

COMMUNITY FOREST RIGHTS – ENVIRONMENT

NEWS: The Chhattisgarh Forest Department recently withdrew its May 2025 advisory that prohibited NGOs, private entities, and other departments from engaging in **Community Forest Resource (CFR)** management activities.

- The directive was withdrawn following protests, as it was seen as violating the **Forest Rights Act (FRA), 2006**.

WHAT'S IN THE NEWS?

Legal Foundation: Forest Rights Act (FRA), 2006

- **Recognition of Rights:** The Forest Rights Act (FRA), 2006 legally recognizes the rights of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) to sustainably manage, use, and conserve forest resources that they have traditionally depended upon.
- **Section 3(1)(i):** This section empowers forest-dwelling communities to *protect, regenerate, conserve, and manage* any community forest resource (CFR) which they have traditionally conserved.
- **Section 5:** Grants *Gram Sabhas* the statutory authority to protect wildlife, biodiversity, forests, and ensure ecological balance, shifting governance to local communities.
- **Role of Gram Sabhas:** Gram Sabhas are positioned as the *primary decision-making body* in forest governance under the FRA, overriding centralized control mechanisms.

Community Forest Resources (CFR):

- **Definition:** As per Section 2(a) of FRA, CFRs refer to *customarily used forest areas* conserved and managed by STs and OTFDs for their cultural, subsistence, and ecological needs.
- **Traditional Use:** These include forest patches used for gathering minor forest produce, grazing, and cultural rituals—central to tribal livelihoods and identity.

What is a Community Forest Resource?

- The Community Forest Resource (CFR) area is common **forest land that has been traditionally protected and conserved for sustainable use** by a particular community.
- The community uses it to **access resources available within the traditional and customary boundary** of the village, and for seasonal use of landscape in the case of pastoralist communities.
- Each CFR area has a **customary boundary with identifiable landmarks recognised by the community** and its neighbouring villages.
- It may include forest of any category – **revenue forest, classified & unclassified forest, deemed forest, DLC (District Level Committee) land, reserve forest, protected forest, sanctuary and national parks etc.**

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 FRA**.
- 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 for a community, the ownership of the forest passes into the hands of the Gram Sabha instead of the forest department.**
- Effectively, the Gram Sabha becomes 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**.

Significance of Community Forest Rights (CFRR)

- **Empowerment of Tribal Communities:** Grants statutory authority to tribal communities, enabling *self-rule* and acknowledgment of *indigenous knowledge systems*.
- **Enhanced Forest Conservation:** Empirical studies show that forests under community management display better biodiversity conservation, regeneration, and sustainable use.
- **Livelihood Security:** Legal access to forest produce such as tendu leaves, bamboo, and medicinal plants ensures *sustainable income generation* and food security.
- **Climate Co-Benefits:** Community-managed forests contribute to *carbon sequestration* and biodiversity preservation, complementing India’s climate change mitigation goals under international commitments.

Key Issues and Challenges

- **Institutional Turf War:** The recent conflict highlights the *long-standing power struggle* between the Forest Department’s control-oriented forestry model and community-led forest governance under FRA.
- **Legal vs Executive Discrepancy:** While FRA places Gram Sabhas at the centre, the Forest Department’s recent interpretation—especially citing NWPC 2023—undermines statutory rights, thus *violating the spirit and letter of the FRA*.
- **Contradictory Guidelines:** The May 2025 order based on a 2020 circular and NWPC 2023 *conflicts with* the Ministry of Tribal Affairs’ 2023 guidelines, which clearly state that *CFR*

plans must be prepared independently by Gram Sabhas, with the Forest Department acting only in a consultative capacity.

- **Policy Ambiguity:** The *absence of model CFR plans and implementation modules* from the central government has resulted in inconsistent implementation and confusion at the state level.

Government Initiatives and Tools

- **Dharti Aba Janjatiya Gram Utkarsh Abhiyaan (DAJGUA):** Launched to *strengthen CFRR implementation*, the scheme provides *financial, technical, and capacity-building* support to Gram Sabhas for forest governance.
- **National Working Plan Code (NWPC), 2023:** Issued by the Ministry of Environment, Forest and Climate Change (MoEFCC), it outlines *scientific principles and planning procedures* for forest management—but has become a point of friction when applied to CFR lands.
- **Digital India Van Mitra App:** A new digital tool being piloted to aid *GPS-based mapping of CFR areas*. It helps Gram Sabhas demarcate and manage recognized forest lands, thereby promoting *transparency, accuracy, and accountability* in the implementation of forest rights.

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