

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1995-96)**

(TENTH LOK SABHA)

**SIXTY-THIRD REPORT**

**MINISTRY OF ENVIRONMENT & FORESTS**

[Action Taken by Government on the recommendations contained in the Forty-Fourth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Environment & Forest to Forest Policy in relation to command over and access of Tribal people to Forest Resources]



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**LOK SABHA SECRETARIAT  
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**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1995-96)**

**Shri Paras Ram Bhardwaj — *Chairman***

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## INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to finalise and submit the Report on their behalf, present this 63rd Report (10th Lok Sabha) on Action Taken by the government on the recommendations contained in the 44th Report (10th Lok Sabha) on the Ministry of Environment & Forest—Forest policy in relation to command over and access of the Tribal People to Forest resources.

2. The Draft Report was considered and adopted by the Committee on 15th February, 1996.

3. The Report has been divided into the following Chapters:

- |             |   |
|-------------|---|
| Chapter I   | Report  |
| Chapter II  | Recommendations/Observations which have been accepted by the Government.  |
| Chapter III | Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies.                                     |
| Chapter IV  | Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration. |
| Chapter V   | Recommendations/Observations in respect of which final replies of the Government have not been received.  |

4. An analysis of the Action Taken by the Government on the recommendations contained in the 44th Report of the Committee is given in the Appendix. It would be observed therefrom that out of 37 recommendations made in the Report, 19 recommendations i.e., 51.35% have been accepted by the Government. The Committee do not desire to pursue 12 recommendations i.e. 32.43% of the total recommendations in view of the replies of the Government, Four recommendations, i.e., 10.81% in respect of which reply of the Government have not been accepted by the Committee, require reiteration; Recommendations in respect of which final reply of Government have not been received are Two.

NEW DELHI;  
February, 1996  
Phalgun, 1917 (S)

PARAS RAM BHARDWAJ  
*Chairman,*  
*Committee on the Welfare of*  
*Scheduled Castes and Scheduled Tribes.*

## **CHAPTER I**

This report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the Action taken by Government on the recommendations contained in the 44th Report (Tenth Lok Sabha) of the Committee on the Ministry of Environment and Forests regarding Forest Policy in relation to Command over and Access of Tribal People to Forest Resources.

1.2 The 44th Report was presented to Lok Sabha on 25.04.95. It contained 37 recommendations. Replies of the Government in respect of these recommendations have been examined and may be categorised as under:—

- (i) Recommendations/Observations which have been accepted by the Government (Sl. Nos. 1, 5, 7, 8, 11, 15, 16, 20, 21, 23, 26, 27, 28, 29, 31, 32, 33, 35, and 36).
- (ii) Recommendations/Observations which the Committee do not desire to pursue taking into consideration the replies of the Government (Sl. Nos. 2, 4, 6, 9, 13, 14, 17, 22, 24, 25, 29, 30,).
- (iii) Recommendations/Observations replies to which have not been accepted by the Committee and which require reiteration (Sl. Nos. 3, 12, 18, 19,).
- (iv) Recommendations/Observations in respect of which final replies have not been received. (Sl. Nos. 10 & 34,).

1.3 The Committee will now deal with the action taken replies of the Government which need reiteration.

### **Recommendation (Sl. No. 3, Para No. 1.1f)**

1.4 In paragraph 1.11 of the 44th Report (Tenth Lok Sabha) the Committee had desired that the Ministry of Environment and Forest should keep a detailed record of the NGOs and voluntary organisations working in the forest areas inhabited by tribals. The Committee also desired the Ministry to devise a thorough mechanism to evaluate the work of the NGOs so that proper guidance and help is rendered to them whenever and wherever necessary.

1.5 In their reply, the Government have stated as follows:—

“In recent times, NGOs are being involved increasingly in wildlife programmes and projects, particularly the protected area eco-development programme being launched with assistance from the World Bank. Ministry of Environment and Forests has set up the ENVIS network on Environmental Information, with World

Wildlife Fund (WWF) India being the Nodal Centre for information on NGOs. Ministry of Environment & Forest give grant to WWF in this respect. The State Government are maintaining a record of these NGOs and a record is also being maintained in this Ministry in respect of the NGOs who are working on programme and projects which are funded by the Ministry."

**1.6 The Committee are not satisfied with the reply of the Government and reiterate that the Ministry must devise a method to maintain a Record of all the VO's also involved in the forest work and also come up with a set of guideline to evaluate the work of these organisations.**

**Recommendation (Sl. Nos. 12, Para Nos. 2.30 & 2.31)**

**1.7 In paras 2.30 & 2.31 of the 44th Report (Tenth Lok Sabha) the Committee had stated that the Central Government should persuade the State Governments to establish Welfare Cooperative Societies consisting of only tribals alongwith the Government Corporations Tribal/Cooperatives so that remunerative price for MFP and protection against exploitation is doubly ensured to the tribal.**

The Committee also had desired that in case the tribals get better remunerative price for the MFP, they should be allowed to sell those to outside Agencies under the advice and guidance of Welfare Cooperative Societies, NGOs and other voluntary organisations. This was with a view to ensure that the monopoly procurement of MFP by Government Corporations does not culminate in exploitation of poor tribals.

