



## Impact of the Forest Rights Act on Land Conflicts

For Prelims: [Forest Rights Act, 2006](#)

For Mains: [Issues of Tribal](#), [Issues in the implementation of FRA, 2006](#), [Land Conflict in India](#)

Source: TH

### Why in News?

Recently, **Land Conflict Watch**, a data research agency, tracking land-related conflicts in India, has noted a significant correlation between **land conflicts and the enforcement** of the [Forest Rights Act \(FRA\)](#).

### What Does the Analysis Reveal About Land Conflict?

- **Land-related Conflicts in Constituencies of the Forest Rights Act (FRA):**
  - Out of the 781 conflicts documented in the **Land Conflict Watch (LCW)** database, a subset of 264 conflicts has been closely linked to **parliamentary constituencies** where the [Forest Rights Act \(FRA\)](#) is an important issue.
  - These constituencies are commonly referred to as '**FRA constituencies**' based on the **People's Forest report (by Centre for Science and Environment)**.
  - 117 conflicts directly impact [forest-dwelling communities](#), covering about 2.1 lakh hectares of land and affecting 6.1 lakh people.
- **Reasons for the Conflicts:**
  - **Conservation and Forestry Projects:** Approximately 44% of the conflicts in these constituencies arise **due to conservation and forestry projects**, including activities like plantations.
  - **Non-Implementation and Violation of FRA:** Approximately 88.1% of conflicts stem from the non-implementation or violation of crucial provisions within the **Forest Rights Act (FRA)**. These provisions include:
    - **Prohibition on Evictions:** Communities residing in forests are evicted before their rights claims are vested.
    - **Non Adhering to Prior Consent Requirement:** Often diversion of forest land for other purposes without the prior consent of [Gram Sabha](#).
  - **Lack of Legal Protection over Land Rights:** Many forest-dwelling communities lack adequate legal safeguards for their land rights.
  - **Forest Administration and Protected Areas Management:** The Forest Department emerges as the **primary adversarial party** in conflicts that jeopardise the forest land rights of local communities.
- **Most Affected States:**
  - **Maharashtra, Odisha, and Madhya Pradesh** have the **highest number** of core FRA constituencies.
  - The states with the most forest rights issues in **critical FRA constituencies** are Odisha, Chhattisgarh, and the union territory of Jammu and Kashmir.

- Out of the 781 ongoing conflicts documented in the Land Conflict Watch (LCW) database, 187 cases have emerged from **69 reserved parliamentary constituencies**.
  - **Scheduled Tribes (STs):** 110 conflicts occur in constituencies reserved for STs.
  - **Scheduled Castes (SCs):** 77 cases are from constituencies reserved for SCs.
- **Nature of Conflicts:**
  - **Common Land Disputes:** The majority of conflicts in **reserved constituencies** revolve around common land, including both **community forests** and non-forested commons.
    - Conflicts often involve complaints against procedural irregularities in land transactions.
  - **Private Land Conflicts:** In contrast, **unreserved constituencies** witness a higher frequency of conflicts over **private land**, specifically revenue patta lands.
  - **Common Economic Activities Involved in Conflicts:**
    - **Infrastructure Projects:** **Infrastructure development** triggers conflicts in reserved constituencies. For example, the mining and power sector, Roads and railways projects are the primary cause of land conflicts.
  - There have been issues in the past regarding collection of minor forest produce leading to conflict.

## Status of Implementation of FRA:

- **Titles Accorded:** As of February 2024, approximately **2.45 million titles have been granted to tribal and forest dwellers**.
  - However, out of **five million claims received, about 34% have been rejected**.
- **Recognition Rate:** Despite the vast potential, the actual recognition of forest rights has been limited. As of 31st August 2021, **only 14.75% of the minimum potential forest areas eligible for forest rights have been recognised** since the FRA came into force.
- **State Variations:**
  - **Andhra Pradesh:** Recognized 23% of its minimum potential forest claim.
  - **Jharkhand:** Recognized only 5% of its minimum potential forest area.
  - **Intra-State Variations:** Even within states, recognition rates vary. For instance, in Odisha, while the district of Nabarangapur achieved a 100% IFR recognition rate, Sambalpur's rate stands at 41.34%.

