

**Bill No. LV of 2009**

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST  
DWELLERS (RECOGNITION OF FOREST RIGHTS) AMENDMENT  
BILL, 2009

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

BE it enacted by Parliament in the Sixtieth 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, 2009.

Short title  
and com-  
mencement.

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

2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill, 2006 for clause (o), the following clause shall be substituted, namely:—

Amendment in  
Act No. 2 of  
2007.

10 “(o) “other traditional forest dweller” means any member or community who has primarily resided in, not later than March 25, 1971, and who depend on the forest or forests land for *bona fide* livelihood needs.”

## STATEMENT OF OBJECTS AND REASONS

It is a historical fact that due to partition of the undivided India a number of people from the then Pakistan had to enter into some states of the country, particularly into West Bengal, Tripura and Assam, as refugees. As regards the State of Tripura, the area in the plane terrain is very limited. That is why, quite a good number of these people had to find shelter in the hilly terrains in the forest area also and got settled there in as the traditional forest dwellers under compulsion of a historical phenomenon. Later on, there was another historical event. That was the creation of Bangladesh. After that, the Indira-Mujib Pact was signed between India and Bangladesh. According to that Pact, anyone coming from the erstwhile East Pakistan before 25th March, 1971 is entitled to reside anywhere in India as its citizen. The very incidence of partition does not satisfy the condition of three generations, because the period of 75 years has not elapsed after partition of undivided India has taken place. The People having been forced to leave Pakistan under compelling situation after partition and to leave East Pakistan any time before March 25, 1971 have had the occasion to live in the forest land also. So the criteria like 'at least three generations (75 years)' do not hold good here in the broad perspective of the Act.

Secondly, the state of Tripura during kings' period had witnessed many rebellions against the kings at several periods of time. That is why, the section of tribal people also had to shift their habitations from here to there on many occasions. The fixity of residence for more than 75 years in their cases is a difficult task, though their right to forest is an inborn right. To show a valid document of residence during kings' period or the British period is practically hard task. It is not operational also. Factually, it is not at all wise to depend on the information having origins to the kings' period or the British period, this being the periods of turmoil and uncertainty in most of the times.

These reasons do not refer to Tripura only. The issue of 75 or more years will create problems in some other states also. The application of this condition will keep a big number of deserving families out of the benefit of this historic legislation. That is why the amendment is moved.

Hence this Bill.

MATILAL SARKAR

ANNEXURE

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

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(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.

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

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*(Shri Matilal Sarkar, M.P.)*