yet again faults the approach of the Ministry that has chosen to proceed with their notion of 13 December, 2015 only as a reference date, " without getting the matter legally and pragmatically examined even after seven years of actual implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. The Committee feel that treating 13 December, 2005 only as a 'reference date' and not as a 'cut-off date' by the Ministry appears as an aspect of interpretation only; however, the same is fraught with serious ramifications of various stake holders insofar as the implementation of the Act is concerned. The Committee, therefore, recommend that the Ministry should work out modalities to re-visit this vital issue, having sizeable social and economic implications, to consider the feasibility of recognising 13 December, 2005 as a 'cut-off date' for the Forest Dwellers to claim forest land in terms of the Act *ibid*. For this purpose, an Expert Committee may be expeditiously constituted by the Government to examine the inherent ambiguity in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules and the problems faced by the States/ UTs in its implementation. The Committee would like to be apprised of the concrete action taken in the matter."*

*"The Committee note that a three-tier structure has been created starting with the Gram Sabha up to District level Committee to ensure the due process for the recognition of forest rights. In this process, the officials from the Revenue and Forest Departments are in the Committees at the sub-Divisional level and District level to ensure objectivity in the process of verification and, recognition of claims. The Committee find that as on 30 June, 2015, 43.24 lakh claims [Individual - 42.13 lakh and Community - 1.11 lakh] for forest rights were received by the States/ UTs out of which only, 16.64 lakh claims [Individual - 16.25 lakh and Community - 0.39 lakh] could be recognised. The Committee's examination of the claims filed by the forest dwellers along with its recognition/ distribution has revealed that the performance of the States/ UTs in ensuring implementation of the Act has not been very encouraging. For instance, during the last seven years of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 26.60 lakh claims (61.51%) are pending, and only a meager 38.49% of claims have been recognised/ distributed. The Committee are also disturbed by the fact that though there has been some progress "on the*

*recognition of Individual Rights, the recognition of Community Rights in general and Community Forest Rights (CFR) in particular has been very slow. As per the progress report, the total community rights claimed pre 1.11 lakh, of which only 39,000 rights have been so far recognised. The Committee are also disturbed to notice that though the preamble to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to correct the historical injustice done to the forest dwellers during the colonial period as well in independent India by recognising their rights, in actual practice, the progress made in implementation thereof so far by various State/UTs has been found to be quite disappointing, thereby defeating the very purpose of enactment of the Act. The Committee, while recognising that Section 3(1)(i), along with Section 5 of the FRA, empower the Gram Sabha to protect, regenerate or manage their community forest resources, impress upon the Government to effectively liaise and prevail upon the State Governments/UTs for making a realistic assessment of recognising and vesting of CFR & the earliest. For this purpose, geo-referencing data may be used to assess the potential CFR areas. The Committee also recommend that an independent evaluation study may be carried out, in coordination with State Governments/ Union Territories, to determine the reasons for the huge pendency in recognizing the forest rights claim so as to make sure that the implementation process can be process calibrated for taking urgent corrective measures for recognising and vesting individual and Community Forest Rights, without any further loss of time. The Committee hope that while undertaking the evaluation study, relevant attributes like the reasons for the rejection of claims; provision of reasonable opportunity to the affected people against the rejection; training programmes for officials, Ward Members, Gram Sabha Member, Panchayat Secretaries, Field Officer of Forest Departments, Tribal Welfare and Land Administrative Department, Sub-Divisional Level Committee members (SLDC), District Level Committee (DLC) members; translation of FRA, 2006 AND Rules and Guidelines made thereunder in local/tribal languages, etc. for a creating widespread awareness would also be proactively addressed."*

5. In their action taken reply, the Ministry of Tribal Affairs have stated as follows:

*"The Forest Rights Act, 2006 is an enabling legislation to recognize and vest pre-existing rights of the forest dwelling Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) who have been residing in such forests for generations but whose rights could not be recorded. The Act also provides for a frame work for recording of the forest rights so vested.*

