

- (b) if so, the details thereof, State-wise; and
- (c) the details of measures taken by Government to penalize institutions which do not fulfil their quota of reserved seats for students?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) to (c) The information is being collected and will be laid on the Table of the House.

Amending forest laws for empowering tribals

134. SHRI N.K. SINGH:

DR. JANARDHAN WAGHMARE:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether Union Government has overcome hurdles put up by rigid forest regulations and proposes to amend the laws for tribals;
- (b) if so, whether the tribals across the country had been denied access to the minor forest produce trade by forest bureaucracy; and
- (c) if so, the time by which such amendments in the laws would be made and tribals will be given more powers?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) to (c) It had been noticed that traditional rights of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers 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; community rights such as instar 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 traditionally been collected within or outside village boundaries; other community rights of uses or entitlements such as fish and other products of water bodies, grazing and traditional seasonal resource access of nomadic and pastoral communities; rights including community tenures of habitat and habitation for 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 accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State; rights of access to 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 December, 2005.

Appropriate changes in Rules have been brought about on 6.9.2012 and Guidelines have been issued on 12.7.2012 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 6.9.2012 provide for (i) disposal of minor forest produce within and outside forest area through appropriate means of transport, (ii) modification of the transit permit regime in relation 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 Gram Sabha, and (iii) making the collection of minor forest produce free of all royalties or fees or any other charges. The guidelines issued by the Ministry on 12.7.2012 *inter-alia* require the State Governments to ensure recognition of the forest rights relating to minor forest produce and to bring the State policies in alignment with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, do away the monopoly of the Forest Corporations in the trade of minor forest produce in the States, play the facilitating 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 prices for the minor forest produce collected and processed by them.

**Implementation of ST and Other Traditional Forest
Dwellers Act, 2006 in Goa**

135. SHRI SHANTARAM NAIK: Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the status of implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in Goa;
- (b) whether State Government has framed any rules in this regard or prepared any scheme;
- (c) the steps taken, district-wise and village-wise, in this regard and proposals made, village-wise, in this regard;
- (d) since when the implementation has started and steps taken in the last six months; and
- (e) time likely to be taken for the allotment of land and other benefits in the entire State?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) to (c) As per the information received from the Government of Goa, the status of implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Goa, as on 31.10.2012, is as under:—

- (i) The State Government has created an independent Department *viz.* Directorate of Welfare in the State on 21.1.2010 for welfare of tribals including implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- (ii) The State Government has constituted the following Committees for implementation of the Act on 31.5.2011:—
 - (a) State Level Monitoring Committee
 - (b) 2 District Level Committees for North Goa District and South Goa District