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## Notice to Centre, States on Forest Act

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**NEW DELHI** The Supreme Court on Friday issued notice to the Centre, States and Union Territories on two petitions challenging the constitutional validity of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The 'Forest Bench' comprising Chief Justice K.G. Balakrishnan and Justices Arijit Pasayat and S.H. Kapadia issued notice after hearing *amicus curiae* Harish Salve on the petitions filed by the Bombay Natural History Society and Wildlife First and others.

Questions of law

The petitioners said important questions of law were involved: whether the Act, was beyond the legislative competence of Parliament; whether Parliament had the right to distribute land rights when land was a State subject; whether natu-

ral heritage/ecology/biodiversity/natural resources including forest land would fall within the expression 'right to life and liberty' guaranteed under Article 21; and whether the law, notified in January this year, would actually correct a historical injustice or in reality perpetuate the situation in which tribals were forced to live at the subsistence level.

The petitioners pointed out that the tribals had no access to public health facilities, education, power, sanitation and the public distribution system, and no source of income or livelihood other than selling or transferring the land that might be allotted to them under the Act.

They sought a declaration that the Act was beyond the legislative competence of Parliament and that the rights to be conferred on tribals and forest dwellers were ultra vires Article 14 (equality before law).