**1.8 In their reply, the Government have stated that the Action will be taken by the Ministry of Welfare.**

**1.9 The Committee are unhappy with the reply of the Ministry. The Committee reiterate that the Government must take up the matter with the State Governments to establish welfare cooperative societies exclusively of Tribals for the benefit of the Tribals. The Committee also desire the Ministry to take up the matter with the Ministry of Welfare and also establish coordination between the Welfare Ministry and the State Governments.**

**Recommendation (Sl. No. 18, Para No. 2.50)**

**1.10 In para 2.50 of the 44th Report (Tenth Lok Sabha) the Committee had expressed surprise to have noted that the Ministry did not have the figures of the number of tribals affected by the measures of reservation of forests. The Committee had recommended that the Ministry should maintain a record of tribals who were forced to move out of their habitat to give space for a sanctuary or a National park, and also to carry out a meticulous follow up action to observe its impact on their economic condition and to take suitable remedial measures thereafter.**

1.11 In their reply, the Government have stated as follows:—

“It may be clarified that tribals are not forced to move out of sanctuaries and national parks. Only voluntary relocation and rehabilitation is undertaken in some cases. This Ministry is also providing financial assistance to the States to ensure proper rehabilitation of the relocated tribals. The Chief Wildlife Wardens of the States are being requested to prepare a record of tribals who are relocated and to submit it to this Ministry.”

1.12 The Committee are not convinced with the reply of the Government. The Committee therefore reiterate that the Ministry must assign the job of maintaining Records of Relocated vis-a-vis the Rehabilitated tribes to the Regional Deputy Director of the Wild life preservation besides the Chief Wildlife Warden of the States. Moreover, since the Ministry is providing financial assistance to the States for the Rehabilitation of the Relocated tribals, it must also get Reports on the utilisation of these funds. The Committee would also like to be apprised of the latest position.

#### **Recommendation (Sl. No. 19, Para No. 2.51)**

1.13 In para 2.51 of the 44th Report (Tenth Lok Sabha) the Committee had stated that it was incredulous that no case of violation of the procedure under Section 20 of the Indian Forest Act by the State Government has been reported to the Ministry so far. The Committee also expressed disbelief that no tribal family had lodged any complaint or protested against their being shifted from protected areas. The Committee had recommended the Union Government to prevail upon the State Governments and also to take into confidence the voluntary organisations and social workers engaged in the tribal welfare in the forest areas.

1.14 In their reply, the Government have stated as follows:—

“Voluntary organisations are invariably involved during the process of relocation and rehabilitation of tribals and other villagers from national parks and sancturies. Infact, it is a precondition for the release of financial support by this Ministry for such programmes.”

1.15 The Committee are not satisfied with the reply of the Government. The Ministry must also provide the NGO's and VO's with guidelines for carrying out the work as well as to educate the tribals to appeal against injustice done to them. The Committee therefore reiterate that the Union Government. should issue necessary instructions to the State Govt's to ensure that there is no violation of procedure laid down in section 20 of Indian Forest Act. The Committee also desire that the tribals should be educated to appeal against injustice done to them.

The Committee would like to be apprised of the outcome of these instructions.

**Recommendation (Sl. No. 35, Para No. 3.68)**

1.16 In para 3.68 of the 44th Report (Tenth Lok Sabha) the Committee had noted that most of the States were paying much less amount of compensation than the minimum prescribed. The Committee, therefore had recommended the Union Government to issue mandatory guidelines to the States/UT's so that at least the minimum amount of compensation as prescribed for loss of life and property is paid to the tribal people. The Committee had also desired the Union Government to evolve a monitoring system to oversee the meticulous implementation of these guidelines by the States/UT's.

1.17 In their reply, the Government have stated as follows:—

“Guidelines already exist for minimum amount of compensation to be paid for loss of life due to wild animals. However, for property the norms will have to be evolved by the State Government as the situation varies from State to State.”

1.18 The Committee are not satisfied with the reply of the Government. The Committee, therefore, reiterate that the Government must evolve a foolproof monitoring system, to oversee the meticulous implementation of the guidelines already issued to the State/UT's. The Union Government should pursue the matter of evolving the norms for payment of compensation for loss of property also.

**Recommendation (Sl. No. 1, Para No. 1.9)**

1.19 In para 1.9 of the 44th Report (Tenth Lok Sabha) the Committee had desired that an exclusive cell consisting of adequate staff and headed by an officer not below the rank of Deputy Secretary be constituted in the Forest Policy Division of the Ministry to oversee the various programmes aimed at tribal welfare undertaken by divisions of the Ministry.

1.20 In reply, the Government has stated as follows:—

“Currently the Forest Policy Division is headed by a Deputy Inspector General of Forests in the level of Director.

The Division is being strengthened suitably as per recommendation of the Committee by appointing an AIG(Tribal Welfare) in an equivalent rank of the Deputy Secretary, and other support staff. This cell will monitor programmes of tribal welfare in the ministry.”

1.21 The Committee would like to be apprised of the latest position in this regard.

**Recommendation (Sl. No. 6, Para No. 2.9)**

1.22 In para 2.9 of the 44th report (10th Lok Sabha) the Committee had urged the Government to respect the way of life of the tribals and recognize hunting, collecting honey and grazing animals as their occupation, as the tribals are totally dependent on their primitive occupation.



1.23 In their reply the Govt. has stated that under the Wildlife (Protection) Act, 1972, hunting of wild animals listed in scheduled I to IV is banned and the only exception that has been made is in the case of the tribals of the Nicobar Islands. Therefore, it will not be possible to recognize hunting by tribals in general as their occupation. The main reason for not allowing hunting is the endangered nature of most wildlife species, particularly those which are used in illegal trade. Recognising hunting by tribals can lead to misuse of this concession and commercial exploitation would take place through the agency of tribals by external the external market forces.

