

Scheduled Tribes and Traditional Forest Dwellers

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Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Source: *Press Information Bureau*

Purpose of the Act

To address the adverse living conditions of many tribal families living in forests was on account of non-recognition and vesting of pre-existing rights, a landmark legislation viz. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been enacted **to recognize and vest the forest rights and occupation of 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

Key highlights of the Act

- This Act not only recognizes the rights to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood, but also grants several other rights to ensure their control over forest resources which, inter-alia, include:
 1. Right of ownership.
 2. Access to collect, use and dispose of minor forest produce, community rights such as nistar;
 3. Habitat rights for primitive tribal groups and pre-agricultural communities
 4. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for

sustainable use.

- The Act also provides for diversion of forest land for public utility facilities managed by the Government, such as schools, dispensaries, fair price shops, electricity and telecommunication lines, water tanks, etc. with the recommendation of Gram Sabhas.
- In addition, several schemes have been implemented by the Ministry of Tribal Affairs for the benefit of tribal people, including those in the forest areas such as “Mechanism for marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and development of Value Chain for MFP”.
- Funds are released out of Special Central Assistance to Tribal Sub Plan for infrastructure work relating to basic services and facilities viz. approach roads, healthcare, primary education, minor irrigation, rainwater harvesting, drinking water, sanitation, community halls, etc. for development of forest villages.
- **Recognition of rights:** Under Section the Act, the rights of settlement and conversion of all forest villages, old habitations, un-surveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages have been recognized as one of the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands.
- **Villages into Revenue villages:** As per the provisions of the Act and the rules framed thereunder, the forest right related to conversion of forest villages into revenue villages is to be adjudicated by the Gram Sabha, Sub-Divisional Level Committee and the District Level Committee as per the laid down procedure, like any other forest right specified in the Act.
- In pursuit to the act the Ministry of Tribal Affairs has issued guidelines in 2013, inter-alia, impressing upon all the State/ UT Governments to convert all such

erstwhile forest villages, un-recorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner.

- The conversion would include the actual land use of the village in its entirety, including land required for current or future community uses, like, schools, health facilities, public spaces etc