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**Government of India
National Commission for Scheduled Tribes**

6th floor, 'B' Wing, Loknayak Bhawan
Khan market, New Delhi-110 003.

File No. 28/Review/Service/MTA/2013/RU-II

Date: 10/10/2013

To

The Secretary
Government of India,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi

75-43
10/10/13
Sub: Record of the Proceedings of the Meeting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 18/09/2013 at 1200 Hrs in the Commission with the Secretary, Joint Secretaries and other officers of the Ministry of Tribal Affairs (MoTA) on the steps/initiatives taken by the MoTA for effective implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Tribal Sub-Plan implemented by the States.

Madam,

I am directed to enclose herewith a copy of Record of Proceedings of the Meeting held in the NCST on 18/09/2013 on the above mentioned subject.

It is, requested that an action taken report on the points raised in the Record of Proceedings of the Meeting may please be forwarded to this Commission at the earliest.

Yours faithfully

M.S. Chopra
(M.S. Chopra)
Director

Encls: As stated above

NOO

Copy for information to:-

1. PPS to Hon'ble Chairman
2. PPS to Secretary
3. PPS to Joint Secretary
4. AD (Coord)
5. SSA NIC (for hosting on Commission's website)

M.S. Chopra
(M.S. Chopra)
Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Record of the proceedings of the meeting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 18/09/2013 at 1200 Hrs in the Commission with the Secretary, Joint Secretaries and other officers of the Ministry of Tribal Affairs (MoTA) on the steps/initiatives taken by the MoTA for effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Tribal Sub-Plan implementation by the States

A meeting was held in the National Commission for Scheduled Tribes (NCST) on 18/09/2013 with the Secretary, Joint Secretaries and other officers of Ministry of Tribal Affairs (MoTA) on the steps/initiatives taken by the MoTA for effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Tribal Sub-Plan (TSP) implementation by the States with reference to the Commission's letter No. 28/Review/Service/MTA/2013/RU-II dated 05/09/2013.

2. The list of the participants is attached.
3. At the outset, Chairperson, NCST welcomed the participants and outlined the objective of the meeting to review the steps/initiatives taken by the MoTA for effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and TSP implementation by the States. Thereafter, Chairman, NCST invited the officers of MoTA to brief the Commission on the subject.

Forest Rights Act, 2006

4. Dr. Sadhna Rout, Joint Secretary, MoTA, through a PowerPoint presentation, submitted that the MoTA was the nodal agency for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act seeks to recognize and vest 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. The Act was notified for operation with effect from 31/12/2007. Subsequently, the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were



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notified on 01/01/2008. In March 2011, the National Advisory Council (NAC) also made detailed recommendations regarding necessary changes in the legal regime surrounding the Act for the purpose of ensuring proper implementation of the letter and spirit of the law. MoTA also constituted a Core Group on 14/05/2012 to examine the recommendations made by the NAC with reference to the provisions of the Act and Rules framed thereunder and to submit a report for ensuring effective implementation of the Act. Based on the recommendations of the Core Group, comprehensive guidelines to the States/UT Governments were issued on 12/07/2012 for better implementation of the Act. To overcome certain procedural lacunae in the Act, MoTA also notified the Scheduled Tribes Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 in the Gazette of India on 06/09/2012.

5. Dr. Rout, Joint Secretary, MoTA further submitted that in order to explain and discuss the amendments in the FR Rules and the guidelines issued and the way forward at State level including drafting of consent action plan for individual States, MoTA also took up an important exercise of organizing a series of Regional Workshops nationwide at Bhubaneswar, Nagpur, Bhopal and New Delhi. MoTA also organized a National Review-cum-Orientation Meeting with all States on FRA on 03/12/2012 at New Delhi. Further, communications were also sent to the Chief Ministers of Bihar, Tamil Nadu, Karnataka, Uttar Pradesh, Uttrakhand, Himachal Pradesh and West Bengal to make all out efforts to accomplish various tasks in a time-bound manner so that the benefits of FRA could reach all the forest dwelling communities in the States.