*In order to identify the bonafide claimants among STs and OTFDs, a criteria has been fixed that the land must be under occupation on a particular date i.e., 13.12.2005. Further, in the case of OTFDs, it is mandatory that the members of the community should*



*have been primarily residing in and depending on the forest or forest land for bonafide livelihood needs for at least three generations or 75 years prior to 13.12.2005.*

*Thus in a way, the stipulated date of 13.12.2005 does serve the purpose of 'cut-off date' in so far as implementation of Forest Rights Act is concerned because persons in occupation of forest land after the said date will not be eligible for claiming benefits under FRA. There is no ambiguity in the Act per se.*

*The Ministry has reviewed the reasons for rejections and has also issued advisories on - (i) Reviewing the high rate of rejections of FRA claims, particularly in the LWE affected areas and suggested various actionable steps for ensuring proper implementation of FRA in those areas (vide this Ministry's letter dated 12.09.2014); and (ii) Guidelines with regard to use to Geo-referencing for assessment of potential areas and re-examination of rejected claims under the Forest Rights Act (vide this Ministry's letter dated 27.7.2015).*

*Progress is being closely monitored by the Ministry through monthly reporting and periodic video conferencing. The States are also issued advisories dated 10.04.2015 and guidelines dated 27.07.2015 from time to time for improving their performance with regard to implementation of the Forest Rights Act.*

*As on 31<sup>st</sup> December, 2015, 44,13,727 (42,99,589 individual and 1,14,138 community claims) were filed, and 17,11,045 titles (16,69,716 individual and 41,329 community claims) have been distributed. A total of 38,32,021 (86.82%) claims have been disposed of."*

6. In para 27 of the Report, the Committee had observed/recommended as follows:

*"One of the arguments advanced by the Petitioner is the encroachment of forest land in the country under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Ministry of Environment, Forest & Climate Change informed the Committee that the protection and management of forests is primarily the responsibility of the State/ UT concerned and hence the action to remove encroachment is to be taken as per the provisions of various Acts such as the Indian Forest Act, 1927; the Wildlife Protection Act, 1972; and the Forest Conservation Act, 1980. The Committee have also been informed that the State Forest Departments have taken a variety of measures to prevent encroachment such as managing check posts, creating infrastructure for staff in the forest areas, using technology as far as possible and practical for management of forests which includes wireless network, remote sensing, geographical information system, information technology tools, Global Positioning System and differential GPS, improved mobility to the field staff by providing*

*vehicles for patrolling, survey and demarcation of forest areas, including digitization of recorded forest areas and construction of boundary pillars. The Committee are totally dissatisfied by the efforts made by various Government agencies to contain encroachment of forest land in view of the fact that the forest area under encroachment is of mammoth dimensions, i.e., 16.21 lakh hectares. The Committee is, therefore, of the considered view that the availability of technology, machine and manpower would have a limited impact in curbing the problem of encroachment of forest land unless a multi-level post-monitoring feedback mechanism is put in place. Simultaneously, with the rapid urbanisation in the country, the dividing line between the habitable and forest areas has almost become invisible. The Committee, therefore, strongly recommend that the Government should persuade the State Governments/UTs to devise a professionally managed post-monitoring; incentive-driven feedback system for not only curbing the menace of encroachment of forest land but also getting released the already encroached forest land in a mission mode. The Committee also urge the Government to work out a proposal along with the financial implications for the construction of boundary wall/fence in those forest areas where the menace of encroachment has witnessed an abnormal accretion in the recent years. The Committee would like to be apprised of the action taken by the Government in the matter."*

7. In their action taken reply, the Ministry of Environment, Forest and Climate Change have stated:-

*"In this regard the following points are relevant for consideration:-*

1. *The recorded forest area in the country is 7, 71,821 sq. km. which are not contiguous but interspersed with habitations leading to vast boundary between forest and non-forest land. In most of the forest areas, the people are dependent on forest for various forest resources and services. Livelihood of millions of people especially tribes are dependent on various forest resources. Therefore, forest in such areas cannot be entirely fenced to leave people out in order to protect these areas from encroachment.*
2. *The forests in the country are managed jointly with the participation of local people through Joint Forest Management. As the local population is dependent upon forests for their daily requirements, they have been managing these resources effectively in the past and are partnering with State Forest Departments in protecting forest and curbing the menace of encroachment. Various cash and non cash benefits are provided to the people as incentives for protecting and properly managing forests under JFM. Further, the Ministry also provides fund under the National Afforestation Programme to encourage participation of people.*

