



Booklet – 10



Our Jungle – Our Trust

**The Scheduled Tribes
and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006
and Rules 2008**



A Joint Venture of
National Literacy Mission Authority,
Ministry of HRD, Govt. of India.
&
Department of Justice, Ministry of Law and Justice,
Govt. of India on Legal Literacy
Under Access to Justice (NEJ&K) Project

ACKNOWLEDGEMENT

The Saakshar Bharat Mission was started on September 2009 in India. Under this programme, 410 districts have been included where the female literacy is low. The main focuses of Saakshar Bharat Programme are rural women, Scheduled Castes, Scheduled Tribes and the minorities. In this programme besides basic literacy, equivalency programme, skill development programme and continuing education are also emphasised.

To make literacy more interlinked with daily life and interesting to the learners/ beneficiaries, the Interpersonal Media Campaign has been initiated. In this campaign, along with the main subjects of emphasis, legal literacy has also been given due importance.

With the aim of creating awareness of legal literacy in an easy manner among the people, the Legal Literacy materials have been developed in Hindi by National Literacy Mission Authority (NLMA), Govt. of India. These materials have been translated into English by State Resource Centre, NEHU, Shillong with the help of Department of Justice, Ministry of Law and Justice, Government of India under the Access to Justice Project for North-East and Jammu & Kashmir (A2J NEJ&K).

The State Resource Centre, NEHU, Shillong is grateful to all the supporting organizations and departments. It is hoped that this material on legal literacy will prove to be useful in bringing legal awareness among the common people.

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साक्षर भारत
SAAKSHAR BHARAT

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C E R T I F I C A T E

This is to certify that the Law Department, Government of Meghalaya has vetted the Legal Literacy Materials consisting of 11 booklets and 11 folders in English Language. These material are found to be satisfactory and would be of immense use in disseminating legal awareness to the grassroots level in the State.

Date: 28.02.2017

Sangma

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(Our Jungle – Our Trust)

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2008

Today a lot of people have been moving around in the village of Sanglao. Everyone is going towards the Village Council. People are expecting Chila, a female lawyer from



the city. The Chairman of the Village Council is a gentleman by the name of Showba. He has been telling the people that the lawyer will be discussing about the Law of Forest Rights. This law has been enacted to protect the rights of the tribal people who dwell in forests. This law also covers the rights of other traditional forest dwellers.

While Showba, the Chairman of the Village Council, has been talking about all these to the villagers, the lawyer, Chila arrived at the gathering of the village council. Everybody welcomed her with respect. Thereafter, Chila began her talk. She said, "All of you who have gathered here are Scheduled Tribes and Other Traditional Dwellers who have been dwelling in forests for centuries together. You all have always trusted and contributed greatly towards the protection of the forests. The forest is your home and if your home does not get the



appropriate rights, it will be a big injustice done to you all."

She continued, "Among you all were those tribes who had been compelled to forego their homes in the name of development and had to settle in some other place. Insecurity related to land has been a problem which has been continuing for a long time. To curb this menace, Forest Rights Act, 2006 and Rules 2008 have been framed." All the forest dwellers present at



the gathering were listening very carefully to Chila.

Hopong said: "Madam Lawyer, what benefit will we get from this law?"

Chila replied: "This is a valid question. In this Forest Rights Act, the Scheduled Tribes and other forest dwellers have been given some legal rights:

- ★ All tribal dwellers who have been residing in the forest earlier than 2005, shall receive land rights documents.

- ★ All other traditional forest dwellers who have been residing in the forest for three generations (seventy five years) will also receive land rights documents.
- ★ Right of ownership shall also be given for village, habitat and community forest land."

Imlong asked – "Are lands under community rights also included under this Law?"

Chila replies – "Yes, rights of land under community rights will be given to forests dwellers as per rules of the State.

