

The Ministry of Tribal Affairs supplements the efforts of the Ministry of Human Resource Development (the line Ministry) and State Governments /UT Administrations in this regard by implementing various schemes for the educational development of Scheduled Tribes students.

Salient features of Forest Dwellers Act, 2006

911. DR. T.N. SEEMA: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) the number of tribal people in the country including Chhattisgarh, Jharkhand and Odisha, State/Union Territory-wise;

(b) the details of the initiatives taken by Government to bring tribal people into the mainstream of the country;

(c) the salient features of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the modalities worked out to grant rights to forest dwellers; and

(d) whether Forest Dwellers Act, 2006 is being violated due to coal mining in the country; and if so, the complaints received in this regard from tribal communities in the country, State-wise during the last four years and the current year?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRIMATI RANEE NARAH): (a) The number of tribal people in the country including Chhattisgarh, Jharkhand and Odisha, State/Union Territory-wise, as per Census 2011, is given in Statement-I (*See* below).

(b) The programmes and schemes of the Ministry of Tribal Affairs are intended to support and supplement, through financial assistance, the efforts of other Central Ministries, the State Governments and voluntary organizations and to fill critical gaps taking into account the needs of ST. This Ministry also complements the efforts of other Central Ministries by way of various developmental interventions in critical sectors through specially tailored schemes which are for the economic, educational and social development of the Scheduled Tribes. Recently, the Government has constituted a High Level Committee to prepare a report on the socio-economic, health and educational status of the tribal communities in India.

(c) The salient features of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the modalities worked out to grant rights to forest dwellers are as follows:

- (1) Section 3 of the Act lists the rights which shall be the forest rights of the forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers. These forest rights are:
 - (a) right 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 Tribe or other traditional forest dweller;
 - (b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
 - (c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
 - (d) 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;
 - (e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
 - (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
 - (h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
 - (i) right to protect, regenerate or conserve or manage any

community forest resource which they have been traditionally protecting and conserving for sustainable use;

- (j) 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;
 - (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
 - (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be which are not mentioned in clause (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
 - (m) 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 forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.
- (2) Section 3(2) of the Act provides for diversion of forest land for certain facilities managed by the Government notwithstanding anything contained in the Forest Conservation Act, 1980 and which involve felling of trees not exceeding seventy five trees per hectare and the forest land to be diverted for the purpose is less than one hectare and the clearance of such development project is recommended by the Gram Sabha.
 - (3) Section 4(1) of the Act recognizes and vests forest rights in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers notwithstanding anything contained in any other law for the time being in force.
 - (4) Section 4(2) of the Act provides for modification or resettlement of forest rights in critical wildlife habitats of National Parks and

Sanctuaries for the purpose of creating inviolate areas for wildlife conservation subject to fulfilment of conditions such as process of recognition of rights is complete in all the areas under consideration, no other reasonable option exists, it has been established that the activities or the impact of the present right holders will cause irreversible damage and threaten the existence of wildlife and their habitat, free and informed consent of the concerned Gram Sabhas has been obtained, resettlement or alternative package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected families and communities given in the relevant laws and policy of the Central Government, and the resettlement should take place only after the facilities and land allocation at the resettlement location are complete. It is also provided that critical wildlife habitats from which right holders are relocated shall not be shall not be subsequently diverted for other users.

- (5) Section 4(3) of the Act subjects the recognition and vesting of the forest rights to the condition that the forest dwelling Scheduled Tribes or Other Traditional Forest Dwellers had occupied the forest land before the 13th day of December, 2005. Section 4(4) stipulates that the rights conferred under this Act shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons.
- (6) A very important and crucial safeguard has been provided to the forest right holders *vide* Section 4(5) which mandates that no forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete.
- (7) The right to hold and live in the forest land under the individual or common occupation for habitation and for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or Other Traditional Forest Dwellers shall be restricted to area under actual occupation and shall in no case exceed an area of four hectares as per Section 4(6) of the Act. Section 4(7) of the Act provides that forest rights shall be conferred free from all encumbrances and procedural requirements.

- (8) The forest rights recognized and vested under this Act includes the right of land to forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition as per Section 4(8) of the Act.
- (9) Section 5 of the Act empowers the holders of forest rights, the Gram Sabha and the village level institutions to (a) protect the wildlife, forest and bio-diversity (b) ensure that adjoining catchment area, water sources and other ecological sensitive areas are adequately protected (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage and (d) 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 and the bio-diversity are complied with.
- (10) Section 6 (Chapter IV) of the Act deals with the authorities and procedures to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. There is a three tier structure of authorities to vest forest rights, the Gram Sabha is the initiating authority for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The Sub-Divisional Level Committee examines the resolution passed by the Gram Sabha and forwards it to the District Level Committee for the final decision. Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee and any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee. The decision of the District Level Committee on the record of forest rights is final and binding. There is a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called by that agency.

