



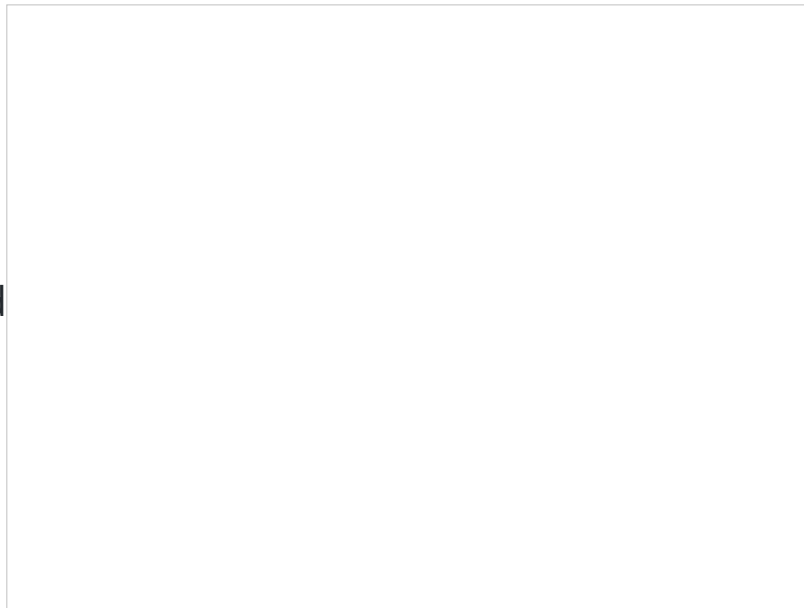
Forest Dwellers Face Eviction

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The Supreme Court has ordered the **forced eviction of more than 1,000,000 tribal and other forest-dwelling households** from forestlands across 16 states after their claim as forest dwellers have been rejected under the Forest Rights Act of 2006.

A three-judge Bench of Supreme Court has ordered the Chief Secretaries of many of these States to evict those whose claims as forest dwellers have been finally rejected under the law.

Background



- **Forest Rights Act**, passed in 2006, requires the government to give back **rights over traditional forestlands to tribals and other forest-dwellers**.
- Tribals and other forest-dwellers are permitted to lay claims before authorities through a laid down process in the Act.
- These authorities, based on criteria set in the law and regulations, are required to either approve or reject the claims with several layers of appeals being available to claimants.

- The court's orders came while hearing a case filed by wildlife groups and retired forest officers in 2009 raising a legal challenge on the constitutional validity of the law.
- The petition, besides challenging the constitutional validity of the law, also demanded that those whose claims had been rejected be evicted as 'encroachers'.
- Hearing the case, back in March 2018 the Supreme Court had asked states to report on the status of eviction of those claimants whose claims have been rejected and the total extent of the areas from which they have been evicted.

Concerns

- Several activists have pointed to the inaction from the forest department officials in granting forest rights to these tribal and forest dwellers, issuing land rights documents and other identity cards. For example,
 - According to activists the tribal settlements in the Eastern Ghats have not been granted forest rights patta due to the apathy from forest department officials and hence face the risk of eviction.
- Tribals and other forest-dwellers have been living in the forest area for centuries. Their livelihood depends on non-timber forest products they harvest, such as food. Hence, the forest department must ensure that they get community rights documents.

Forest Rights Act, 2006

- The Forest Rights Act (FRA) was introduced to address the "historic injustice" and decades of rights denied to the tribals and forest dwellers due to the colonial forest laws in the country.
- FRA recognises that forest dwelling communities have three kinds of rights:
 - **Individual rights** (occupation and cultivation);
 - **Community rights** (grazing, fuel-wood collection, fishing, ownership and disposal of non-timber forest produce); and
 - Rights to protect, regenerate, conserve and manage **community forest resource (CFR)** areas.
- The recognition of CFR rights is the most empowering provision of the Act because it **restores Gram Sabha's control over governance of forests from the forest department**, thereby democratising the country's colonial forest governance as a whole.
- The Act has given **executive and judicial power to Grama Sabhas** in recognising the rights of the tribals. There are sabhas (committees) in the ward level that is the primary tier to recognise and recommend the rights of tribal hamlets. Then there are Sub-Divisional Level Committees (SDLC), followed by District-Level Committees (DLCs).