3. *Forest areas also are home to various species of free ranging fauna which require large tracts of land to live. They also constantly move from one area to another and fencing of forest areas may adversely affect the wildlife.*
4. *Demarcation of boundaries of forests areas and construction of boundary pillars is very important to avoid as well as detect encroachments. The Ministry, through the Intensification of Forest Management Scheme supplements the efforts of the State /UT Governments by providing funds for the same. Use of modern technology such as GIS, GPS/DGPS is constantly encouraged under the IFMS Scheme. A minimum of 15% of total funds under the scheme are allocated for the component titled Working Plan Preparation /Survey and Demarcation.*

*Also, the States/UTs have been requested to take appropriate actions in this regard vide O.M. No 7-2/2015-FPD dated 28/01/2016 as protection of forest areas is primarily the responsibility of State/UT Governments."*

8. In para 28 of the Report, the Committee had observed/recommended as follows:

*"The Committee are disturbed to note the total apathy on the part of the Government regarding the non-availability of basic amenities like schools, dispensaries, solar power, etc. to the people living in forest areas/reserve forests, which are commonly known 'Goth', 'Khatte or 'Taungya Cultivation'. On this aspect, the Secretary, Ministry of Tribal Affairs, during the briefing, stated that there is explicit provision in the rules where Goth', 'Khatte or 'Taungya Cultivation' has been regarded as forest-edge village in terms of the Forest Rights Act; the difficulty is that they are not being provided these facilities in the States where the implementation process of the Act is very slow. According to him, despite issuing directions to the State Governments, this problem is still in existence in several States like Uttarakhand and Jharkhand. After careful examination of the aspect of extending basic facilities to the people living in the forest areas/ reserve forests, the Committee are convinced that extensive efforts are still required to be made to provide basic amenities to the forest-edge villages by the States of Uttarakhand and Jharkhand. Since the Ministry of Environment, Forest & Climate Change supplements the efforts of the State Governments by providing financial assistance to them under the Intensification of Forest Management Scheme (IFMS), the Committee recommend that some special financial package needs to be worked out for the States of Uttarakhand and Jharkhand and other such States to provide basic amenities like schools, dispensaries, solar power, etc to the people living in the forest-edge villages. The Committee would specifically like to be apprised of the action taken by the Ministry of Environment, Forest & Climate Change in this regard."*

9. In their action taken reply, the Ministry of Environment Forest and Climate Change have stated:-

*"In this regard, it is brought out that as per the revised Operational Guidelines, 2006 under the scheme during the preparation of micro-plans, the community would identify the Entry Point Activities (EPA) to be taken up during the project period and the mode of its maintenance. Creation of durable community assets to support improved livelihoods, especially to the marginalized sections of the JFMC (e.g. landless, poor women, primitive tribes, Schedule Castes, etc.) are given preference. Details of EPA works undertaken are maintained at the FDA level, and a copy of list of works is sent to SFDA for record. Both creation and maintenance of EPAs are funded under the Scheme.*

*An amount of Rs. 6597.97 lakh during 2010-15 has been sanctioned to all States/UTs to take up infrastructure development activities under the EPA component. The states of Uttarakhand and Jharkhand have been sanctioned Rs. 181.07 lakh and Rs 74.50 lakh under EPA component respectively during the period.*

*The Ministry has also urged the States/UTs Governments vide O.M. No 7-2/2015-FPD dated 28/01/2016 to prepare proposals for funding/ financing under appropriate schemes to provide basic amenities to people living in the forest-edge villages."*

