

Bill No. 121 of 2019

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

By

DR. KIRIT PREMJBHAI 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
5 in the Official Gazette, appoint.

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 PREMJBHAI SOLANKI

ANNEXURE

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

(2 OF 2007)

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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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(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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Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

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(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

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

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