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THIRUVANANTHAPURAM KOLKATA HYDERABAD CHENNAI BANGALORE AIZAWL

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Ministry of Tribal Affairs

SALIENT FEATURES OF THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT

15:48 IST

Rules notified for the implementation of the Scheduled Tribes and other Traditional Forest Dwellers (recognition of forest rights) Act on 1 st Jan 2008, has finally paved the way to undo the injustice to tribals and other forest dwellers. After the enactment of the Act now tribals and other forest dwellers will have the right to cultivate forest land to the extent under occupation, the right to own, collect, use and dispose of minor forest produce, rights inside forests which are traditional and customary like grazing. Tribals who have been living in and depending on forests, for their livelihood prior to 13 December, 2005, and other traditional forest dwellers who have been living in and depending on forests for their livelihood, for three generations prior to 13 th December, 2005 will have these rights.

Gram Panchayats will call for claims, which will be examined by Forest Rights Committee consisting of 10-15 members of Gram Panchayats. At least one third of these members will be schedule tribe and one third women. The committee will visit the site and physically verify the nature and extent of the claims. After satisfying itself, it shall forward its recommendations to Sub Divisional level Committee, which will further send the proposal to the district level committee for final consideration. District level committee will also have three members from district panchayats of whom at least two shall be the Scheduled Tribes, preferably those who are forest dwellers or who belong to the primitive tribal groups.

Salient features of the Act

Salient features of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Bill are as follows:

Ø The Act recognises and vests the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. This would undo the historical injustice done to the forest dwelling Scheduled Tribes.

Ø The Act provides for recognition of forest rights of other traditional forest dwellers provided they have for at least three generations prior to 13.12.2005 primarily resided in and have depended on the forest or forest land for bonafide livelihood needs. A "generation" for this purpose would mean a period comprising of 25 years.

Ø The cut off date for recognition and vesting of forest rights under the Act will be 13.12.2005.

Ø The Act provides for the ceiling of occupation of forest land for purposes of recognition of forest rights to the area under actual occupation and in no case exceeding an area of four hectares.

Ø The Act provides for conferring rights in the National Parks and Sanctuaries also, renamed as 'critical wildlife habitat' on regular basis.

Ø The Act provides for the right to hold and live in the forestland under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.

Ø The Act recognises the right of ownership access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. The Act has defined the term "minor forest produce" to include all non-timber forest produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.

Ø The Act recognises the right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to 13.12.2005.

Ø The Act provides for the forest right relating to Government providing for

... The Act provides for the forest right relating to Government providing for diversion of forest land for the purpose of schools, hospitals, anganwadis, drinking water supply and water pipelines, roads, electric and telecommunication lines, etc.

Ø The rights conferred under the Act shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in the case of married persons and in the name of the single head, in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin.

Ø The Act provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is completed.

Ø As per the Act, the Gram Sabha has been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers.

The benefits that will accrue from the Act

Ø The Act results in recognition of forest rights of forest dwelling scheduled tribes and other traditional forest dwellers over the forest land under their occupation and their habitat for self-cultivation of the land for their livelihood.

Ø They will have access to, use or dispose of, minor forest produce

Ø They will not face the threat of eviction or removal from forest land under their occupation.

Ø They will be entitled to the benefits of various schemes of the Government after vesting of the clear cut title of land in their favour.

Ø Since the Gram Sabhas have been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights that may be given to the scheduled tribes and other traditional forest dwellers, this would empower the local communities in management of their natural resources in tune with the provisions of the PESA Act, 1996.

Ø The recognition and vesting of forest rights in the forest dwelling scheduled tribes and other traditional forest dwellers also includes the responsibility of

protection, conservation and regeneration of wild life, forests and biodiversity.

Ø The Act envisages registration of the title of the forest land jointly in the name of both the spouses, where married, and in the case of single person headed households, in the name of the single head. This would also benefit the women dwelling in the forests.

NCJ/DT