

*(K) Details of funds released to the States under the Scheme 'Institutional Support for Marketing and Development of Tribal Products/Produce'.*

(₹ in lakhs)

Sl. No.	State	2015-16
1.	Andhra Pradesh	-
2.	Assam	-
3.	Arunachal Pradesh	-
4.	Bihar	-
5.	Chhattisgarh	-
6.	Gujarat	-
7.	Himachal Pradesh	-
8.	Karnataka	-
9.	Kerala	-
10.	Madhya Pradesh	-
11.	Maharashtra	-
12.	Manipur	-
13.	Meghalaya	-
14.	Odisha	148.13
15.	Rajasthan	-
16.	Tripura	310.98
17.	West Bengal	-
18.	Mizoram	-
TOTAL		459.11

*Note* : \* Till date no funds have been released under 'Institutional Support for Marketing and Development of Tribal Products/Produce' during the current financial year 2016-17.

**Petitions for protection of forest rights**

2775. SHRI V. VIJAYASAI REDDY: Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether under the Forest Rights Act, 2006, Scheduled Tribes are given full rights to enjoy their traditional forest land;

(b) whether it is also a fact that tribals get to enjoy Minor Forest Produce (MFP) in forest areas under this law;

(c) whether Government has taken solid steps to enforce these rights for tribals;

(d) the details of petitions received for specific protection of tribal 'Forest Rights' in Andhra Pradesh and Telangana since June 1, 2016; and

(e) what instruments of law, policy and persuasion has Government applied to secure forest rights for tribals on their petitions?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI JASWANTSINH SUMANBHAI BHABHOR): (a) and (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 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 stipulates that both these measures are required to ensure conservation of forests and address historical injustice done to the forest dwellers. The details of exact provisions in the preamble of FRA, 2006 are given in Statement-I (*See* below).

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

Section 3. (I) 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 of 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) The details of steps taken for effective implementation of FRA are given in Statement-II (*See* below).

(d) and (e) As per record available, representation(s) regarding non-implementation of Forest Rights Act, 2006 in Polavaram, Chegondapalli and Mamidigondhi of Andhra Pradesh have been received. Representations are received from time to time regarding implementation of the Forest Rights Act, 2006. The onus of implementation of the Act lies with State/UT Governments which is an ongoing process. Hence, these complaints are referred to the respective State Government/UT Administrations for taking necessary action at their level. This Ministry constantly follows up with the concerned States/UTs and provides support by holding consultations in different parts of the county and clarify doubts whenever required. The details are already mentioned in reply to part (c) above.

***Statement-I***

*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.*

"An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a frame work for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

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;

And whereas the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

And whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other Traditional forest dwellers including those were forced to relocate their dwelling due to State development interventions."

**Statement-II***Details of steps taken for the effective implementation of FRA*

After lapse of more than four years of implementation of the Act the Ministry had observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers had remained constrained and that several problems were impeding the implementation of the Act in letter and spirit. In order to overcome those lacunae and strengthen the existing FR Rules, 2008, the Ministry notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 in the Gazette of India on 6.9.2012.

The Ministry has issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. The guidelines relate to the process of recognition of rights, minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, and awareness raising, monitoring and grievance redressal.

After issue of said amendments and said guidelines, a number of Regional Consultations/Workshops were organized Nation-wide on Implementation of FRA.

A training module was also published, which is useful for Government functionaries on FRA, for frontline staff in the implementation of the Act.

Further, a booklet of Frequently Asked Questions (FAQ) has also been brought out, which seeks to address some of the questions raised during the Regional Consultations related to the process of recognition of rights, evidence requirements, ownership over minor forest produce, rights over community forest resource, protection against eviction, definition of OTFDs, convening of Gram Sabha at hamlet/habitation level, recognition of habitat rights of PTGs etc. A Booklet of FAQ is enclosed.

Translation of Act, Rules and clarifications into local language through TRIs.

Guidelines on conservation of forest villages into revenue villages issued on 8.11.2013.

A letter dated 3.3.2014 was issued to all the States where the States were asked to issue the Records of Rights under FRA along with the name of caste/tribe so that in future people do not have difficulty in obtaining caste certificate and Rights holders under FRA have to be issued Records of Rights under Revenue code/law so as to mainstream them and treat them at par with other land holders.

States where there were high rates of rejection of claims, Ministry of Tribal Affairs have written several letters expressing concern over non-acceptance of evidence and State Government's insistence of particular type of evidence such as satellite imagery etc. States have now started reviewing the rejected claims and many of the wrongly rejected claims are being examined.

Directions to State Governments to expedite recognition of Community Rights have been issued.

Close Monitoring through Monthly Progress Reports, visits and Video Conferencing are done.

In order to take up FRA on a campaign mode, the Ministry of Tribal Affairs has taken following steps:—

- Ministry of Tribal Affairs has written to the Chief Secretaries of the State Governments where the FRA implementation progress is low. Ministry has also drawn up a suggestive road map and shared it with the States so that they can draw up action plan in a time bound manner.
- Ministry has also written to the other States where implementation is going on well to address certain specific issues pending in those States.
- Joint review meetings with Ministry of Home Affairs and Ministry of Tribal Affairs were undertaken with Principal Secretaries/Secretaries of States of the 35 worst affected LWE district on FRA implementation. The issue of high rate of rejection was reviewed with them and the States were directed to review the wrongly rejected claims.
- A consultation was organized under the chairmanship of Secretary Tribal Affairs where the nine low performing states participated to take up FRA on a campaign mode and implement the Act in a time bound manner.
- A video conference was organized with other States where some steps have been taken on implementation to expedite the pending work.
- All the State have been advised to take support of geo referenced images and technology to support other evidences for claims and also for re-examination of reject claims.
- The Ministry is constantly monitoring the progress of implementation by the States and is persistently writing to the State Governments giving clarifications and suggestions for better implementation of the Act.

- National Resource Centre at TRI Campus, Odisha has been set up by the Ministry of Tribal Affairs to augment capacity of States for effective implementation of Forest Right Act. National Resource Centre has been entrusted with the job of preparing training materials, modules and conduct training programmes to train master trainers on FRA not only for Odisha but also for other States who are implementing FRA.
- Sufficient guidance has already been given to the States from time to time on various issues on FRA by holding as many Regional Consultations including two National Level Consultations.

As a result of the efforts, 44,27,613 claims have been filed and 17,46,338 titles have been distributed as on 31.05.2016. A total of 38,63,025 claims have been disposed of, which is 87.25% of the total claims received.

#### **Death of children in residential tribal schools**

2776. SHRI K.K. RAGESH: Will the Minister of TRIBAL AFFAIRS be pleased to state:

- whether information about the deaths of tribal children occurred in the State-run residential tribal schools during last three years are available;
- if so, the State-wise and year-wise details thereof; and
- the reasons for such deaths thereof?

THE MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI JASWANTSINH SUMANBHAI BHABHOR): (a) and (b) On the basis of information received from various State Governments, State-wise number of tribal children who have reportedly lost their lives in State-run residential schools across the country are as under:

States	Period	Number of deaths
Maharashtra	2000-2001 to 2015-2016	1077
Odisha	2010-2011 to 2014-2015	133
Telangana	2014-2015 to 2015-2016	26
Andhra Pradesh	2000-2001 to 2013-2014	14
Gujarat	2001-2002 to 2012-2013	10
Chhattisgarh	2001-2002 to 2012-2013	47