

AS INTRODUCED IN LOK SABHA

Bill No. 121 of 2019

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST
DWELLERS (RECOGNITION OF FOREST RIGHTS)
AMENDMENT BILL, 2019

By

DR. KIRIT PREMJIBHAI SOLANKI, M.P.

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BILL

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

BE it enacted by Parliament in the Seventieth 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, 2019. Short title and commencement.

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

Amendment of section 2.	<p>2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the principal Act), in clause (c), for the words "primarily reside in", the words "primarily reside in or in the close proximity of forests" shall be substituted.</p>	2 of 2007.
Amendment of section 3.	<p>3. In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—</p>	5
	<p style="padding-left: 2em;">"(2A) The Central Government shall ensure—</p> <ul style="list-style-type: none"> (i) provisions of developmental requirements such as food, fibre, education, health and communication for the forest dwelling Scheduled Tribes; and 	10
	<ul style="list-style-type: none"> (ii) that the land requirements from the forest land for developmental facilities in forests or in the proximity of forests are provided to the forest dwelling Scheduled Tribes. 	15
	<p style="padding-left: 2em;">(2B) Notwithstanding any custom or usage, the Central Government shall ensure that the female members of the Scheduled Tribes are vested with equal rights and special provisions are made for female-headed households and widows."</p>	15
Amendment of section 4.	<p>4. In section 4 of the principal Act, for sub-section (5), the following sub-sections shall be substituted, namely:—</p>	
	<p style="padding-left: 2em;">"(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe shall be evicted or removed from forest land under his occupation until:—</p>	20
	<ul style="list-style-type: none"> (a) the recognition and verification procedure is completed; 	
	<ul style="list-style-type: none"> (b) a resettlement or alternatives package, which provides a secure livelihood to the affected individuals or communities and fulfils the requirements of affected individuals or communities under the National Rehabilitation and Resettlement Policy, has been prepared and communicated; 	25
	<ul style="list-style-type: none"> (c) the free informed consent of the Gram Sabhas of the area concerned and of the affected individuals to the resettlement and the package provided has been obtained in writing; and 	
	<ul style="list-style-type: none"> (d) facilities and land allocation at the resettlement location are complete as per the promised package. 	30
	<p style="padding-left: 2em;">(5A) Notwithstanding anything in sub-section (5), the affected individuals or the community shall have right to their original habitation if they are not satisfied with the rehabilitation."</p>	
Amendment of section 6.	<p>5. In section 6 of the principal Act, after sub-section (8), the following proviso shall be inserted, namely:—</p>	35
	<p style="padding-left: 2em;">"Provided that the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall also have members from the forest dwelling Scheduled Tribes which shall not be less than one-half of the total members of such committees and there shall be provision to include adequate number of elected representatives and persons of disadvantaged communities as members of those committees.". 40</p>	

STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is an extremely important piece of legislation that gives due recognition to the customary and traditional forest rights of tribal communities.

The need is to strengthen the protective measures introduced by the Act to recognize and uphold the traditional and customary forest rights of Scheduled Tribes in India. The Bill seeks to ensure an explicit commitment towards the rehabilitation and compensation of Scheduled Tribes and make the processes and systems more robust. The Bill also requires the Central Government to ensure that all the developmental requirements of Scheduled Tribes are met out.

The amendment of the definition of "forest dwelling Scheduled Tribes" to include those who reside not just in but also in close proximity to forests is also necessary. Also, the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee are required to have at least one-half of their total members from the forest dwelling Scheduled Tribes.

Hence, this Bill.

New Delhi;
June 6, 2019.

KIRIT PREMJIBHAI SOLANKI

ANNEXURE

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

(2 OF 2007)

	*	*	*	*
Definitions.	2. *	*	*	*
	(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 <i>bona fide</i> livelihood needs and includes the Scheduled Tribe pastoralist communities;			
	*	*	*	*
Forest rights of Forest dwelling Scheduled Tribes and other traditional forest dwellers.	3. *	*	*	*
	(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:—			
	(a) schools;			
	(b) dispensary or hospital;			
	(c) anganwadis;			
	(d) fair price shops;			
	(e) electric and telecommunication lines;			
	(f) tanks and other minor water bodies;			
	(g) drinking water supply and water pipelines;			
	(h) water or rain water harvesting structures;			
	(i) minor irrigation canals;			
	(j) non-conventional source of energy;			
	(k) skill upgradation or vocational training centres;			
	(l) roads; and			
	(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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Recognition
of, and vesting
of, forest
rights in forest
dwelling
Scheduled
Tribes and
other
traditional
forest dwellers.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

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Authorities to
vest forest
rights in forest
dwelling
Scheduled
Tribes and
other
traditional
forest dwellers
and procedure
thereof.

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(*Dr. Kirit Premjibhai Solanki, M.P.*)