As regards collection of honey and other minor forest produce from national parks and sanctuaries, this is not permissible in view of the legal provisions of the Wildlife (Protection) Act. However, grazing may be permitted only in sanctuaries and not in national parks and that too on the recommendation of the chief wildlife warden of the State.

1.24 The Committee is not convinced with the reply of the Government. The Committee, therefore, reiterate that in recognitions of their primitive occupation and way of life, the Government must allow the tribals to collect honey and to graze their animals as they are totally dependent on them. This may be done even by simplifying the legal provisions of the Wildlife Act.

**Recommendation (Sl. No. 17, Para No. 2.49)**

1.25 In para 2.49 of the 44th Report (Tenth Lok Sabha) the Committee had desired the Union Government to evolve a monitoring system whereby they would have a say whenever the State Governments tends to overlook the tribals interests while declaring an area as a Sanctuary or National Park.

1.26 In reply, the Government have stated as follows:—

“The settlement of rights under the Wildlife (Protection) Act, 1972 at the time of declaring an area as a National Park or a Sanctuary is done through the Collector appointed by the State Government concerned. The Regional Dy. Director of Wildlife Preservation of this Ministry will monitor this process but due to very inadequate staff and infrastructure available with them these regional offices will have to be strengthened and proposal for this purpose has been moved separately”

1.27 The Committee are not satisfied with the reply of the Government. The Committee would like to be apprised of the outcome of the Government's proposal already evolved for strengthening the regional Offices.

## **CHAPTER II**

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Sl. No. 1, Para No. 1.9)**

The Committee note that different programmes having a bearing on Tribals are implemented/monitored by as many as 23 different Divisions set up under the Forest Policy Division in the Ministry of Environment and Forests. The Committee desire that an exclusive cell consisting of adequate staff and headed by an officer not below the rank of Deputy Secretary be constituted in the Forest Policy Division of the Ministry to oversee the various programmes aimed at tribal welfare undertaken by various divisions of the Ministry.

#### **Reply of Government**

Currently the Forest Policy Division is headed by a Deputy Inspector General of Forests in the level of Director. The Division is being strengthened suitably as per recommendation of the Committee by appointing an AIG (Tribal Welfare) in an equivalent rank of the Deputy Secretary, and other support staff. This cell will monitor programmes of tribal welfare in the Ministry.

#### **Recommendation (Sl. No. 5, Para No. 2.8)**

Whenever the Government contemplate formulation of new policies the need, interest and rights of tribal people over forest should be considered minutely. They also desire that with the formulation of new policies there should be a corresponding change in the laws in order to protect the right to life and right to resources of tribal people over forest.

#### **Reply of Government**

The current National Forest Policy 1988 is in operation. In case a new policy is formulated or the current policy is revised, interest and rights of tribals would be protected in true letter and spirit.

**Recommendation (Sl. No. 7, Para No. 2.10)**

The Committee are unhappy to note that there are still primitive tribes whose existence in the deep forests has not been taken into account by the States while reserving the forests. As a result they have been termed as encroachers and intruders. The Committee recommend that complete data about these primitive tribals/forest dwellers may be prepared in right earnest and their rights over the forest resources be restored.

**Reply of Government**

In the process of reserving the forest, the settlement officer gives opportunities to all the local people and hears their claim of right. Without hearing the local people, the process of reserving the forests cannot be completed. The rights of primitive tribes have never been disturbed. The rights over the forest resources to all the legitimate tribals and forest dwellers are determined before constituting reserved forests. The data regarding the number of tribal family and forest dwellers in reserved forests are being collected from the State Governments.

**Recommendation (Sl. No. 8, Para No. 2.11)**

In order to give participatory involvement to the Tribal Communities in the management of forests, the Committee recommend that steps should be taken to educate the Tribals living in the forests about their intricate relationship with forests and protection of these forests for their own interest. The Committee also desire that the tribals should be associated in the planning and administration of forest areas.

**Reply of Government**

The Ministry has already issued guidelines on 1.6.1990 to all the States/UTs regarding the participatory involvement of village communities and voluntary agencies for regeneration of degraded forest lands. Under this programme of Joint forest management, village forest committees are formed in which tribals and other rural people are educated regarding the regeneration, management and protection of forests. The tribals and rural people depending upon the forests are associated in the planning and management of forests. These beneficiaries are given usufructs like grasses, lops and tops of branches, and minor forest produce.

**Recommendation (Sl. No. 11, Para No. 2.20)**

Government to take suitable steps to start fresh plantation of these trees where these have been destroyed enmass with a view to compensating the past loss. The Committee also recommend that tribals should be conferred with the right of upkeeping and protecting the plantation so as to prevent future destruction.

**Reply of Government**

This Ministry has already launched a Centrally Sponsored Scheme 'Raising of Minor Forest Produce including Medicinal Plants through National Afforestation and Eco-development Board. The objective of this scheme is to survey, conserve as well as increase production on non-timber forest produce including medicinal plants which are fast depleting due to over exploitation. Species like Tendu and Aonla are covered in this scheme. The scheme also aims at providing income to the tribals and rural poor living in and around forest areas by involving them in management and protection of plantation areas.

**Recommendation (Sl. No. 15, Para No. 2.37)**

The Committee also recommend that with a view to checking fraudulent extraction of money from innocent tribals the Central Government should persuade the States to abolish the grazing fee or licence fee for a fixed number of cattle in the forest areas other than the regeneration or plantation areas. In the opinion of the Committee, most of the tribal people in and around the forest area can little afford to keep cattle in large number nor are they in a position to pay such fee.

