



## Tribal Ministry's Directive on Forest Right Act, 2006

**For Prelims:** [Forest Rights Act \(FRA\), 2006](#), [Tiger Reserves](#), [Forest-Dwellers](#), [National Tiger Conservation Authority \(NTCA\)](#), Minor Forest Produce (MFP), VanMitra

**For Mains:** Forest Rights Act, Challenges and Measures.

**Source:** IE

### Why in News?

The **Ministry of Tribal Affairs** has directed states to establish **Institutional Mechanisms** to ensure compliance with the [Forest Rights Act \(FRA\), 2006](#), in [tiger reserves](#).

### What are the Key Highlights of the Recent Directive By Tribal Ministry?

- **Ensure FRA Compliance:** The Ministry emphasized that [forest-dwelling communities](#) cannot be evicted without **legal recognition** of their rights under the **FRA and [Wildlife Protection Act, 1972](#)**.
  - This move follows complaints of unlawful evictions from **forest-dwelling communities**, particularly in **Madhya Pradesh, Maharashtra, and West Bengal**.
- **Consent for Relocation: Section 4(2)** of the FRA provides safeguards that make it imperative to **obtain free, informed consent of Gram Sabhas in writing for relocation**. The law also provides for settlement rights in the areas where the settlement is proposed.
  - States must submit a **report detailing tribal villages in tiger reserves**, and the status of their forest rights claims.
  - [The National Tiger Conservation Authority \(NTCA\)](#) has also sought timelines for **relocating 591 villages** in tiger reserves, intensifying debates over **balancing conservation with community rights**.
- **Grievance Redressal Mechanism:** States are instructed to set up grievance redressal systems to handle complaints and grievances related to eviction from forest areas.

### What is the Forest Rights Act (FRA), 2006?

- **About:** It was enacted to **officially recognize and grant forest rights** and tenure to forest-dwelling **Scheduled Tribes (STs)** and **Other Traditional Forest Dwellers (OTFDs)** who have lived in these forests for generations without formal documentation of their rights.
- **Aim:** It seeks to correct **historical injustices** faced by these communities due to **colonial and post-colonial** forest management policies that overlooked their deep, **sybiotic relationship** with the land.
  - To empower these communities by enabling sustainable access to land and utilization of forest resources, **promoting biodiversity and ecological balance**, and protecting them from illegal evictions and displacement.
- **Provision:**
  - **Ownership Rights:** Grants ownership over [Minor Forest Produce \(MFP\)](#). Allows

collection, use, and disposal of forest produce.

- **MFP** refers to **all non-timber forest products** of plant origin, including bamboo, brushwood, stumps, and canes.
- **Community Rights:** Includes traditional usage rights such as **Nistar** (a type of Community Forest Resource).
- **Habitat Rights:** Protects the rights of **primitive tribal groups** and pre-agricultural communities to their traditional habitats.
- **Community Forest Resource (CFR):** Enables communities to protect, regenerate, and sustainably manage forest resources they have traditionally conserved.
  - The Act facilitates the **diversion of forest land** for public welfare projects managed by the government, subject to **Gram Sabha approval**.

## What are the Challenges in the Implementation of the Forest Rights Act, 2006?

- **Lack of Recognition of Individual Rights:** The recognition of individual rights under the FRA **faces resistance from the Forest Department**, which perceives it as a challenge to their control over forest resources.
  - **In Assam**, shifting cultivation practices complicate the rights recognition process, while in **Maharashtra's Gadchiroli district**, community forest lands face threats of diversion for non-forest purposes despite progress in recognizing rights, revealing implementation gaps.
- **Technological Issues:** The implementation of digital platforms like **VanMitra** faces significant barriers due to **poor internet connectivity and low literacy rates** in tribal areas, making it harder to facilitate smooth processing of claims.
- **Conflicting Legislations:** The FRA often clashes with **laws like the Indian Forest Act, 1927** and **Wildlife Protection Act, 1972**. These conflicts create ambiguities, with officials prioritizing traditional forest governance over FRA mandates.
- **High Rejection Rates:** Many claims are rejected due to a **lack of proper documentation or evidence**, often without clear explanations or opportunities for appeal. This leaves legitimate claimants without recourse.
- **Underperforming Gram Sabhas:** The Gram Sabha often lacks the capacity, resources, and training to perform its responsibilities effectively.
  - Local elites within forest-dwelling communities often dominate decision-making processes, monopolizing the benefits and leaving marginalized groups without access to rights.
- **Eviction and Development Conflicts:** Despite FRA provisions, large-scale development projects like mining, dams, and highways often result in the eviction of forest-dwelling communities.

## Way Forward

- **Addressing Resistance:** Form **tribal or forest dweller bodies**, like **Farmer Producer Organizations (FPOs)**, to assert rights collectively, foster dialogue with forest departments, and align conservation with FRA objectives for sustainable management and empowerment.
  - Amending existing laws like the **Indian Forest Act, 1927**, to reduce conflicts with the FRA and ensure clearer, cooperative governance.
- **Improving Technological Capabilities:** Focus on enhancing **internet connectivity in tribal areas** and providing training on digital platforms for smoother claims processing.
  - Simplify documentation procedures to make the process **more user-friendly while fostering digital literacy** for comprehensive capacity building.
- **Balancing Development and Community Rights:** Ensure that large-scale development projects **respect community rights and integrate sustainable practices** to protect both forest communities and biodiversity.
  - Establish frameworks to address conflicts between conservation and community empowerment by promoting **co-management models**.
- **Inclusive Decision-Making:** Ensure that **decision-making within Gram Sabhas is inclusive, with marginalized groups** such as women and lower castes **having equal access to rights**

**and benefits.**

- **Enhancing Awareness and Capacity Building:** Launch widespread awareness campaigns to educate forest-dwelling communities about their rights under the FRA, enabling them to file claims.
  - Build the capacity of Gram Sabhas with adequate resources and training to ensure effective decision-making and inclusion of marginalized groups.

**Drishti Mains Question:**

Discuss the challenges in implementing the Forest Rights Act (FRA). How can the government ensure a balance between biodiversity conservation and the rights of forest-dwelling communities?

**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)**

**Q. Consider the following statements: (2019)**

1. As per recent amendment to the Indian Forest Act, 1927, forest dwellers have the right to fell the bamboos grown on forest areas.
2. As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, bamboo is a minor forest produce.
3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 allows ownership of minor forest produce to forest dwellers.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

**Ans: (b)**

**Q. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)**

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State.

**Ans: (a)**