Present status of implementation of the Act

6. As per the information collected from the States and UT Governments till 31/07/2013, the status of implementation of the Act is as follows:

(i)	No. of claims filed	: 32,62,795
(ii)	No. of titles distributed	: 13,09,424
(iii)	No. of titles ready for distribution	: 16,207
(iv)	No. of claims rejected	: 15,19,672
(v)	Total number of claims disposed of/ with respect to claims filed	: 28,29,096 (86.70%)
(vi)	Extent of forest land vested	: 49,17,098.13 acres (for 13,02,005 titles)



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7. Chairperson, NCST pointed out that the tribal land in many States e.g. at Singrauli, Madhya Pradesh and Karimnagar in Andhra Pradesh was acquired for establishment of projects. The tribal people lost their land in such projects and are required to be provided appropriate compensation and rehabilitation by the project authorities. There is an imperative need to recognize the rights of the tribals, particularly with reference to the Act in such projects.

8. Dr. Rout, Joint Secretary, MoTA further submitted that inspite of the best efforts, overall recognition of community rights is very low across the States. The States which have high potential, such as Himachal Pradesh, Uttarakhand, Jharkhand have not made desired progress in this regard. A number of issues continue to exist on management and governance of Community Forest Resources (CFR) due to lack of cooperation from the forest department of the States. Particularly Vulnerable Tribal Groups (PVTGS) and the nomadic and pastoral communities are sections whose distinct rights i.e. habitat rights have yet not been recognized for lack of clarity. MoTA is also in receipt of several complaints of relocation from the National Parks, Sanctuaries and Tiger Reserves. The Tribal communities are the major communities which are displaced due to development projects, such as mining, construction of dams etc which require diversion of forest lands. However, as per the FR Act no forest dwelling can be displaced till recognition and vesting of the rights is completed. Most of the Scheduled V States have not enacted rules to operationalize the Act. The Chairperson, NCST advised the MoTA to write to the Chief Secretary/Chief Forest Conservator of the States where there is lack of cooperation in implementing the Act.

9. Chairperson, NCST observed that the Commission has been closely following the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as its success was the utmost importance to tribals. The Commission is also aware of the deep concerns of the Minister, Ministry of Tribal Affairs for effective implementation of the Act. The presentation by Dr. Rout, Joint Secretary has illustrated that for effective implementation of the Act, MoTA has adopted innovative approaches, with focus on process improvement, particularly relating to procedural lacunae in the earlier Forest Rights Rules, 2008 through new Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012, more proactive and vocal stance like regional consultations with States etc during last one and half years. This has resulted in clarifications with regard to various provisions of the Act concerning Rules and Guidelines, particularly the procedure relating to implementation and misinterpretation/incorrect/illegal interpretations on

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various issues of law, enforcement of Community Forest Resource (CFR) rights etc. The approach has also resulted in better understanding of the Act by forest dwellers, empowering them to challenge illegalities and to demand a better process of implementation of the Act. The Commission recorded its appreciation of the stewardship of Smt. Vibha Puri Das, Secretary, MoTA and the diligence and dedication shown by Dr. Rout, Joint Secretary in translating Ministry's vision for the Act into action. Chairperson, NCST desired that the Commission's commendations in respect of the officials be reflected in their service records so that their expertise is continued to be utilized in other projects of similar intensity.