**Reply of Government**

There is no fee on grazing of animals for bonafide use. The grazing fee is only a nominal amount to limit the number of cattles in the forests which would otherwise adversely affect the regeneration and other ground flora; which may also be of considerable significance to the tribal population. Instruction have been issued to the State Governments that procedure for charging grazing fees may be simplified to avoid any harassment to the public, more particular the tribals.

**Recommendation (Sl. No. 16, Para No. 2.48)**

The Committee are distressed to note that although Section 20 of the Indian Forest Act provides that all the tribal issues should be analysed before issuing any notification to declare an area as a National Park or Sanctuary, in actual practice these aspects are not taken into consideration.

The Committee, therefore, urge upon the Union Government to see that a team of senior officials of the Ministry should visit the areas to be declared as Sanctuary or National Park from time to time with a view to ensuring that all the tribal interests are fully taken care of.

### **Reply of Government**

It may be clarified that the procedure for inquiring into and settling of claims is prescribed under the Wildlife (Protection) Act, 1972, and this procedure as contained in sections 19 to 26 has to be completed before an area is finally declared as a Sanctuary or a National Park. The Regional Dy. Directors of Wildlife Preservation of this Ministry located at Delhi, Bombay, Madras and Calcutta will visit the areas to be declared as a Sanctuary or a National Park when informed by the State Government concerned, with a view to ensure that tribal interests are taken care of.

### **Recommendations (Sl. Nos. 20 & 21, Para Nos. 3.19 & 3.20)**

The Committee appreciate that a 100% Centrally Sponsored Scheme entitled "Association of Scheduled Tribes and Rural Poor" in regeneration of degraded forests on usufruct sharing basis to improve the living standards of the tribal people is being implemented since 1992-93. But they are disappointed to note that although originally Rs. 320 crores covering 4 lakh hectares of area and benefitting 2 lakh tribal families was envisaged for the aforesaid scheme during the 8 years from 1992-93 to 1999-2000, only Rs. 9.60 crores for regeneration of 12,000 hectares of area benefitting 5,000 families only has been proposed for the same period due to non-availability of sufficient financial resources. Taking into consideration the popularity of the scheme, as has been evident from the fact that people are writing to the Ministry of Environment and Forest for tree plantation, the Committee, desire the Central Government to substantially enhance the funds during the VIII Plan period so that the aforesaid scheme can be implemented for the economic betterment of more tribal people.

The Committee note that 14 States have issued orders in pursuance of the circular of June, 1990 for peoples participation in regeneration of degraded forest land and 8 States have already implemented the scheme. The Committee would like the Union Government to encourage other States to send proposals and implement the Scheme as early as possible for the benefit of tribal people. The Committee would also like the States to educate the tribals, through organising camps etc., regarding the importance of regeneration and protection of forest for their own good.

### **Reply of Government**

The Centrally Sponsored Scheme 'Association of Scheduled Tribes and Rural Poor' in regeneration of degraded forests on usufruct sharing basis is being implemented in VIIIth plan as a pilot scheme. Planning Commission has approved Rs. 745.5 lakh in current plan period. Eight States are implementing the scheme. However, some of the States are finding the

implementation difficult as amount fixed for this scheme (Rs. 8,000/- per hac. in 4 years) is rather inadequate on account of their high wage rate (upto Rs. 40/- or even more). This is the main reason for slow progress and lack of wider acceptance of the Scheme. Enhanced budget provision will be proposed in IXth plan as per observations of the Committee. Moreover, the proposals of the scheme will also be suitably modified to make it more acceptable to the State Governments in IXth plan period.

**Recommendation (Sl. No. 23, Para No. 3.22)**

The Committee note that the Ministry in the past have repeatedly requested the State Governments to induct tribals in the forestry services especially at the level of forest guards for protection of plantations and other forest produces. The Committee also note that the guidelines issued in this regard are not uniform for which while some states are following it some are not. The Committee, therefore, recommend that the Ministry of Environment and Forests in consultation with the Ministry of Welfare, should make these guidelines uniform so that the States/UTs recruit Tribals as forest guards to take advantage of their unquestionable knowledge about the intricacies of forests and also to improve their general standard of living.

**Reply of Government**

Recruitments at the level of the forest guards is solely the function of the State Governments and their selection is strictly made in accordance with the roster laid down as per the State policy. However, the Ministry is drawing the attention of the State Governments to the strong recommendation of the Hon'ble Committee in exercising positive discrimination in favour of tribal candidates from the forests bearing tracts.

**Recommendation (Sl. No. 26, Para No. 3.41)**

The Committee note that the Ministry are encouraging new types of stoves by which 35 per cent fuelwood can be saved while cooking. They also note that the Ministry are providing assistance to the Gobar Gas Plants. The Committee feel that it is a step in right direction and would like the Ministry to continue these measures in future also with a view to reducing the pressure on the existing forest areas.

**Reply of Government**

There is a provision for distribution of fuelwood saving devices under Centrally Sponsored Scheme "Integrated Afforestation and Eco-Development Projects" (IAEPS) with a view to reduce the pressure on the existing forest areas.

**Recommendation (Sl. No. 27, Para No. 3.42)**

The Committee note that the Policy Advisory Group constituted by the Ministry has given some good recommendations for conserving fuelwood in the country. They also note that some States/UTs are taking necessary

follow-up action for implementation of the recommendations of the Policy Advisory Group. The Committee recommend that besides encouraging other States to follow suit the Ministry should also periodically monitor the implementation of the recommendations of the Policy Advisory Group in the States/UTs.

