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Ministry of Tribal Affairs



State Ministers' meet to review implementation of forest rights Act

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The Centre has convened meeting of Ministers' in charge of Tribal Affairs in the States to review the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest Rights) Act. The Ministry of Tribal Affairs has stressed the need to expedite the preliminary work for inviting claims for the rights, identify beneficiaries and to initiate conferring rights. A core group consisting of senior officials of Ministries of Panchayati Raj, Law & justice and Environment & Forests has been formed under the chairmanship of Secretary (Tribal Affairs) for taking a view on queries and references from State Governments to ensure speedy implementation of the Act.

The States have also been urged to constitute monitoring committees for time bound action at various level towards the implementation of the Act. They have also been advised to run awareness campaign in tribal pockets in regional languages and local dialects about the objectives of the Act and procedure for submitting claims with the Forest Rights Committees. NIC has been entrusted the job to prepare a comprehensive web-based information system for monitoring implementation of the Act at various levels. State wise information data such as, status of formation of various committees prescribed in the Act, publication of related information in regional languages, number of claims received and their status will be displayed on the website day to day basis.

The meeting will be chaired by Shri P.R. Kyndiah, Minister for Tribal Affairs. Besides Ministers in charge of Tribal Affairs from the States, the meeting will be attended by the Ministers and senior officials of the Ministry of Panchayati Raj, Ministry of Environment and Forest, the Ministry of Law and Justice and Planning Commission.

Salient features of the Act

- The Act recognises and vests 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. This would undo the historical injustice done to the forest dwelling Scheduled Tribes.
- The Act provides for recognition of forest rights of other traditional forest dwellers provided they have for at least three generations prior to 13.12.2005 primarily resided in and have depended on the forest or forest land for bonafide livelihood needs. A "generation" for this purpose would mean a period comprising of 25 years.
- The cut off date for recognition and vesting of forest rights under the Act is 13.12.2005.
- The Act provides for the ceiling of occupation of forest land for purposes of recognition of forest rights to the area under actual occupation and in no case exceeding an area of four hectares.

- The Act provides for conferring rights in the National Parks and Sanctuaries also, renamed as 'critical wildlife habitat' on regular basis.
- The Act provides for the 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 dwellers.
- The Act recognises the right of ownership access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. The Act has defined the term "minor forest produce" to include all non-timber forest produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- The Act recognises the 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 13.12.2005.
- The Act provides for the forest right relating to Government providing for diversion of forest land for the purpose of schools, hospitals, anganwadis, drinking water supply and water pipelines, roads, electric and telecommunication lines, etc.
- The rights conferred under the Act shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in the case of married persons and in the name of the single head, in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin.
- The Act provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is completed.
- As per the Act, the Gram Sabha has been designated as the competent authority for initiating the process of 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 benefits that will accrue from the Act

- The Act results in recognition of forest rights of forest dwelling scheduled tribes and other traditional forest dwellers over the forest land under their occupation and their habitat for self-cultivation of the land for their livelihood.
- They will have access to, use or dispose of, minor forest produce
- They will not face the threat of eviction or removal from forest land under their occupation.
- They will be entitled to the benefits of various schemes of the Government after vesting of the clear cut title of land in their favour.
- Since the Gram Sabhas have been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights that may be given to the scheduled tribes and other traditional forest dwellers, this would empower the local communities in management of their natural resources in tune with the provisions of the PESA Act, 1996.

- The recognition and vesting of forest rights in the forest dwelling scheduled tribes and other traditional forest dwellers also includes the responsibility of protection, conservation and regeneration of wild life, forests and biodiversity.
- The Act envisages registration of the title of the forest land jointly in the name of both the spouses, where married, and in the case of single person headed households, in the name of the single head. This would also benefit the women dwelling in the forests.

NCJ/DT