- ★ Forest rights will also be given to forest dwelling Schedules Tribes and other traditional forest dwellers on other community rights of uses or entitlements such as fish and other products of water bodies.
- ★ The forest dwelling Schedules Tribes and other traditional forest dwellers shall have

the right of access to collect, use and dispose of minor forest produce such as bamboo, brush wood, stumps, cane, cocoons, honey, wax, lac, or leaves, medicinal plants and herbs, roots, tubers, stones, chips and the like.

- ★ Forest dwelling Scheduled Tribes and other traditional forest dwellers shall have the rights to transport the minor forest produce from the forest to villages and market through head loading, bicycle or hand cart.
- ★ No licences shall be issued on water bodies without the permission of the community."

Menang asked – "Can forest land be utilised for any other purpose?"

Chila replied – "The Village Council has the right for diversion of forest land for the facilities like schools; dispensaries or hospital; anganwadis; fair price shops;

tanks and other minor water bodies; electric lines, drinking water supply and water pipelines; roads; skill upgradation or vocational training centres; community centres. However, this should involve felling of trees not exceeding 75 trees."

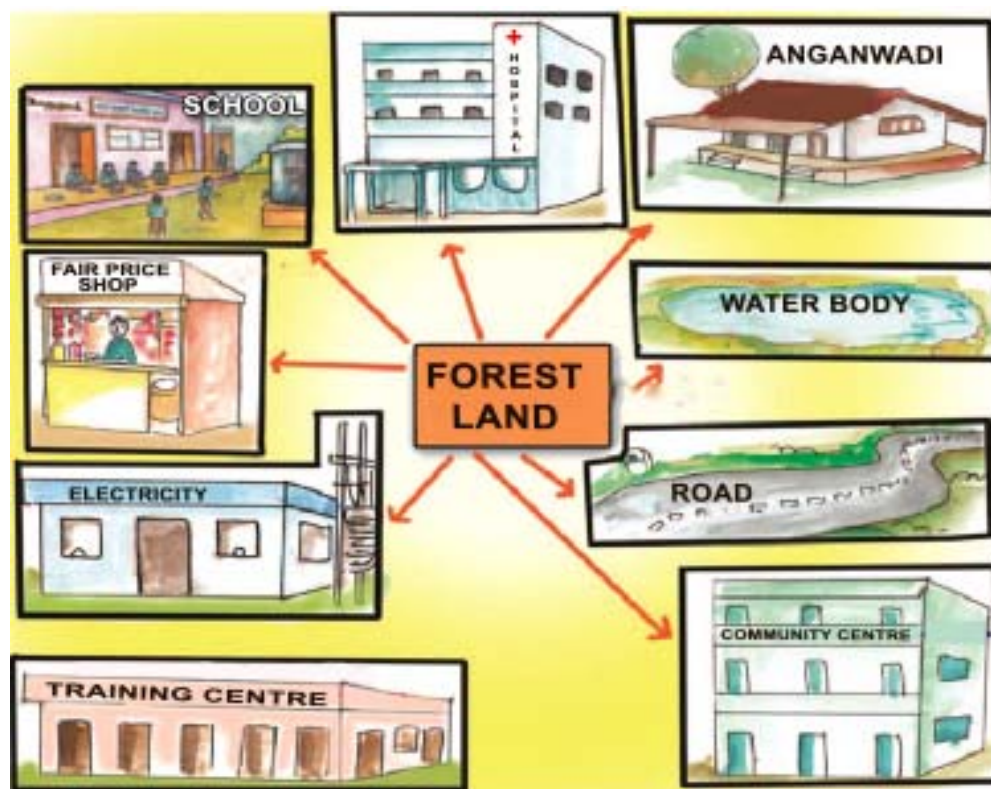


Figure 1

Lithrongla was listening quietly up till now. She also asked a question, "Who will have the right over the habitat of the tribal forest dwellers?"