Action: MoTA

Implementation of Tribal Sub- Plan by States

10. Smt. Sangeeta Verma, Economic Advisor, Ministry of Tribal Affairs through a PowerPoint presentation submitted that the TSP, a key instrument for accelerated development of STs with focus on their economic, educational and human development, was introduced in 1974-75. The objective of the TSP is to bridge the gap between STs and others through accelerating the development of STs by securing to them (i) human resource development by enhancing their access to education and health services, (ii) enhancing quality of life by providing basic amenities in tribal areas, localities including housing and prevention of exploitation, and (iii) reduction in poverty and unemployment, creation of productive assets and income generation opportunities. The objective was to be achieved by channelizing the flow of plan resources for the development of Scheduled Tribes both in physical and financial terms across Central Ministries in Government of India at least in proportion to ST population at national level and across departments in the States, at least in proportion to ST population in each State. From time to time, the Planning Commission issues guidelines for the formulation and implementation of TSP. Despite the implementation of TSP by 22 States, development deficits in relation to the scheduled tribes persisted. MoTA as the nodal Ministry for overall policy planning and coordination of programmes of development for the STs has been highlighting this issue with the States, the Planning Commission as well as other Ministries.

11. The Economic Advisor, MoTA further submitted that a series of regional consultations covering central, eastern, north eastern and western regions and a National Consultation were organized by MoTA to galvanize thought and action on the process of TSP implementation in the States. In July, 2013, MoTA undertook a regional consultation in Ranchi, where the


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representatives of Andhra Pradesh, Chattisgarh, Odisha, Madhya Pradesh and Maharashtra States participated, to stock of the progress made by the States on the recommendations that had emerged from the earlier consultations.

12. It was further submitted that in terms of financial resources, out of 22 TSP States and 2 UTs, during their annual plan 2012-13, 17 States/UTs earmarked resources in proportion to their ST population or more. Of the remaining, the States of Chattisgarh and Goa were only marginally short and resource allocation in Assam and Sikkim was significantly lower than the proportion of the State ST population. As a part of Inter-Ministerial Committee of the Planning Commission, MoTA is working with the State Tribal Welfare Departments to revise existing guidelines for TSP planning, implementation and monitoring.

13. Joint Secretary, NCST highlighted the review conducted by the Commission had revealed that the TSP funds were still being diverted to other development works in many States. There is an imperative need to arrest such cases through a better monitoring system.

14. Chairperson, NCST observed that several States do not understand the concept of TSP. The TSP funds are diverted to other heads/projects like construction of roads etc. Chairperson, NCST emphasized on the need of enacting laws by the State Governments to ensure that the funds under TSP were spent for the purpose meant for and were not diverted to other heads. He further advised the MoTA to address a communication to the Chief Ministers of the States in this regard.

15. MoTA also informed the Commission that based on the NCST recommendations and taking into account the deliberations with the States, Civil Societies and other stakeholders at four regional consultations held earlier this year, MoTA had sent, in May, 2013, their recommendations to the Planning Commission for a new approach to the TSP, which are yet to be approved. MoTA requested the Commission to impress upon the Planning Commission to urgently issue the revised guidelines for TSP. Further, at the time of Annual Plan discussions, the Planning Commission must specifically review the outcomes of the TSP and engage with the States on fixation of TSP targets for the ensuing year. Chairperson, NCST desired a reference to the Planning Commission should be made accordingly.

Action: NCST

The meeting ended with vote of thanks to the Chair.

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Attendance Sheet

Date: 18/09/2013 at 1200 Hours

Meeting taken by Dr. Rameshwar Oraon, Chairperson, NCST on 18/09/2013 at 1200 Hrs in the Commission with the Secretary, Joint Secretaries and other officers of Ministry of Tribal Affairs on the steps/initiatives taken by the Ministry of Tribal Affairs for effective implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Tribal Sub Plan implemented by the States.

National Commission for Scheduled Tribes

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Dr. R. Vijaykumar, Secretary
3. Shri Aditya Mishra, Joint Secretary
4. Shri M.S. Chopra, Director
5. Shri T.D. Kukreja, PS to Chairperson

Ministry of Tribal Affairs

1. Smt. Vibha Puri Das, Secretary
2. Dr. Sadhana Rout, Joint Secretary
3. Shri Ashok Pai, Joint Secretary
4. Smt. Sangeeta Verma, E.A
5. Shri Uttam Kar, U.S (FRA)
6. Ms. Sreetama G.B, Consultant (FRA)
7. Shri P.K. Verma, Consultant, FRA