



# Forest Rights Act, 2006

## Why in News

Recently, review **petitions** of approximately **1200 tribals** for recognition of their claims over forest land under the [Scheduled Tribes and Other Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#) was **rejected** by the local authorities in **Mysuru (Karnataka)**.

## Key Points

### ▪ Background:

- A large number of people, especially the [scheduled tribes](#) have lived in and around forests for a long period in **sybiotic relationships**.
- During the **colonial time**, the focus shifted from the forests being used as a **resource base for sustenance** of local communities to a State resource for **commercial interests** and development of land for agriculture.
- Several Acts and policies such as the **three Indian Forest Acts of 1865, 1894 and 1927 of the Central Govt** and some state forest Acts curtailed centuries-old, customary-use rights of local communities.
- This continued even after independence till much later until enactment of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- The Supreme Court in 2019 ordered the **eviction of nearly a million people across India whose claims under the Forest Rights Act, 2006 had been rejected**.

### ▪ Provisions of the Forest Rights Act:

- The Act recognizes and vest the forest rights and occupation in Forest land in **Forest Dwelling Scheduled Tribes (FDST)** and **Other Traditional Forest Dwellers (OTFD)** who have been residing in such forests for generations.
  - Forest rights can also be claimed by any member or community who has **for at least three generations (75 years) prior to the 13th day of December, 2005 primarily resided in forest** land for bona fide livelihood needs.
- It strengthens the **conservation regime** of the forests while ensuring livelihood and food security of the FDST and OTFD.
- The **Gram Sabha** is the authority to initiate the process for determining the nature and extent of **Individual Forest Rights (IFR)** or **Community Forest Rights (CFR)** or both that may be given to FDST and OTFD.
- The Act identifies **four types of rights**:
  - **Title rights:** It gives FDST and OTFD the **right to ownership** to land farmed by tribals or forest dwellers subject to a maximum of **4 hectares**. Ownership is only for land that is actually being cultivated by the concerned family and no new lands will be granted.
  - **Use rights:** The rights of the dwellers extend to **extracting [Minor Forest Produce](#), grazing areas** etc.
  - **Relief and development rights:** To **rehabilitate** in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest

protection.

- **Forest management rights:** It includes the right to **protect, regenerate or conserve** or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

▪ **Importance:**

- **Constitutional Provision Expansion:** It **expands the mandate of the Fifth and the Sixth Schedules** of the Constitution that protect the claims of indigenous communities over tracts of land or forests they inhabit.
- **Security Concerns:** The alienation of tribes was one of the **factors behind the [Naxal movement](#)**, which affects states like Chhattisgarh, Odisha and Jharkhand. The Act through identifying IFR and CFR tries to provide **inclusion** to tribes.
- **Forest Governance:**
  - It has the potential to **democratise forest governance** by recognising community forest resource rights.
  - The act will ensure that people get to manage their forest on their own which will **regulate exploitation of forest resources by officials, improve forest governance and better management of tribal rights.**

## Challenges

▪ **Administrative Apathy:**

- As tribals are **not a big vote bank** in most states, governments find it convenient to subvert FRA or not bother about it at all in favour of monetary gains.

▪ **Lack of Awareness:**

- **Unawareness at the Lower level** of forest officials who are supposed to help process forest rights claims is high and majority of the aggrieved population too remains in the dark regarding their rights.
- The forest bureaucracy has **misinterpreted the FRA** as an instrument to **regularise encroachment** instead of a **welfare measure** for tribals.

▪ **Dilution of Act:**

- Certain sections of environmentalists raise the concern that FRA bends **more in the favour of individual rights**, giving lesser scope for community rights.
- Community Rights **effectively gives the local people the control over forest resources** which remains a significant portion of forest revenue making states wary of vesting forest rights to Gram Sabha.

▪ **Reluctance of the forest bureaucracy to give up control:**

- The **forest bureaucracy** fears that it will lose the **enormous power over land** and people that it currently enjoys, while the **corporates** fear they may **lose the cheap access** to valuable natural resources.

▪ **Institutional Roadblock:**

- **Rough maps** of community and individual claims are **prepared by Gram Sabha** which at times often **lack technical knowhow** and suffers from educational incapacity.

## Way Forward

- Large-scale **awareness** and **information dissemination campaigns** are required at local level informing both tribal and lower level officials.
- It is important to develop a **detailed strategy of training and capacity building of people responsible for implementing the FRA**, such as Panchayats, Gram Sabha, village level Forest Rights committee etc.
- The relevant maps and documents should be made available to the Forest rights committee and claimants to **simplify the task of the Gram Sabha in identifying and filing claims for individual and community rights.**
- Providing **clarity on the time limit for settling claims.** The Act does not specify any time limit

for resolving claims.

- The Centre should take a more **proactive role** in pushing states to honour a law that could change the lives of millions.

**Source: TH**

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