

विधान सभा प्रश्न

विभाग का नाम	:	जनजातीय विकास
प्रश्न संख्या अतारांकित	:	2245
उत्तर की तिथि	:	11-08-2022
विषय	:	एफ0आर0ए0 मामले ।
प्रश्नकर्ता का नाम	:	श्री जगत सिंह नेगी (किन्नौर)
सम्बन्धित मन्त्री	:	तकनीकी शिक्षा मन्त्री ।

	प्रश्न	उत्तर
(क)	क्या तकनीकी शिक्षा मन्त्री बतलाने की कृपा करेंगे कि:- यह सत्य है कि अब तक एफ0आर0ए0 में एस0डी0एल0सी0 व डी0एल0सी0 ने किन्नौर में उन्हीं व्यक्तिगत मामलों को स्वीकृति प्रदान की है जिनका बन्दोबस्त में कब्जा नाजायज दर्ज था;	जी नहीं। इसके साथ-साथ ऐसे मामले भी स्वीकृत किये गए हैं जो बन्दोबस्त के बाद के हैं व दावेदारों का कब्जा 13 दिसम्बर, 2005 से पहले का होने बारे साक्ष्य उपलब्ध है।
(ख)	एफ0आर0ए0 में व्यक्तिगत दावों की स्वीकृति के लिए क्या पात्रता है व कितने किस्म के साक्ष्य आवश्यक हैं; और	वन अधिकार अधिनियम के अनुसार व्यक्तिगत दावों की स्वीकृति के लिए पात्रता अधिनियम की धारा 2(c) तथा 2(o) में वर्णित है व इसके लिए नियम 13(1) में वर्णित विभिन्न साक्ष्यों में से कोई 2 साक्ष्य आवश्यक हैं। जो अनुलग्नक 'क' पर है।
(ग)	गत 3 वर्षों में दिनांक 20.07.2022 तक प्रदेश में एफ0आर0ए0 के अन्तर्गत व्यक्तिगत व सामूहिक कितने मामले स्वीकृत हुए हैं; जिलावार ब्यौरा दें?	सूचना अनुलग्नक 'ख' पर है।

CHAPTER I PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -
 - (a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;
 - (b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;
 - (c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;
 - (d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;
 - (e) "forest rights" means the forest rights referred to in section 3;
 - (f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;
 - (g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Toias and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

- (h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
- (¹) "minor forest produce" includes 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;
- (j) "nodal agency" means the nodal agency specified in section 11;
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "Scheduled Areas" means the Scheduled Areas referred to in clause (1) of article 244 of the constitution;
- (n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;
- 18 of 2003 (o) "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.
- Explanation — For the purpose of this clause, "generation" means a period comprising of twenty-five years.
- "village" means —
- 40 of 1996 (i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or
- (ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or
- (iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or
- (iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;
- 53 of 1972 (q) "wild animal" means any species of animal specified in Schedules .1 to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

Forest rights
Forest
dwelling
Scheduled
Tribes and

- (4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.
- (5) The conversion of forest villages, unrecorded settlement under clause (h) of Section 3 shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.²⁰

13. Evidence for determination of forest rights.-

- (1) The evidence for recognition and vesting of forest rights shall, inter alia, include -
 - (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
 - (b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;
 - (c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;
 - (d) quasi-judicial and judicial records including court orders and judgments;
 - (e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
 - (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
 - (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;
 - (h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;
 - (i) Statement of elders other than claimants, reduced in writing.
- (2) An evidence for "Community Forest Resource" inter alia, include -
 - (a) community rights such as *nistar* by whatever name called;
 - (b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

²⁰ Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

¹Substituted by Rule 12(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Rule 13 "community forest rights"

गत तीन वर्षों में दिनांक 20.07.2022 तक प्रदेश में एफ़.आर.ए. के अंतर्गत स्वीकृत व्यक्तिगत व सामूहिक मामलों का जिलावार ब्यौरा निम्न प्रकार से है :

जिला का नाम	स्वीकृत व्यक्तिगत मामले	स्वीकृत सामूहिक मामले
किन्नौर	65	0
हमीरपुर	0	0
काँगड़ा	0	28
लाहौल-स्पिति	3	0
सिरमौर	0	0
बिलासपुर	0	0
शिमला	0	0
ऊना	0	0
चम्बा	0	0
मंडी	0	0
सोलन	0	0
कुल्लू	0	25
कुल	68	53