

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
UNSTARRED QUESTION NO. 1089
TO BE ANSWERED ON 17.12.2018

OTHER TRADITIONAL FOREST DWELLERS

1089. SHRI MALYADRI SRIRAM:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the details of the reasons for low level of recognitions of rights of the Other Traditional Forest Dwellers (OTFDs) as compared to the Scheduled Tribes and hence the reasons of explicit discrimination between them;
- (b) the steps taken by the Government for the better inclusion of Other Traditional Forest Dwellers (OTFDs) and settlement of their claims; and
- (c) the details of the reasons of rejection not disclosed to the claimants so as to allow them to appeal further?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI SUDARSHAN BHAGAT)

(a) & (b) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, Forest Rights Act, 2006) seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes (STs) and other traditional forest dwellers (OTFD)s who have been residing in forests for generations. The forest rights enumerated in the Section 3 (1) of Chapter-II of this Act does not make distinction between STs and OTFDs. Hence, the Act itself does not necessitate maintenance of segregated data for STs and OTFDs. No segregated data for other traditional forest dwellers (OTFD) is maintained by this Ministry. As per information received from States/UTs, upto 30.09.2018, a total of 18,89,835 titles have been recognized and 19,34,345 have been rejected under Forest Right Act, 2006.

As per section 2 (o) of the Forest Rights Act, 2006, 'other traditional forest dweller' means any member or community who has for at least three generations prior to the 13th Day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs. Further, under the Forest Rights Act, 2006, the only authority/institution at village level is the Gram Sabha which is to initiate the process for determining the nature and extent of individual or community rights or both that may be given to the forest dwelling STs and OTFDs within the local limits of its jurisdiction under this Act. Further, in terms of Section 2 (g) of the Act 'Gram Sabha' means a village assembly which shall consist of all adult members of village with full and unrestricted participation of women. Since the Act itself provides that all adult members of a villages with full and unrestricted participation of women shall be members of 'Gram Sabha', hence representation of OTFDs in village level institutions for Forest Rights Act is already ensured without any discrimination.

(c) Authorities and procedure for vesting of forest rights enumerated in Section 6 of Chapter IV of this Act does not make distinction between STs and OTFDs. Any person aggrieved by the resolution of Gram Sabha may prefer a petition to the Sub-Divisional Level Committee within sixty

days and similarly, a person aggrieved by the decision of Sub-Divisional Committee may refer the petition to the District Level Committee within sixty days. Rule, 12 (A) (3) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2007 provides that in the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days. Ministry of Tribal Affairs by letter dated 29th June, 2018 reemphasized the State Governments that while rejecting the claims, reasons have to be cited by concerned authorities and communicated to claimants.