### **Reply of Government**

The Secretary, Environment & Forests has already written D.O. letter No. 12-70/90-SUII dated 20.12.92 to all the States conveying the recommendation of Policy Advisory Group regarding wood substitution for conserving the fuelwood. A regular mechanism has been established to monitor progress in this regard.

### **Recommendation (Sl. No. 28, Para No. 3.51)**

The Committee note that the practice of shifting cultivation is a part of the ethos of the tribal communities for which weaning the tribals away completely from this practice is a herculian task. The Committee, however, appreciate the efforts made by several States in devising alternative avenues of income to discourage shifting cultivation among the tribals. The committee would like the Ministry to encourage the State Governments for devising more and more alternative income generating avenues to curtail the rate of shifting cultivation amongst the tribals.

### **Reply of Government**

Since the practice of shifting cultivation is a part of the ethos of the tribal communities, weaning them away completely from the age-old practice would take considerable time and efforts. Many States like Andhra Pradesh, Arunachal Pradesh, Karnataka, Mizoram, Bihar, Sikkim, Orissa, Maharashtra, Tamil Nadu, Tripura, Assam, Meghalaya and Madhya Pradesh have devised programmes for alternate employment for tribals which is stated to have reduced this practice considerably. Efforts are also being made to contain such cultivation within the area already affected. The Central Government is also encouraging States by giving 100% Centrally Sponsored Scheme 'Association of Scheduled Tribes and Rural Poor' in the Regeneration of Degraded Forests on Usfruct Sharing Basis. In VIIIth Plan the scheme is on pilot basis and eight States are implementing this scheme in tribal areas in which, Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Orissa are affected by shifting cultivation. This scheme is not only providing the opportunity of employment to the tribals but also providing them sharing of usufructs from plantation areas. It is proposed to take this scheme on a bigger scale in IXth plan in all the States with significant tribal population. In addition Central Government is also implementing a Centrally Sponsored Scheme for raising Minor Forest Produce including Medicinal Plants mostly in tribal States. This Scheme would also help in weaning tribals away from shifting cultivation.

**Recommendation (Sl. No. 29, Para No. 3.52)**

The Committee also note that land allotted to tribals is not suitable and not yield much for which the tribals prefer to go back to shifting cultivation. The Committee, therefore, recommend that utmost care should be taken to ensure that land allotted to tribals, for discouraging them from shifting cultivation, is fertile.

**Reply of Government**

The States have been written referring the recommendations of the committee that revenue land allotted to tribals as alternate measures should be fertile so that they get sufficient agricultural produce and do not revert to shifting cultivation.

**Recommendation (Sl.No. 31, Para No. 3.54)**

The Committee note that jhoom cultivation is injurious to environment but harmonious to tribal livelihood. The Committee also note that in North Eastern States jhoom cultivation constitute 30 to 90 per cent income for the tribals. The Committee would, therefore, like the Ministry of Environment and Forests to study carefully the pros and cons of jhoom cultivation before deciding to do away with the same completely.

**Reply of Government**

The Shifting Cultivation is an essential part of the socio-economic ethos of the Tribal Community particularly in the north-eastern States. The proposed Centrally Sponsored Scheme and introduction "tree" culture would attempt to gradually wean away the tribals from the practice of shifting cultivation slowly by improving their access to other resources to maintain their economy. Ministry of Agriculture has also a scheme "Watershed Development Project for Rehabilitation of Shifting Cultivation Areas of North Eastern India."

**Recommendation (Sl. No. 32, Para No. 3.59)**

The Committee note that the approved permissible expenditure per family under the 'Beneficiary Oriented Schemes for Tribal Development' is inadequate. They also note that the Task Force has recommended approximately Rs. 1.00 lakh per family instead of the existing Rs. 45,000/- to Rs. 50,000/- per family under the aforesaid scheme. This recommendation is at present under consideration. The Committee would like to be apprised of the position as soon as a decision is taken to implement the recommendation of the Task Force.

**Reply of Government**

The per family expenditure under the beneficiary oriented scheme for tribal development has already been enhanced to Rs. 1 lakh.



**Recommendation (Sl. No. 33, Para No. 3.60)**

The Committee note that the Central Government propose to monitor the Scheme by conducting field visits to see that it is being implemented in letter and spirit. The Committee recommend that the Union Government should start monitoring the schemes by conducting regular and periodical field visits to each of the sites without further loss of time.

**Reply of Government**

The monitoring of the Beneficiary Oriented Tribal Development will be undertaken by conducting regular field visits to each of the sites through Regional Dy. Directors of Wildlife Preservation of this Ministry.

**Recommendation (Sl. No. 35, Para No. 3.69)**

The Committee would like the amount of compensation to be reviewed by the Central Government at least once in five years commensurating with the cost of living.

**Reply of Government**

The recommendation has been noted for compliance.

**Recommendation (Sl. No. 36, Para No. 3.70)**

The Committee also recommend that adequate provisions be made in the Budget grants of the Union as well as the State Governments to meet emergency payment of compensation for loss of life and property.

**Reply of Government**

The payment of compensation for loss of life and property due to wild animal is done under two centrally sponsored schemes namely, Project Tiger and Project Elephant and adequate budgetary provision is being made for the purpose under this scheme.