10. In para 29, the Committee had observed/recommended follows:-

*"During the course of their deliberations on the subject, the Committee have further noted with concern the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who were forced to relocate their dwellings due to State development interventions especially amongst the people living in forest areas/ reserve forests (commonly known as 'Goth', 'Khatte', etc.) for the last 30 to 50 years or even more. To address their concerns and insecurity for all times to come, it is the considered opinion of the Committee that the Ministry should seriously consider vesting them with tenurial and other incidental rights as well even if it requires any further amendment to the Scheduled Tribes and Other Traditional Forest Dwellers {Recognition of Forest Rights} Act, 2006 and Rules made thereunder, which the Committee feel shall be purely in consonance with spirit of the said Act. The Committee would like to be apprised of the steps taken to address this major issue that relates to a larger section of people spread across the States like Uttarakhand, Jharkhand, etc., in the country."*

11. In their action taken reply, the Ministry of Tribal Affairs have stated:-

*"Section 4(5) of FRA specifically provides that no member of a forest dwelling ST or OTFD shall be evicted or removed from forest land under his/her occupation till the recognition and verification procedure is complete. Section 4(2) of FRA also inter-alia provides that no forest rights holder shall be resettled or have their rights in any manner affected for the purpose of creating inviolate areas for Wildlife Conservation unless certain conditions as specified in Section 6 of FRA are fulfilled.*

*Section 2(f) recognizes settlements and lands for cultivation and other uses permitted by Government, which can cover 'Goth', 'Khathe', etc., if it fulfills conditions laid down under Section 4(2) (3).*

*Section 2(o) also recognizes Other Traditional Forest Dweller who has resided as dependent on forest for at least three generations prior to 13.12.2005.*

*In view of these specific provisions, Ministry has been emphasizing to all States particularly Uttarakhand, Jharkhand, etc. to ensure that all bonafide claimants get their rights that are lawfully due to them. As on 31st December, 2015, 43,125 titles (41,691 individual and 1,434 community titles) covering nearly 88,000 acres of forest land has been granted in Jharkhand. The Ministry would pursue further with the low performing States."*

## Observations/ Recommendations

12. The Committee had expressed its concern that even though Sections 2(C) and 2(O) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines 'forest dwelling Scheduled Tribes' and 'other traditional forest dweller', respectively, and the duration of three generations (75 years) for computing the eligibility of the forest dwelling Scheduled Tribes/ Other Traditional Forest Dwellers to claim forest land is being computed on the basis of 13 December, 2005, yet the Ministry considers and maintains it only as a 'reference date'. In reply, the Ministry of Tribal Affairs has stated that the stipulated date of 13 December, 2015 does serve the purpose of 'cut-off date' in so far as implementation of the Forest Rights Act is concerned. The Ministry has also stated that persons in occupation of forest land after 13 December, 2005 will not be eligible for claiming benefits under FRA. The Committee acknowledge the clarification given by the Ministry and trust that the Ministry - with all its efforts - would determine the eligibility of genuine forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers to claim forest land in a justifiable manner so as to ensure that the paradoxical interpretation of the relevant Sections of the Act *ibid* does not come on the way of livelihood and food security of these communities anymore.

13. Regarding the huge pendency in recognising/distribution of Individual and Community Forest Rights, the Ministry, in their reply, has stated that the States have been issued advisories from time to time for improving their performance with regard to implementation of the Forest Rights Act. It has also been informed that as on 31 December, 2015, 44.13 lakh claims [Individual - 42.99 lakh and Community - 1.14 lakh] for forest rights were filed and 17.11 lakh titles [Individual - 16.69 lakh and Community - 0.41 lakh] have been distributed. Besides, a total of 38.32 lakh (86.82%) claims have been disposed of. From their reply, it has been noticed that as on 31 December, 2015, 37.76% claims [Individual and Community] have been recognised/distributed, whereas, 61.23% claims [Individual and Community] are still pending. On the contrary, the Ministry has maintained that 86.82% claims have been disposed of. The Committee are not convinced of the approach of the Ministry of Tribal Affairs in computing the details of claims filed, claims recognised/ distributed, claims rejected and claims pending. The Committee are also concerned about the pace of recognising/ distribution of Individual and Community forest rights. For instance, during the last six months [*from 30 June, 2015 to 31 December, 2015*], 47,000 claims have been recognised/distributed, which comes to

around 7833 claims per month. Therefore, on this basis, around 29 years would be required for the settlement of the remaining 27.02 lakh Individual and Community Forest Rights claims. The Committee, therefore, would like to reiterate their earlier recommendation and emphasize that concerted efforts should be made by the Government, in co-ordination with the State Governments/ UTs, to expedite early settlement of the forest rights claims.