## What is the Forest Rights Act, 2006?

- **About:**
  - The **Forest Rights Act (FRA) of 2006** was introduced to formally recognise and grant forest rights and occupation in **forest lands** to forest-dwelling **Scheduled Tribes** and other traditional forest dwellers who have resided in these forests for generations, even though their rights had not been officially documented.
  - It aimed to **address the historical injustices** faced by forest-dwelling communities due to the forest management policies of colonial and post-colonial India, which failed to acknowledge their **long-standing symbiotic relationship with the forests**.
  - Additionally, the Act sought to **empower forest dwellers** by enabling them to access and utilise forest resources sustainably, promote biodiversity and ecological balance, and protect them from unlawful evictions and displacement.
- **Issues in Implementation:**
  - **Recognition of Individual Forest Rights (IFRs)** has been lacking, often due to resistance from the Forest Department, indifference from other departments, and misuse of technology.
  - The **implementation of digital processes**, like the **VanMitra software** in Madhya Pradesh, presents challenges in areas with poor connectivity and low literacy rates.
  - The slow and incomplete recognition of **Community Forest Rights (CFRs)** is a significant gap in implementing the FRA.
    - While Maharashtra, Odisha, and Chhattisgarh have made some progress in recognizing CFRs, most states lag.

- The issue of '**forest villages**' has not been adequately addressed in most states, indicating a lack of comprehensive implementation of the FRA.
- A **fact-finding committee** formed by **Call for Justice**, a Delhi-based organisation, has found "**mixed**" implementation of the **Forest Rights Act (FRA)** of 2006 in **five States (Assam, Chhattisgarh, Maharashtra, Odisha, and Karnataka)**. Major issues reported by the committee include:
  - **Challenges in Recognizing Unique Cultivation Practices:** In Assam, the **FRA doesn't accommodate practices like shifting cultivation**, causing issues in recognizing forest rights.
  - **Concerns over Land Diversion:** While Maharashtra's Gadchiroli district showed satisfactory progress, there were **worries about diverting community forest land for non-forest purposes**.
  - **Exclusion of Certain Forest Dwellers:** Some **traditional forest dwellers** were **excluded** from the FRA recognition process.

## Way Forward:

- **Strengthening Gram Sabha:** Ensure **active participation of [Gram Sabha](#)** in forest management decision-making processes.
- **Promoting Inclusive Decision Making:** Advocate for the **involvement of rights holders** in decision-making to ensure their perspectives and needs are considered.
- **Educational Outreach:** Conduct **awareness programs** and training sessions for forest dwellers to educate them about their rights under the FRA.
- **Capacity Enhancement:** Build the **capacity of civil society** organisations to effectively support and advocate for the rights of forest dwellers.
- **Monitoring Framework:** Establish **monitoring systems** to oversee compliance with the FRA by the Forest Department and other relevant authorities.
- **Ensuring Accountability:** Implement measures to hold responsible authorities accountable for any violations or non-compliance with the FRA.
- **Holistic Planning:** Develop **integrated plans** that address both the development and conservation requirements of forests while upholding the rights and interests of forest dwellers.

## Conclusion:

- In light of the above findings, it is evident that a **holistic approach encompassing legal reforms**, community empowerment, and sustainable development initiatives is essential to mitigate land conflicts in both FRA and reserved constituencies.
- By addressing the underlying causes and promoting **inclusive decision-making** processes, policymakers can pave the way for equitable land governance and foster harmonious coexistence between communities and environmental conservation efforts.

### **Drishti Mains Question:**

Q. Critically analyse the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. How has this legislation impacted the forest communities and conservation efforts in India? (250 words)

## 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? (2021)

(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)**

**Mains:**

**Q.** How is the Government of India protecting traditional knowledge of medicine from patenting by pharmaceutical companies? **(2019)**

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