



## Tribal Forest Rights

**For Prelims:** Community Forest Resource, Forest Rights Act, Reserve Forest, Protected Forest, Sanctuary and National Parks

**For Mains:** Forest Rights Act, Community Forest Resource Rights and Significance of the Recognition

### Why in News?

Recently, residents of Karipani and Budra villages in Chhattisgarh carried out a **massive afforestation drive over 100 acres**, as it was the last-ditch effort of the villagers to **secure rights over their forest land**.

- As many as 10 villages in protected areas of the state received the **Community Forest Resource Rights (CFRR)** titles on [Adivasi Divas observed on August 9, 2022](#) but Karipani and Budra were not among them.

### What are Community Forest Resource Rights?

- The Community Forest Resource rights under Section 3(1)(i) of the [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#) (Commonly referred to as the Forest Rights Act) provides for **recognition of the right to “protect, regenerate or conserve or manage”** the community forest resource.
- These rights allow the **community to formulate rules for forest** use by itself and others and thereby discharge its responsibilities under **Section 5 of the Forest Rights Act**.
- CFR rights, along with Community Rights (CRs) under Sections 3(1)(b) and 3(1)(c), which include nistar rights and rights over non-timber forest products, **ensure sustainable livelihoods of the community**.
- **Once CFRR is recognised by a community, the ownership of the forest passes into the hands of the Gram Sabha instead of the forest department.**
- Effectively, the Gram Sabha has become the nodal body for management of the forests.
- These rights give authority **to the Gram Sabha adopt local traditional practices of forest conservation and management** within the community forest resource boundary.
- Chhattisgarh is only the second state to have recognised CFR rights inside a national park i.e., [Kanger Ghati National Park](#).
- In 2016, the Odisha government was the first to recognise Community Forest Resources (CFRs) inside the [Simlipal National Park](#).

### What is the Forest Rights Act, 2006?

- The Act recognizes and vests 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.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims

**Q. At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?**

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

**Ans: (d)**

**Exp:**

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also referred to as the Forest Rights Act (FRA), 2006, **recognizes the rights of the forest-dwelling tribal communities and other traditional forest dwellers to forest resources.**
- The Act encompasses Rights of self-cultivation and habitation which are usually regarded as individual rights; and community rights as grazing, fishing and access to Water bodies in forests, habitat rights for PVTGs, etc.
- In conjunction with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013, FRA protects the tribal population from eviction without rehabilitation and settlement.
- As per the provisions of the Act and the rules framed thereunder, various schemes and projects are implemented under the Ministry of Tribal Affairs. **Therefore, option (d) is the correct answer.**

**[Source: DTE](#)**