### **CHAPTER III**

#### **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLIES**

##### **(Recommendation (Sl. No. 2, Para No. 1.10)**

The Committee are surprised to note that there is no mechanism with the Union Government to see that guidelines issued to the State Governments with regard to strict implementation of the forest policy are followed in letter and spirit. In their opinion where issuance of guidelines is meaningless unless checks are devised for their thorough monitoring the Committee therefore, recommend that instead of leaving things completely at the mercy of the State Governments, the Union Government should evolve a uniform and unambiguous monitoring system to ensure that the States do not deviate from the guidelines issued to them in the larger interest of the poor tribals.

##### **Reply of Government**

The National Forest Policy 1988 has been framed taking into consideration the opinion and suggestions of all State Governments/Union Territories and other Organisations. The State Governments are taking care in the implementation of guidelines of policy whole-heartedly. The village communities and voluntary organisations are being involved in the regeneration activities. The State Governments have established the Monitoring Divisions/Cells and they are doing the monitoring of plantation activities regularly. There is regular monitoring of programmes in Tribal areas in meeting of tribals member of Parliament. This Ministry is implementing the Centrally Sponsored Scheme 'Association of Tribals and Rural Poor in the regeneration of degraded forests'. The Central Government is monitoring this scheme through the progress reports submitted by States Government. The creation of whole time monitoring establishment in Central Government will duplicate same work and be a burden on exchequer. All the State Governments are committed to the guidelines of National Forest Policy and they are practising it in letter and spirit for the welfare of their people. So far we have not received reports of deviation from guidelines by any State Government. Ministry of Environment & Forests has six regional offices which look into complaints, if any.

### **Recommendation (Sl. No. 4, Para No. 1.22)**

The Committee note that to generate rural employment, rural resurgence of economic base, rural eco-system development, water conservation etc., the Ministry of Environment and Forests and the State Governments need adequate money. The Committee also note that Government services and other welfare activities in the buffer or outside the national parks are to be created for the Tribal people in order to compensate the prevention of such people from moving about inside the sanctuaries and National Parks. But these developmental activities cannot be undertaken due to paucity of funds. The Committee, therefore, desire the Union Government and the Planning Commission to suitably enhance the budgetary funds of the Ministry of Environment & Forests in the plan outlay so that India does not lag behind other countries in undertaking various eco-developmental projects. The Committee would also like to be apprised of the development made in this regard from time to time.

### **Reply of Government**

In order to obtain enhanced budgetary allocations the Ministry is already pursuing the matter with the Planning Commission and the Ministry of Finance. However, it is also necessary that the Ministry of Rural Areas and Employment makes available additional financial support to this Ministry under its tribal development programme for undertaking effective eco-development projects in the buffer areas of national parks and sanctuaries.

### **Recommendation (Sl. No. 6, Para No. 2.9)**

The Committee observe that Government have recognised agriculture by tribals as occupation but have not recognised hunting, collecting honey or grazing animals by tribals as occupation. As the tribals are totally dependent on their primitive occupation, the Committee would urge the Government to respect their way of life and recognise hunting, collecting honey and grazing animals as their occupation.

### **Reply of Government**

Under the Wildlife (Protection) Act, 1972, hunting of wild animals listed in Schedule I to IV is banned and the only exception that has been made is in the case of the tribals of the Nicobar Islands. Therefore, it will not be possible to recognise hunting by tribals in general as their occupation. The main reason for not allowing hunting is the endangered nature of most wildlife species, particularly those which are used in illegal trade. Recognising hunting by tribals can lead to the misuse of this concession and commercial exploitation would take place through the agency of tribals by external market force. As regards collection of honey and other minor forest produce from national parks and sanctuaries, this is not permissible in view of the legal provisions of the Wildlife

(Protection) Act. However, grazing may be permitted *only in sanctuaries* and not in national parks and that too on the recommendation of the Chief Wildlife Warden of the State.

**Recommendation (S. No. 9, Para No. 2.18)**

The Central Government to ensure that any sort of flexibility allowed to State Government in recognising the rights and concessions of tribals over forest resources does not become autocratic and cause dissension's among the tribal people.

**Reply of Government**

The rights and concessions are recognised and recorded by the settlement officer during the process of reserving the forests. The procedure of settlement is same in all the States as conferred in Indian Forest Act, 1927 but the settlement depends on local conditions, resources and other parameters on which the right and concessions are fixed. Depending upon the local conditions, the rights and concessions in one State may differ from other States.

**Recommendation (S. No. 13, Para No. 2.32)**

The Committee recommend that the Union Government should make all out efforts to persuade the States to abolish royalty imposed on MFP collected by the tribals. They desire that alternative arrangements should be made to compensate the loss of revenue incurred in this regard.

**Reply of Government**

The position has been explained in the submission made by the Secretary (E&F) in his evidence recorded in pp 24-25 of the impugned report. It is felt that abolishing royalty would not benefit the Tribals who are paid wages as they are—the primary collectors of the forest produce. No royalty is charged for bonafide domestic use or direct sale, by the Tribals.

**Recommendation (S. No. 14, Para No. 2.36)**

The Committee note that different States have been following different rules and procedures with regard to rights and concessions allowed to tribals for grazing of their cattle. They also note that while imposing restrictions on grazing, carrying capacity of the forest and number of cattle head are taken into account. The Committee would however, like the Union Government to ensure that carrying capacity of the forests is determined in a fair way to protect the rights and concessions enjoyed by tribals in grazing their cattle.

