

Bill No. 136 of 2025

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST
DWELLERS (RECOGNITION OF FOREST RIGHTS)
AMENDMENT BILL, 2025

By

SHRI VISHNU DAYAL RAM, M.P.

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BILL

*further to amend the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India
as follows:—

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest
Dwellers (Recognition of Forest Rights) Amendment Act, 2025.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

Amendment
of section 3.

2. In section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006,—

2 of 2007.

(a) in sub-section (1), for clause (i), the following clause shall be substituted, namely:—

“(i) rights to protect, regenerate, conserve, or manage any community forest resource, including but not limited to coastal and tidal commons such as mangroves, estuarine wetlands, littoral forests, and other marine ecosystems which they have been traditionally protecting and conserving for sustainable use;”;

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(b) in sub-section (2), after clause (m), the following clause shall be inserted, namely:—

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“(ma) grant of mining leases or extraction rights in coastal and tidal regions traditionally used or occupied by forest-dwelling Scheduled Tribes and other traditional forest dwellers.”; and

(c) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:—

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“Provided further that in the case of diversion of forest land in coastal and tidal regions for activities involving mineral extraction, industrial use, or infrastructure development, such diversion shall not be permitted unless the prior written consent of the Gram Sabha of the affected tribal communities is obtained after informing and duly recorded.”.

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STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted to correct the historical injustice faced by forest-dwelling Scheduled Tribes and other traditional forest communities by recognizing their rights over forest lands and resources. While the Act provides a progressive legal framework for forest land tenure and the recognition of community forest rights, it does not adequately account for the ecological and cultural realities of coastal and tidal communities who have historically depended on marine and littoral ecosystems.

Tribal and forest-dwelling communities in coastal regions, such as those in Odisha and Andhra Pradesh, depend on mangroves, estuaries, intertidal zones, and other coastal commons for their livelihood and cultural survival. Similarly, inland tribal communities in Jharkhand remain deeply forest-dependent with over 70 per cent. of livelihood variation linked to forest reliance. However, these ecosystems fall into an administrative grey zone, as they are not explicitly included in the current definition of “community forest resource” under Section 3(1)(i) of the Act. As a result, such areas are vulnerable to unchecked industrial development and extractive mining activities, often without adequate consent from or compensation to the affected communities.

At the same time, India’s mining push, especially for critical minerals and coastal sand extraction, has intensified pressure on ecologically sensitive areas traditionally used by tribal communities. There is no clear legal requirement under the current Forest Rights Act to obtain prior consent from Gram Sabhas before granting mining leases in these zones, especially outside traditionally notified forests. This not only undermines the spirit of the Act but also exposes local communities to displacement, loss of livelihood, and ecological degradation. To take an example, the 2013 Niyamgiri case, where Gram Sabhas in Odisha unanimously rejected bauxite mining on tribal land, demonstrated how empowered local institutions can defend community rights, cultural heritage, and environmental integrity.

To address these urgent challenges, this Bill seeks to:—

- (i) explicitly include coastal and tidal commons, such as mangroves, estuarine wetlands, and littoral forests, within the definition of “community forest resource”.
- (ii) recognize that the grant of mining leases in coastal and tidal zones constitutes a form of forest land diversion.
- (iii) mandate the prior, informed, and written consent of the Gram Sabha before any diversion of such land for mineral extraction, industrial use, or infrastructure development.

These amendments align with the principle of Free, Prior, and Informed Consent (FPIC), which has been recognized in India’s own Forest Rights jurisprudence (*e.g.* Orissa Mining Corporation v. Ministry of Environment and Forests, 2013) and international conventions such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), to which India is a signatory.

The proposed amendments ensure that the legal protections extended to inland forest-dwelling communities are equally applicable to coastal and tidal forest-dependent communities. This will uphold environmental justice, promote inclusive development, and ensure that forest-dwelling communities are not disproportionately affected by extractive projects in ecologically sensitive areas.

Hence this Bill.

NEW DELHI;
July 10, 2025.

VISHNU DAYAL RAM

ANNEXURE

[EXTRACTS FROM THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST
DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006]

(ACT NO. 2 OF 2007)

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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
of Forest
dwelling
Scheduled
Tribes
and other
traditional
forest
dwellers.

* * * * *

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

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(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:—

* * * * *

(m) community centres:

Provided that such diversion of forest land shall be allowed only if,—

(i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

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further to amend the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006.

(Shri Vishnu Dayal Ram, M.P.)