Chila replied – "The tribal forest dwellers will get the right of ownership over their habitat. They will have the rights of settlement and conversion of all forest villagers, old habitation, villages which are

not surveyed and other villages in forests whether recorded, notified or not into revenue villages."

In today's meeting, there are a lot of tribal people who were forcefully removed from their lands. Among them was Takam. He gathered courage and asked, 'Can the tribal people who were displaced by the Forest Department come back and resettle in their own habitat?'

Chila could understand the pain of Takam. She said, "If the tribal people are displaced before 13th December, 2005 by the Forest Department and if they have not been given compensation and they have not found a place to dwell, then they can resettle in their previous dwelling place.

If the State plans to undertake certain developmental projects and as a consequence they need to acquire forest lands, the developmental project should kick

start in the acquired forest land within five years of acquirement. At the time of acquiring the forest land, if the State had



not paid any compensation to the displaced forest dwellers and tribal people; and had not made adequate arrangement for their rehabilitation; and the development project have not started within 5 years of acquirement of the forest land, then the

displaced people will get the right to resettle in their original habitat.

Any Scheduled Tribe and other traditional forest dweller cannot be displaced from their original habitat until and unless the viability and validity of the project is established and complete investigation of the same is carried out."

Imlong asked – "Madam Lawyer, along with our rights, what will be our duties?"

Chila answered – "In the Act, the duties of the Scheduled Tribe and traditional forest dwellers are also included along with their rights. The prime duties include the following:

- ★ Protect the wildlife, forest and biodiversity.
- ★ Ensure that adjoining catchment area, water sources and other ecologically sensitive areas are adequately protected.

- ★ Ensure that the decisions taken in the Village Council will regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with."

Hopong questioned – "At the Village Council level, a Forest Rights Committee will be constituted in the first meeting of the Village Council. At this meeting, two-third of the members of the Village Council should be present."

Khumla enquired – "The Forest Rights Committee will consist of how many members?"

Chila said – "The committee will be constituted by 10-15 members of the Village Council, out of whom at least 5 members should be tribal people and 5 members should be women. The Committee should have a Chairman/

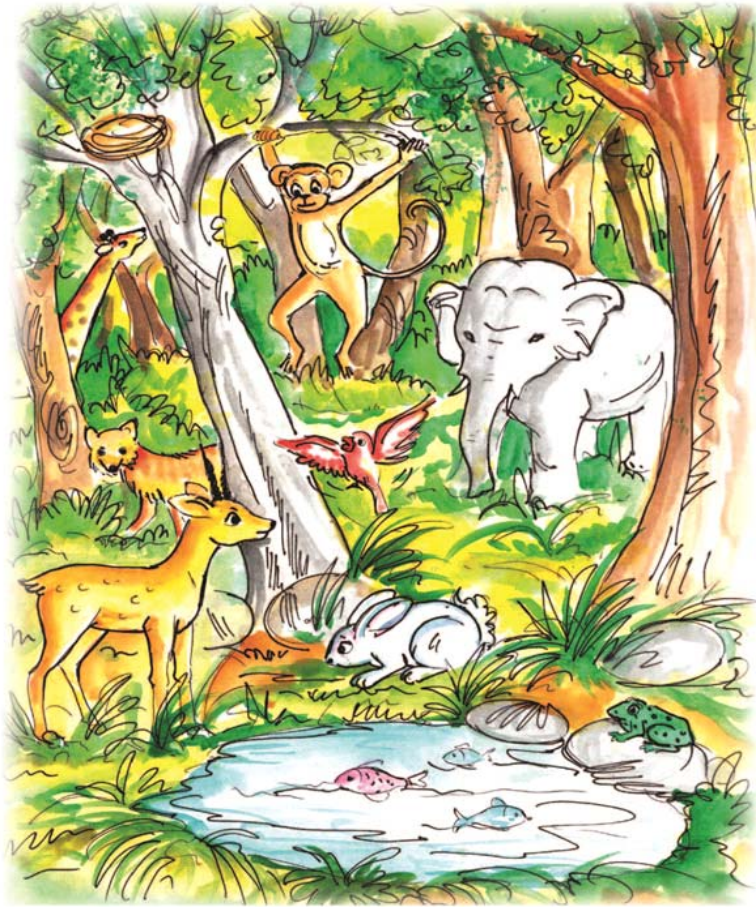
President and a Secretary. There is a provision to include the Village Council Secretary or any member of the Village Council in the post of Secretary in the Village Rights Committee. It is not necessary to include the Chairman of the Village Council, members of the Village Council or any government official in the Forest Rights Committee."