**Reply of Government**

The Forests are the subject on concurrent list. However, the State Governments are competent to frame rules under the Indian Forest Act taking local conditions into consideration. Since the conditions of forest resources and need of the people, vary from State to State a standard set of rules cannot be applicable uniformly in the country. The State

Governments are also responsible and committed to the Welfare of their people in general and tribals in particular. The carrying capacity of a forest is determined by the biomass availability therein and is reviewed while preparing forest working plans.

The working plans are thoroughly scrutinised within the department and finally approved by the State Government.

**Recommendation (Sl. No. 17, Para No. 2.49)**

The Committee note that the decision to constitute a National Park or Sanctuary is taken by the State Governments on case to case basis after due consideration of all related aspects. The Committee, however, desire the Union Government to evolve a monitoring system whereby they would have a say whenever the State Governments tend to overlook the tribal interests while declaring an area as a Sanctuary or National Park.

**Reply of Government**

The settlement of rights under the Wildlife (Protection) Act, 1972 at the time of declaring an area as a National Park or a Sanctuary is done through the Collector appointed by the State Governments concerned. The Regional Dy. Directors of Wildlife Preservation of this Ministry will monitor this process but due to very inadequate staff and infrastructure available with them these regional offices will have to be strengthened and proposal for this purpose has been moved separately.

**Recommendation (Sl. No. 22, Para No. 3.21)**

The Committee, recommend that the Forest Departments, instead of leaving things in the hands of village communities, should continue looking after the plantations for two/three years more in addition to the mandatory five years so that these are better protected from unscrupulous damage.

**Reply of Government**

It is true that the period of first five years (of the plantation) is very critical for establishment of forest plantations. Moreover, in the present phase of peoples participation, there is a great stress on involving the local people for protection by the village community themselves. This would not only increase their involvement but also mean considerable cost reduction, which would result in raising of more plantation within the limited budget available to the State Forest Departments. However, the Forest Department has the overall responsibility of protecting the plantation areas even beyond the initial years of formation.

**Recommendation (Sl. No. 24, Para No. 3.23)**

The Committee note that the Secretary, Ministry of Environment and Forests, the former Secretary, Ministry of Rural Development and the former Commissioner for SCs and STs have reservations in indulging industries and big Houses in the regeneration of Forests and development

of Wasteland which might prove detrimental to the interest of tribal lives. The Committee agree with these views and would like the Ministry of Environment & Forests to ensure that if the industries/big houses are permitted to help in regeneration of forests and development of wasteland, that should be restricted to providing loans to the poor tribals for plantation activities and utilisation of forest land.

### **Reply of Government**

A proposal for afforestation of degraded forest land is under consideration of the Government under which forest land would not be leased directly to the industries for the raising of industrial plantation. Due care will be taken to ensure that rights of the local community (including tribals) are not prejudiced and that they also participate in the overall management. Employment generated in the plantation activities would also benefit to the local population including tribals which would ease out their financial problems. The provisions of loans by industries to the tribals for plantation activities may not be possible as the proposal does not envisage leasing of land to the industries.

### **Recommendation (Sl. No. 25, Para No. 3.40)**

The Committee appreciate to note that several States have been implementing various schemes under the Integrated Area Development Programme sponsored by the Union and State Government as well as by the World Bank. The Committee, however, note with concern that some times the programmes meant for some specific areas and people are being diverted to some where else as has happened in Uttar Pradesh. The Committee, therefore, desire the Ministry to examine the implementation of World Food and other like programmes and take suitable measures thereafter in the forest areas of U.P. and other States where such malpractice has been reported. They would also like the Ministry to encourage other States in launching Integrated Area Development Programmes where these programmes have not yet been taken up.

### **Reply of Government**

Two Centrally Sponsored Schemes viz (i) Integrated Afforestation and Eco-Development Projects and (ii) Area Oriented Fuelwood and Fodder Project are being implemented in all States. These two schemes are mainly afforestation programmes and may be called Integrated Area Development Programmes as Integrated Afforestation and Eco-Development Projects (IAEPS) are sanctioned on watershed/micro watershed basis while Area Oriented Fuelwood and Fodder Projects (AOFFP) are sanctioned for identified fuelwood deficit districts. Diversion of area under these two projects has not come to the notice from any State and U.P. in particular.

**Recommendation (Sl. No. 29, Para No. 3.52)**

The Committee also note that land allotted to tribals is not suitable and not yield much for which the tribals prefer to go back to shifting cultivation. The Committee, therefore, recommend that utmost care should be taken to ensure that land allotted to tribals, for discouraging them from shifting cultivation, is fertile.

**Reply of Government**

The States have been written referring the recommendations of the Committee that revenue land allotted to tribals as alternate measures should be fertile so that they get sufficient agricultural produce and do not revert to shifting cultivation.

**Recommendation (Sl. No. 30, Para No. 3.53)**

The Committee also recommend that in North Eastern States where the Tribal sentiment is deeply attached with shifting cultivation, steps should be taken to experiment with tree culture as has been done in Himachal Pradesh to dissuade the Tribals from shifting cultivation.

**Reply of Government**

The North Eastern States have been written to adopt "tree" culture to improve the tribal economy and to dissuade the tribals from shifting cultivation.

## **CHAPTER IV**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION**

#### **Recommendation (Sl. No. 3, Para No. 1.11)**

The Committee are unhappy to note that neither any specific information regarding NGOs and voluntary agencies working in forest areas inhabited by tribals is available with the Ministry nor any specific mechanism has been devised by the Ministry to separately evaluate their work amongst the tribal people. Taking into consideration the fact that the NGOs and other voluntary agencies play a pivotal role in ameliorating the socio-economic condition of the teeming tribals the Committee would like the Ministry of Environment and Forests to keep a detailed record of the NGOs and voluntary organisations working in the forest areas inhabited by tribals. The Committee also desire the Ministry to devise a thorough mechanism to evaluate the work of the NGOs so that proper guidance and help is rendered to them whenever and wherever necessary.

