

# 1. Forest Rights Act – Polity

The Central Government has defended the Forest Rights Act (FRA), 2006, before the Supreme Court, emphasizing that the legislation is restoring the dignity, livelihoods, and cultural identity of India's forest-dependent communities

## Background

The Forest Rights Act (FRA), 2006, was legally challenged in 2008 by the NGO Wildlife First, which sought eviction of individuals whose FRA claims had been rejected. In February 2019, the Supreme Court of India directed state governments to evict all claimants whose FRA claims were rejected. This triggered nationwide protests by tribal organizations, civil society groups, and activists, emphasizing the potential social injustice and threat to tribal livelihoods. The Ministry of Tribal Affairs (MoTA) intervened, pointing out serious procedural lapses in verification and approval processes of claims, including improper documentation and lack of consultation with Gram Sabhas. The Supreme Court subsequently stayed the eviction order and called for a comprehensive submission of data related to the rejected claims. This highlighted the sensitive nature of balancing forest governance, legal rights, and tribal welfare.

## About the Forest Rights Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is popularly known as the Forest Rights Act (FRA). The Act was enacted to rectify historical injustices faced by forest-dwelling communities whose rights were never formally recognized under colonial or post-independence forest policies. FRA recognizes and vests individual and community forest rights (CFRs) in –

1. Scheduled Tribes (STs), and
2. Other Traditional Forest Dwellers (OTFDs) who have lived in forests for generations.

### **The Act also empowers Gram Sabhas to –**

1. Identify, verify, and settle claims over forest land and resources.
2. Manage and protect forest resources sustainably, ensuring ecological balance.
3. Regulate access to Minor Forest Produce (MFP) like bamboo, tendu leaves, lac, honey, and wax.
4. Ensure that forest management and resource use benefit local communities and prevent external exploitation.

## Significance of the FRA

**Empowers Forest Communities** – Recognizes traditional ownership, access, and control over forest lands.

**Participatory Forest Management** – Encourages local involvement in decision-making, reducing alienation and conflict between forest authorities and communities.

**Supports Livelihoods and Poverty Alleviation** – Legal rights to Minor Forest Produce and land use enable sustainable income generation for tribal and forest-dependent communities.

**Strengthens Decentralized Governance** – Gram Sabhas serve as the frontline institutions for governance, forest management, and dispute resolution.

**Constitutional Alignment** – Supports values under the Constitution, including –

**Article 21 (Right to Life)** – ensuring livelihood security.

**Article 46** – promoting the educational and economic interests of Scheduled Tribes.

## Key Issues with the Forest Rights Act, 2006

**Implementation Delays** – Many claims remain pending for years due to bureaucratic inefficiencies and lack of coordination between state and district authorities.

**Capacity Gaps** – Limited trained personnel at Gram Sabha, sub-divisional, and district levels delays the verification and settlement of claims.

**Conflict with Other Laws** – Overlaps with the Wildlife Protection Act, 1972, and Forest Conservation Act, 1980, leading to confusion in management and legal disputes.

**Risk of Exploitation** – Weak monitoring can lead to commercialization of Minor Forest Produce, depriving

communities of their rightful income.

**Limited Integration with Conservation Goals** – Implementation of FRA sometimes conflicts with strict conservation policies, creating tension between livelihood and ecological objectives.

**Data and Monitoring Issues** – Absence of digitized, accessible records leads to disputes, wrongful rejections, and lack of transparency.

**Transparency and Accountability** – Difficulty in tracking claims hinders governance reforms and undermines trust in the FRA process.

### Way Ahead / Recommendations

**Strengthen Implementation** – Improved coordination between Ministry of Tribal Affairs (MoTA) and Ministry of Environment, Forest and Climate Change (MoEFCC) to streamline verification and claim settlement.

**Capacity Building** – Train Gram Sabhas and Forest Rights Committees for efficient claim verification and sustainable forest resource management.

**Digitization of Records** – Introduce a digital platform for all FRA claims, improving transparency, reducing delays, and preventing wrongful rejections.

**Integrate FRA with Conservation Strategies** – Promote the “Conservation through Coexistence” model by aligning forest rights with national biodiversity and forest management goals, balancing livelihood security with ecological protection.

**Policy Sensitization** – Raise awareness among forest officials and community members about legal provisions, entitlements, and responsibilities under the FRA.

**Monitoring and Evaluation** – Implement regular audits, social accountability mechanisms, and grievance redressal processes to ensure fairness and adherence to legal safeguards.

Source – <https://indianexpress.com/article/india/centre-forest-rights-act-supreme-court-livelihoods-of-forest-communities-10322679/>