- (11) Section 7 of the Act has a provision for punishment of any authority or officer for contravention of any provision of this Act or any rule made thereunder.
- (12) The Ministry of Tribal Affairs, Government of India is the nodal agency for the implementation of this Act as per Section 11 of the Act.
- (13) Section 12 empowers the Central Government to issue directions to the authorities referred to in Chapter IV of the Act.
- (14) As per Section 13 of the Act, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

(d) The Ministry of Tribal Affairs has received complaints alleging allotment of coal blocks in Chhattisgarh and Madhya Pradesh in violation of the instructions issued by the Ministry of Environment & Forests to the State/UT Governments, *vide* their letter No. 11-9/98-FC(pt.) dated 30.7.2009, as modified on 03.08.2009, regarding compliance of the provisions of the Forest Rights Act, 2006 while formulating unconditional proposal for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. Details of the complaints received and the action taken thereon are given in the Statement-II.

Statement-I

State/Union Territory-wise population of Tribals in India

Sl. No.	State	ST Population
1	2	3
	India (Excl. 3 Sub-divisions of Senapati Distt. of Manipur)	104281034
1	Jammu and Kashmir	1493299
2	Himachal Pradesh	392126
3	Punjab	0
4	Chandigarh	0
5	Uttarakhand	291903
6	Haryana	0
7	NCT of Delhi	0

1	2	3
8	Rajasthan	9238534
9	Uttar Pradesh	1134273
10	Bihar	1336573
11	Sikkim	206360
12	Arunachal Pradesh	951821
13	Nagaland	1710973
14	Manipur	902740
15	Mizoram	1036115
16	Tripura	1166813
17	Meghalaya	2555861
18	Assam	3884371
19	West Bengal	5296953
20	Jharkhand	8645042
21	Odisha	9590756
22	Chhattisgarh	7822902
23	Madhya Pradesh	15316784
24	Gujarat	8917174
25	Daman and Diu	15363
26	Dadra and Nagar Haveli	178564
27	Maharashtra	10510213
28	Andhra Pradesh	5918073
29	Karnataka	4248987
30	Goa	149275
31	Lakshadweep	61120
32	Kerala	484839
33	Tamil Nadu	794697
34	Puducherry	0
35	Andaman and Nicobar Islands	28530

Source: RGI

*Statement-II**Details of complaints received and the action taken thereon*

Sl. No.	Details of the complaint	Nature of allegation/ complaint	Action taken
1.	Letters dated 5.6.2013 from Shri Laxmi Chauhan, Secretary, Sarthak, Independent Organisation of Experts, Plot No.06, Rajshee Complex, Beside Punjab National Bank, Main Road Kosabadi-Korba, Distt. Korba (Chhattisgarh)	Alleging allotment of Kesla North Captive Coal Block to M/s. Rathi Steel & Power - and Durgapur-II/ Taraimar Captive Coal Block to BALCO in violation of the provisions of Ministry of Environment & Forests' letter dated 30.7.2009 relating to compliance of the provisions of Forest Rights Act, 2006 and the provisions of Chhattisgarh Panchayati Raj Act.	The Ministry has sent the copies of the letters to Government of Chhattisgarh on 23.8.2013 for necessary action and sending an appropriate reply to the complainant under intimation to this Ministry.
2.	Letter dated 20.8.2013, from Green Peace Environment Trust, 60 Wellington Street, Richmond Town, Bangalore-560025, forwarded by the Lok Sabha Secretariat (Standing Committee on Social Justice & Empowerment Branch).	Alleging grant of in principle (Stage-1) approval by the Ministry of Environment & Forests for diversion of forest land of or non-forest use under the Forest (Conservation) Act, 1980 for the Mahan Coal Block in Singrauli District of Madhya Pradesh, without recognition of the forest rights of the villagers under the Forest Rights Act, 2006, as required under the circular dated 3.8.2009 of the Ministry of Environment & Forests.	The Ministry has sent a copy of the letter to Government of Madhya Pradesh and also to the Ministry of Environment & Forests on 26.8.2013 for necessary action and furnishing comments to the Ministry on the issues raised therein. Earlier, the Hon'ble Minister of Tribal Affairs has also written to the Chief Minister of Madhya Pradesh on 7.6.2013 and to the Governor of Madhya Pradesh on 19.6.2013 for remedial action in the matter.