

Forest Rights Act (FRA) 2006- Analysis, Implementation & Criticism [UPSC GS-II]

The Forest Rights Act or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act is also known by other names like the Tribal Rights Act or the Tribal Land Act. It deals with the rights of the communities that dwell in the forests also known as Scheduled Tribes, over land and other resources, which have been denied to them over the years because of the continuation of forest laws from the colonial era in the country.

In December 2006, the Forest Rights Act was passed which accords legal recognition to the rights of traditional forest-dwelling communities and partially corrects the injustice caused by colonial-era forest laws. This act is an important topic for IAS Exam and must be reviewed by the aspirants.

Key Facts about the Forest Rights Act (FRA) for UPSC

The below table mentions some key facts about the Forest Rights Act 2006:

Forest Rights Act (FRA) 2006	
What is it called?	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA)
What does the Act intend?	The act tries to recognize marginal and tribal communities's rights over forest lands over which they were traditionally dependent
Are communities' rights catered to by FRA 2006?	Yes, the act intends to help all the destitute forest communities across India to have right over common property forest lands
What is the potential of FRA 2006?	This Forest Rights Act is capable of: <ul style="list-style-type: none">• Empowering local self-governance• Issue of poverty alleviation and pro-poor growth is paid heed to• Conservation and management of natural resources of India are highlighted and addressed by the FRA

Implementation of the Forest Rights Act 2006

1. Gram Sabha is the authority to initiate a process to vest rights on marginally and tribal communities after assessment of the extent of their needs from forest lands.
2. Gram Sabha after its assessment, receives claims of the communities, consolidates and verify these to help them exercise their rights
3. Gram Sabha then passes such a resolution to sub-divisional level committee (formed by the state governments.)
4. If one or more communities are not satisfied by such a resolution, may file a petition to sub-divisional level committee
5. Sub-Divisional Level committee after its assessment, passes the resolution to Sub-divisional

- officer to district level committee for its final decision
6. The district-level committee's decisions are considered final and binding
 7. A state-level monitoring committee is constituted by the state government to monitor the process of recognition of these rights
 8. The officers included in the sub-divisional level committee, district-level committee and state-level monitoring committee include:
 - Officers of Department of Revenue of state government
 - Officers of Department of Forests of state government
 - Officers of Department of Tribal Affairs of state government
 - Three members of Panchayati Raj Institutions including two Scheduled Tribes members and at least one woman

Significance of Forest Rights Act (FRA) 2006

The act is significant for the following reasons:

1. Community rights and rights over common property resources (CPR) have been recognized for the first time
2. Individual rights of the tribal and marginal communities have been highlighted by this act along with other rights too
3. The concept of revenue villages have surfaced as the act talks about the conversion of all forest villages, old habitation, un-surveyed villages and other villages into these.
4. Community Forest Resources are monitored and managed in a way which protects marginal communities' traditional linkages with these. it is known how these communities have always traditionally utilised the forest resource for the sustainable development.
5. This act in a way protects intellectual property rights and the traditional knowledge related to cultural diversity and biodiversity
6. The displaced communities' rights are secured by the forest rights act 2006
7. The rights of marginal and tribal communities over developmental activities are also recognized and secured by FRA 2006

Land and its management fall under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India. The land reforms are monitored by the Ministry of Rural Development(MoRD) and Department of Land Resources (DoLR) which is the nodal Ministry at the Centre.

IAS aspirants must also go through another important topic related to the Forest Rights Act – [Economic Empowerment Of STs \(Scheduled Tribes\)](#) and you may check the linked article to know more about it.

