	AS PASSED BY LOK SABHA ON 15^{TH} DECEMBER 2006 Bill	
	No.158-C of 2005	
	THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) BILL, 2006	
	A	
	BILL	
	to recognise and vest 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; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.	
	WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;	
	AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystems;	
	AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to state development interventions.	
	BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—	
	CHAPTER I	
	PRELIMINARY	
ort title and		

	(2) It extends to the whole of India except the State of Jammu and Kashmir.	
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
Definitions.	2. In this Act, unless the context otherwise requires,-	
	(a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village, or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;	
	(b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;	
	(c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests and forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities	
	(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National parks;	
	(e) "forest rights" means the forest rights referred to in section 3;	
	(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes lands for cultivation and other uses, permitted by the Government;	
	(g) "Gram Sabha" means a village assembly, which shall consist of all adult members of a village and in case of States having no Panchayats, <i>Padas, Tolas</i> and other traditional village institutions and elected village committees, with full and unrestricted participation of women;	

(h)"habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of Primitive Tribal Groups and pre-agricultural communities and other forest dwelling Scheduled Tribes; (i) "minor forest produce" includes 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; (j) "nodal agency" means the nodal agency specified in section 11; (k) "notification" means a notification published in the Official Gazette; (1)"prescribed" means prescribed by rules made under this Act; (m) "Scheduled Areas" means the Schedule Areas referred to in clause (1) of article 244 of the Constitution; (n) "Sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002; (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 depends 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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(p) "village" means-

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act,

	1996 or;	
	(ii) any area referred to as a village in any State law relating to panchayats other than the Scheduled Areas; or	
	(ii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or	
	(iii) in the case of States where there are no Panchayats, the traditional village, by whatever name called;	
	(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wildlife (Protection) Act, 1972 and found wild in nature.	
40 of 1996		
53 of 1972		
	CHAPTER II	
	FOREST RIGHTS	
		Forest rights of forest dwelling
	(a) right to hold and live in the forest land 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;	
	(b) community rights such as <i>nistar</i> , by whatever name called, including those used in erstwhile Princely States, <i>Zamindari</i> or such intermediary regimes;	
	(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;	

- (d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
 - (e) rights, including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
- (g) rights for conversion of *Paltas* or leases or grants issued by any local authority or any State Government on forest lands to titles;
- (h) rights of settlement and conversion of all forest villages, old habitation unsurveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages;
- (i) right to protect, regenerate, or conserve or manage any community forest resource, which they have been traditionally protecting and conserving for sustainable use;
- (*j*) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of concerned tribes of any State;
- (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- (*l*) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (*a*) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
- (m) 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 or rehabilitation prior to the 13th of December 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 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-

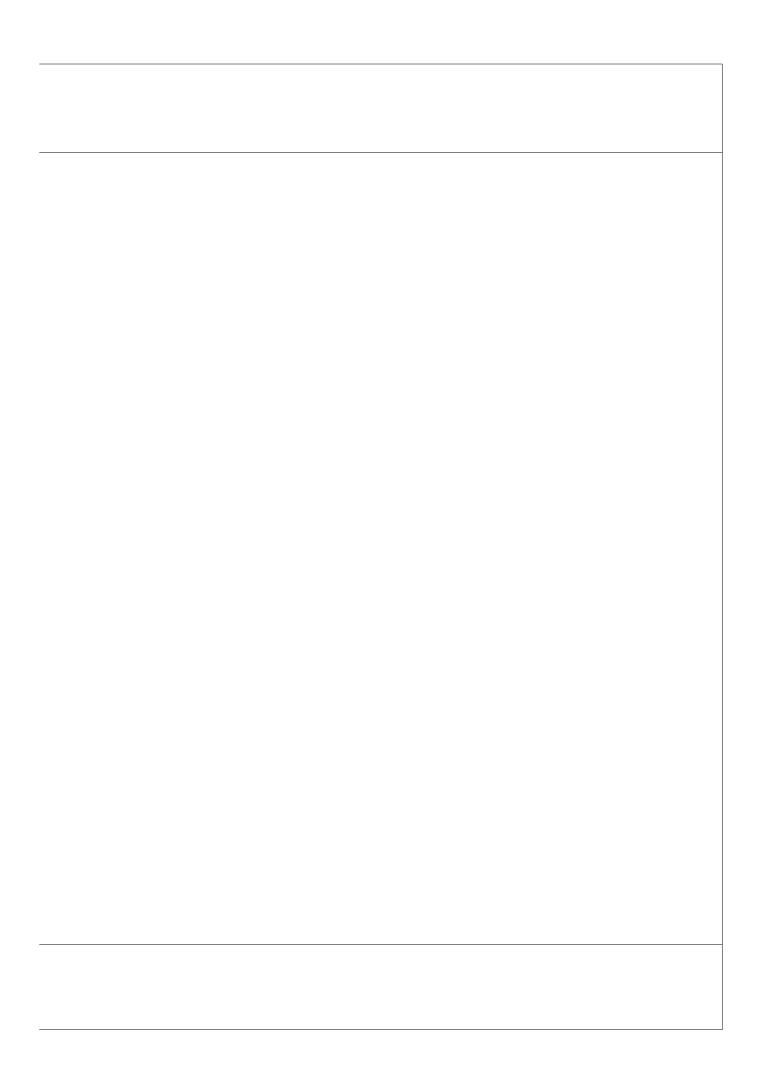
five trees per hectare, namely: -	
(a) schools;	
(b) dispensary or hospital;	
(c) anganwadis;	
(d) fair price shops;	
(e) electric and telecommunication lines;	
(f) tanks and other minor water bodies;	
(g) drinking water supply and water pipelines;	
(h) water or rain water harvesting structures;	
(i) minor irrigation canals;	
(j) non-conventional source of energy;	
(k) skill upgradation or vocational training centers;	
(1) roads; and	
(m) community centers:	
Provided 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.	
CHAPTER III	

	RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS	
	4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the	Recognition of
	Central Government hereby recognises and vests forest rights in-	and vesting of
		forest rights in
	(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all	forest dwelling
	forest rights mentioned in section 3;	Scheduled
		Tribes and
	(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.	other
		traditional
	(2) The forest rights recognized under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently b	I I
	modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purpose	s dwellers.
	of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-	
	(a) the process of recognition and vesting of rights as specified in section 6 is complete in all areas under consideration;	
53 of 1972	(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972, that the activities of impact of the presence of holders of rights upon wild animals is sufficient to causi irreversible damage and threaten the existence of said species and their habitat;	I I
	(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;	
	(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfills the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;	
	(e) the free informed consent of the Gram Sabhas in the area concerned to the proposed resettlement and to the package provide has been obtained in writing;	d
	(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promise package:	d
	Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall no	t
	be subsequently diverted by the State Government or the Central Government or any other entity for other uses:	
	(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest distributions and the state of the sta	I I
	dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such	n

Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005. (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in 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. (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 completed. (6) Where the forest rights recognized and vested under sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares. 69 of 1980 (7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. (8) The forest rights recognized and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition. 5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under Duties of holders of this Act are empowered toforest rights. (a) protect the wild life, forest and biodiversity; (b) ensure that adjoining catchments area, water sources and other ecological sensitive areas adequately protected; (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage; (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with;

	(e)	
	CHAPTER IV	
	AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS	
Authorities to vest forest	6. (1) The Gram Sabha shall be the authority to initiate the process for 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 within the local limits	
rights in fores	tof its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each	
dwelling Scheduled	recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.	
Tribes and		
other traditional	(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:	
forest	constituted under sub-section (3) and the sub-Divisional Level Committee shall consider and dispose of such petition.	
dwellers and procedure	Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha;	
thereof.	Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.	
	(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolutions passed by the Gram Sabha and prepare the records of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final	
	decision.	
	(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of the decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:	

	Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee	
	Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.	
	(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by Sub-Divisional Level Committee.	
	(6) The decision of the District Level Committee on the record of forest rights, shall be final and binding.	
	(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such records and reports as may be called for by that agency. (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 Institution 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.	
	(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.	
(a)		



	CHAPTER V	
	OFFENCES AND PENALTIES	
		Offences by
	any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act	members or
	The state of the s	officers of
		authorities and
	Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department	
	or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	under this Act.
	8. No court shall take cognizance of any offence under section 9 unless any forest dwelling Scheduled Tribe in case of dispute relating to	Cognizance of
		offences.
	days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.	
	CHAPTER VI	
	MISCELLANEOUS	
45 of 1860.		Members of
		authorities,
		etc. to be
		public
		servants.
		Protection of
	State Government for anything which is in good faith done or intended to be done under this Act.	action taken in good faith.
	(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other	good rain.
	employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this	
	Act.	
	(3) No suit or other legal proceeding shall lie against any Authority as referred to in Chapter IV including its chairperson, members,	
	member secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.	
Nodal agenc	y 11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government	
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	in this behalf shall be the nodal agency for the implementation of the provisions of this Act.	
Power of	12. In the performance of duties and exercise of powers by or under this Act, every authority referred to in Chapter IV shall be subject to	
Central	such general or special directions, as the Central Government may, from time to time, give in writing:	
overnment		
o issue		
lirections.		
Act not in	13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the	
•	provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.	40 of 1996
ny other law.		
Power to	14. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out	
nake rules.	the provisions of this Act.	
	(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the	
	following matters, namely:-	
	(a) procedural details for implementation of the procedure specified in section 6,	
	(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;	
	(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;	
	(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;	
	(e) any other matter which is required to be, or may be, prescribed.	
	(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the	

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.