

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO – †1750
TO BE ANSWERED ON- 01/08/2024

FOREST RIGHTS ACT, 2007

†1750 SHRI SUDHAKAR SINGH:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Forest Rights Act, 2007 has been enacted by the Government for the sale of forest produce in which the local people have rights over the forest land and the things grown thereon and if so, the details thereof;

(b) whether the Act is not being followed in the tribal dominated areas of Kaimur and Rohtas districts of Bihar and if so, the details thereof;

(c) whether permit for transportation of forest material is not being given to the local tribal people of the said districts due to which they are on the verge of starvation and if so, the details thereof; and

(d) whether the Government proposes to give permits for transportation of forest produce to the tribal people of the said districts, if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI DURGADAS UIKEY)

(a): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act" (in short, FRA) was enacted in 2006. The Act provides a legal framework for the recognition and vesting 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.

Section 3(1) (c) of FR Act recognize and vest the right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries; and the definition provided under Rule 2 (1) (d) of FRA states that, “disposal of minor forest produce, include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood”.

(b) to (d): State Governments/ UT Administrations are responsible for implementation of various provisions of the Act. And as reported by State Government of Bihar FRA is being implemented in the tribal dominated areas of Rohtas and Kaimur districts of Bihar. As on date 43 pattas have been given to the Scheduled Tribes under FRA in Rohtas District. In Kaimur district, 1290 applications were received however were rejected by designated committee after scrutinizing the document.

Ministry of Tribal Affairs does not maintain data with regard to issuance of transit permits, however, as per FRA and rules made thereunder, the Gram Sabha has the authority to regulate transit permits for MFPs where rights have been recognised under FRA. The FR Rules (as amended on 6.9.2012) provide that the transit permits for transportation of minor forest produce shall be issued by the Committee constituted by the Gram Sabha under Rule 4(1)(e) or the person authorized by the Gram Sabha. The Rules further provide that the existing transit permit regime at the State level can be modified in relation to transportation of minor forest produce for forest right holders.

Government of Bihar has also informed that the major Forest area of Kaimur and Rohtas District falls under Kaimur Wildlife Sanctuary and MFP collection is permitted outside sanctuary. As per the amendment in "Bihar Timber and Other Forest Produce (Regulation of Transit) Rules, 1973" in the year 2002, permit for transportation of any forest material is necessary and in case of Kendu Patta MFP permit is regulated by Bihar Forestry Development Corporation Limited. There is no information of starvation in either of the districts. The areas are covered under food grain distribution based on Ration Cards. Also, benefit of other Government schemes are being extended as applicable in forest areas.