Key Terms related to the Forest Rights Act (FRA)

The table below mentions the key-terms in accordance with the Forest Rights Act 2006 (FRA):

Key Terms Related to Forest Rights Act 2006	
Term	Meaning

Community Forest Resource	<ul style="list-style-type: none"> • It is a customary common forest land located in a villages' traditional and customary boundaries • It can also be called seasonal use of landscape in the case of pastoral communities • Example – Reserved Forests, Protected Forests, Protected Areas (Sanctuaries, National Parks)
Critically Wildlife Habitat	<ul style="list-style-type: none"> • Government of India (Ministry of Environment & forest) notifies such areas as CWH which meets a scientific criteria decided by an expert committee including experts from locality appointed by the government and from that of the Ministry of Tribal Affairs.
Forest Dwelling Scheduled Tribes	<ul style="list-style-type: none"> • Persons or group of persons who reside in and are dependent on a forest land to meet their livelihood needs
Forest Villages	<p>Forest Department of State Governments established settlements inside forests for forestry operations.</p> <p>It includes:</p> <ul style="list-style-type: none"> • Forest Settlement Villages • Fixed Demand Holdings • All types of taungya settlements • Lands for cultivation and uses permitted by the government
Minor Forest Produce (MFP)	<p>An important source of livelihoods for tribal people are non-wood forest products, generally termed 'Minor Forest Produce (MFP)' means all non-timber forest produce of plant origin and will include bamboo, canes, fodder, leaves, gums, waxes, dyes, resins and many forms of food including nuts, wild fruits, Honey, Lac, etc.</p>
Other Traditional Forest Dwellers	<p>Member/community prior to 13th December 2005, who resided for at least three years or were dependent on a forest land for their livelihood needs</p>

Forest Rights Act (FRA) 2006 Criticism

The act has been criticized on the following lines:

1. The debate on the issue of the act leading to even more encroachment of already troubled forest lands has started.
2. Though the act tries to focus on the needs of the forest dwellers, it defeats the purpose when the eviction rate of families from these lands increases as their claims on these lands are not accepted by the government.
3. The role of the sub-divisional level committee is always questioned as they have been given the important right to make a decision on the needs and claims of the marginal communities on the piece of forest lands.
4. Issues have arisen from the part of forest departments who have been seen unwilling to give their forest lands. Role of forest department to let the forest dwellers sow in the forest the reap the benefits is criticized as tribes like Baigas have blamed the department to not support their

- claim over the land.
5. The tribes and communities also lack the capability to prove their occupancy over the forest land and the law turns out to be weak to strengthen their claim.
 6. Government's role of allowing commercial plantations in degraded land is also debated and questioned as the degraded land makes 40% of forests.

Conclusion

- Constitutional provisions provide for safeguards against displacement of tribal population because of land acquisitions etc. The Governor of the State(having scheduled areas) is empowered to prohibit or restrict the transfer of land from tribals and regulate the allotment of land to members of the Scheduled Tribes in such cases. Various provisions of rehabilitation and resettlement as per the RFCTLARR Act, 2013 are implemented by the concerned State Governments since land is a State subject. [Tribals and Issue of Land Rights](#) is another topic related to the Forest Rights Act.
- "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (RFCTLARR Act, 2013) safeguards against displacement of Scheduled Tribes.
- The purpose of this Act is to ensure that a humane, participative, informed and transparent process for land acquisition with the least disturbance to the owners of the land and the other affected families and provide them with just and fair compensation whose land has been acquired or proposed to be acquired in consultation with institutions of local self-government and Gram Sabhas established under the Constitution.

Read about [Forest Rights and Environmental Laws in India](#) in the linked article.

FRA also recognizes and vests the forest rights and occupation in forest land in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose right could not be recorded.

One may like to read about the success story of [IAS officer Sreedhanya Suresh](#) – The first Kerala Tribal Woman to clear UPSC Exam, in the linked article.

The relevant articles about UPSC IAS examination are given in the table below:

National Commission for Scheduled Tribes (NCST)	Scheduled and Tribal Areas
Rights of Forest Dwellers: RSTV – In Depth	Post-Independent India: Background of Tribal Issues
Best Optional Subjects for UPSC	NCERT Books PDFs For UPSC