#### **Reply of Government**

In recent times, NGOs are being involved increasingly in wildlife programmes and projects, particularly the protected area eco development programme being launched with assistance from the World Bank. Ministry of Environment and Forests has set up the ENVIS network on Environmental Information, with World Wildlife Fund (WWF) India being the Nodal Centre for information on NGOs. Ministry of Environment & Forests give grant to WWF in this respect. The State Governments are maintaining a record of these NGOs and a record is also being maintained in this Ministry in respect of the NGOs who are working on programmes and projects which are funded by the Ministry.

#### **Comments of the Committee at Para 1.6**

#### **Recommendation (Sl. No. 12, Para Nos. 2.30 & 2.31)**

The Central Government should persuade the State Governments to establish Welfare Cooperative Societies consisting of only tribals along with the Government Corporations/Tribal Cooperatives so that remunerative price for MFP and protection against exploitation is doubly ensured to the tribals.

The Committee also desire that in case the tribals get better remunerative price for the MFP, they should be allowed to sell those to outside Agencies also under the advice and guidance of Welfare Cooperative Societies, NGOs and other voluntary organisations. This is



with a view to ensuring that monopoly procurement of MFP by Government Corporations does not culminate in exploitation of poor tribals.

### **Reply of Government**

Action by Ministry of Welfare.

**Comments of the Committee at Para 1.9**

#### **Recommendation (Sl. No. 18, Para No. 2.50)**

The Committee are surprised to note that the Ministry do not have figures of the number of tribals affected by these measures of reservation of forests. The Committee, therefore, recommend that the Ministry should maintain a record of tribals who are forced to move out of their habitat to give space for a sanctuary or a National Park, carry out a meticulous follow up action to observe its impact on their economic condition and to take suitable remedial measures thereafter.

### **Reply of Government**

It may be clarified that tribals are not forced to move out of sanctuaries and national parks. Only voluntary relocation and rehabilitation is undertaken in some cases. This Ministry is also providing financial assistance to the States to ensure proper rehabilitation of the relocated tribals. The Chief Wildlife Wardens of the States are being requested to prepare a record of tribals who are relocated and to submit it to this Ministry.

**Comments of the Committee at Para No. 1.12**

#### **Recommendation (Sl. No. 19, Para No. 2.51)**

The Committee find it incredulous that no case of violation of the procedure under Section 20 of the Indian Forest Act by the State Governments has been reported to the Ministry. It is also equally unbelievable that no tribal family lodged any complaint or protested against their shifting from protected areas as nobody keeps quiet when he is driven out of his home. In the opinion of the Committee it is either due to total ignorance and simplicity of the tribals to raise their voice against injustice or the State Governments are taking undue advantage of such simplicity. The Committee, therefore, recommend the Union Government to prevail upon the State Governments to taken into confidence the voluntary organisations and social workers engaged in the tribal welfare in the forest areas. These Organisations in turn can not only report to the Ministry for violation of the procedure under Section 20 by any State but also educate the tribals to appeal against injustice done to them.

**Reply of Government**

Voluntary organisations are invariably involved during the process of relocation and rehabilitation of tribals and other villages from national parks and sanctuaries. In fact, it is a precondition for the release of financial support by this Ministry for such programmes.

**Comments of the Committee at Para 1.15**

## CHAPTER V

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES HAVE NOT BEEN RECEIVED

#### **Recommendation (Sl. No. 10, Para No. 2.19)**

The Committee are distressed to note that although a long time back a policy was declared for giving ownership rights of Tendu leaves to tribals in Madhya Pradesh, it has not been translated into practice till now. The Committee, therefore, recommend that instead of leaving things to pen and paper the Government should take immediate and concrete steps to see that the long pending policy of conferring the ownership rights of Tendu leaves to the tribals of Madhya Pradesh is implemented in letter and spirit. The Committee also desire the Central Government to motivate and persuade other States in conferring similar rights to the tribal people.

**Reply Received from the Govt. : Nil**

#### **Recommendation (Sl. No. 34, Para No. 3.60)**

The Committee also recommend that adequate provisions be made in the Budget grants of the Union as well as the State Governments to meet emergency payment of compensation for loss of life and property.

**Reply received from Govt. : Nil**

NEW DELHI;  
March, 1996

Phalguna, 1917 (Saka)

PARAS RAM BHARDWAJ,  
*Chairman,*  
*Committee on the Welfare of*  
*Scheduled Castes and Scheduled Tribes.*

## **APPENDIX**

**(Vide para 4 of the introduction)**

**Analysis of the Action Taken by Government on recommendations contained in the 44th Report (10th Lok Sabha) of the Committee on the Welfare of SCs and STs.**

1.	Total number of the recommendations .....	37
2.	Recommendations/Observations that have been accepted by Government	
	Numbers.....	19
	Percentage to total .....	51.35%
3.	Recommendations/Observations which the Committee do not desire to pursue in view of the Governments replies	
	Numbers.....	12
	Percentage to total .....	32.43%
4.	Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration	
	Numbers.....	4
	Percentage to total .....	10.81%
5.	Recommendations/Observations in respect of which final replies of Government have not been received	
	Numbers .....	2
	Percentage to total .....	1.52%