14. On the aspect of protecting the forest areas from encroachment, the scrutiny of the Ministry's reply shows that due to dependence of people, especially the tribes, on the forest for various forest-related resources, the forests in such areas cannot be entirely fenced. The Ministry, in their action taken reply, has also informed that the forests in the country are managed jointly with the participation of local people through the Joint Forest Management (JFM). The local population had been managing these resources effectively in the past and are also partnering with State Forests Departments in protecting forest and curbing the menace of encroachment. Various cash and non-cash benefits are provided to the people as incentives for protecting and properly managing forests under the JFM. Although the Ministry has stated that the use of modern technology such as Geographic Information System (GIS)/ Global Positioning System (GPS)/ Differential Global Positioning System (DGPS) are constantly encouraged under the Intensification of Forest Management Scheme (IFMS) and the States/ UTs have been requested to take appropriate action for protection of the forest areas from encroachment, yet they have been unable to come out with an effective prescription in the form of multi-level post-monitoring feedback mechanism to contain encroachment of forest land which is presently 16.21 lakh hectares. The Committee, therefore, trust that the Ministry would come out with an innovative method of getting the already encroached forest land released and also work out an action plan for demarcation of forest areas and construction of boundary pillars to prevent the forests from being further encroached. The Committee may be apprised of the action taken in this regard.

15. The Ministry, in their reply, have stated that during 2010-15 an amount of Rs. 6597.97 lakh had been sanctioned to all the States/UTs to take up infrastructural development activities under the Entry Point Activities (EPA) component. The States of Uttarakhand and Jharkhand have been sanctioned Rs. 181.07 lakh and Rs. 74.50 lakh respectively under the EPA component during the period. The Committee appreciate the action taken by the Government on their recommendation on this aspect. The Committee

had also recommended that basic amenities like schools, dispensaries, solar power, etc. should be made available to the people living in forest areas/ reserve forests, which are commonly known as 'Goth', 'Khatte' or 'Taungya Cultivation'. Further, the Committee had emphatically desired that some special package needs to be worked out for the States of Uttarakhand and Jharkhand and other such States where the implementation process of the Act is very slow. However, the Committee find that the Ministry had conveniently skipped these vital aspects and simply informed that the States/ UTs had been advised to prepare proposals for funding/ financing under appropriate schemes to provide basic amenities to the people living in the forest-edge villages. The Committee are constrained to express the view that the Ministry has not taken their recommendation in its right perspective in spite of the fact that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act is already in the seventh year of its actual implementation and the objective for which this legislation was enacted is still far from achievement. Now that the Government has revitalized the concept of sustained development of the tribal people as enshrined in the Act *ibid*, the Committee expect that their recommendation for providing amenities to the people in forest areas/ reserve forests along with the provision of some special financial package to the States of Uttarakhand and Jharkhand, etc. would be taken up with all seriousness and in a result-oriented manner. The Committee would like to be apprised of the action taken in this regard.

16. The Committee had expressed their endorsement of vesting the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers with tenurial and other incidental rights as they were apprehensive that the long standing insecurity of forced relocation of dwellings amongst these people could be mitigated only when express provisions are made in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 itself. Furthering the Committee's apprehension, the Ministry, in their reply, has merely stated that in terms of Section 4(5) of the Act, no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from forest land under his/her occupation till the recognition and verification procedure is complete. Since the existing provisions of the Act do not specifically provide for explicit and enduring tenurial rights to the forest dwellers, the Committee would like to reiterate their recommendation to expedite vesting them with tenurial and other incidental rights even if it requires any further amendment to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.



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