Hopong asked – "What do we have to do to obtain the forest rights?"

Chila answered – "To obtain village rights, the tribal people and forest dwellers should fill up the Claim Form of the Forest Rights Committee."

Hemyen asked – "How will the villagers claim the rights on their forest lands?"

Chila replied – "The Village Council gives the right to the Forest Rights Committee to receive claims. Thereafter the villagers can submit their claims on the prescribed



Claim Form to the Forest Rights Committee in the Village Council Office. Along with the application, the villagers should also submit proof of their occupancy on the said piece of land."

He continued, "One of the copies of the claim is kept with the committee and a seal of receipt is stamped on the other copy. The

villagers should keep the sealed copy with them properly and safely."

Hechila – "How is the resolution/judgement passed on the occupancy claimed by the claimants?"

Chila answered – "The Village Council will determine the eligibility of the claims raised by the claimants and forward it to the Sub-Divisional Level Committee. Thereafter, the Sub-Divisional Level Committee will prepare a report on the claims forwarded by the Village Council and forward the same to the District Committee for the final resolution/judgement."

Chuba – "Who gives the final judgement on the claims?"

Chila replied – "Committees at the district level gives the final judgement on all types of individual and public claims. Each family will have land rights on the occupied area within ten acres. The land rights will be

jointly in the name of the husband and the wife or in the name of the survivor. Land rights can neither be sold to anyone nor it can be transferred to any other person's name but it can be transferred to their children's name."

Hopong – "What is the role of Village Council in the Forest Rights law?"

Chila – "The role of Village Council is to give judgement on hearings of the nature of forest rights and give demarcation of boundaries."

Pongtang asked – "What are the proofs required for verification of claims?"

Chila – "Any claims filed will be on the basis of two proofs out of the various documents. The evidences which can be presented are – Gazetteers, population census, map, forest records, patta or lease, any government order, notification, government records, voter's identity card,



ration card, judgement of court, records from erstwhile princely States or provinces and genealogy tracing ancestry to individuals mentioned in earlier land records. The Village Council will record all information in their register as per their rules. The Village Council will give the claimants an opportunity for hearing on the issues related to Forest Rights. Thereafter, the Village Council will pass a resolution/judgement and will

forward the same to the Sub-Divisional Level Committee."

Chila then questioned – "What will a person do if he/she is not satisfied with the decision given/judgement passed by the Village Council?"

Chila answered – "If any forest dwellers is not satisfied with the decision given/judgement passed by the Village Council, he/she can file a petition to the Sub-Divisional Committee within 60 days of the resolution passed. If he/she is again not satisfied with the decision /judgement of the Sub-Divisional Committee, then he/she can file a petition to the District Level Committee. The decision given/judgement passed by the District Level Committee will be final and all shall abide by it."

In this way, Chila informed about the Forest Rights to all the forest dwellers. After the gathering, the Chairman of the Village

Council thanked Chila for providing them valuable and vital information related to Forest Rights. Then all the people dwelling in the forest also thanked and praised her.

Chila brought a new faith among the people of Sanglao. Everyone was happy to know about their rights in their forest. It was a heartening sight to see that the eyes of everyone present at the gathering were gleaming with joy as they are now assured that their rights will be protected henceforth.

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