

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 27<sup>TH</sup> AUGUST, 2010

**Bill No. XLVII of 2010**

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST  
DWELLERS (RECOGNITION OF FOREST RIGHTS)  
(AMENDMENT) BILL, 2010

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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 the Parliament in the Sixty-first 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, 2010.

Short title and  
commence-  
ment.

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 2  
of Act No. 2  
of 2007.

**2.** In Section 2 of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, for clause (o), the following clause shall be substituted as namely:—

“(o) "other traditional forest dweller" means any member or community who has for at least one generation 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 twenty-five years.

## STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, requires evidence of seventy-five years residence in forest for eligibility of non-tribal additional forest dwellers. This means that proof of residence dating back to 1930 has to be produced. This is obviously not feasible or practical as British who shifted large communities mainly Scheduled Caste into the forests gave no such certificates. On the other hand the Supreme Court has recognized and legalized occupation of forest land prior to 1980 which benefited approximately four lakh forest dwellers. The three generation condition has deprived genuine Other Traditional Forest Dwellers from their right to get *pattas* under the Forest Act. The amendment will bring the Act in tune with the Supreme Court recognition of occupation pre-1980.

The Bill seeks to achieve the above objectives.

Hence this Bill.

BRINDA KARAT

ANNEXURE

EXTRACTS FROM THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS  
(RECOGNITION OF FOREST RIGHTS) ACT, 2006  
(No. 2 OF 2007)

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**2.** (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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RAJYA SABHA

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(Recognition of Forest Rights) Act, 2006.

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*(Shrimati Brinda Karat, M.P.)*