

Forest Rights Act (FRA) 2006

The Forest Rights Act, India 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 (including [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.

This article will provide you with relevant facts about Forest Rights Act (FRA) that are important for GS Prelims, mains & also Sociology Optional for the [IAS Exam](#).

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. The earlier policies and acts - such as previous Forest Acts 1865, 1894, 1927 prevented the local communities from using the resources.

Forest Rights Act (FRA) 2006

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 (Recognition of Forest Rights) Act (FRA)

What does the Act intend? The act tries to recognize marginal and tribal communities over forest lands over which they were traditionally dependent.

Are communities' rights 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

This Forest Rights Act is capable of:

- Empowering local self-governance
- Issue of poverty alleviation and pro-poor growth is highlighted to
- Conservation and management of natural resources are highlighted and addressed by the FRA

What is it called? Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (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
9. The Act recognizes and vest the forest rights and occupation in Forest land in Forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who have been residing in such forests for generations.
10. The Act identifies four types of rights:
 - Title rights: It gives FDST and OTFD the right to ownership to land farmed by tribals or forest dwellers subject to a maximum of 4 hectares. Ownership is only for land that is actually being cultivated by the concerned family and no new lands will be granted.
 - Use rights: The rights of the dwellers extend to extracting Minor Forest Produce, grazing areas etc.
 - Relief and development rights: To rehabilitate in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest protection.
 - Forest management rights: It includes the right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.

Community Forest Resource Rights (CFRR)

There have been challenges in the implementation of Community Forest Resource Rights (CFRR) under the Forest Rights Act, 2006 .

Most prominent reasons for non implementation are:

1. Uncertainty regarding the location and extent of forest land that may be eligible for CFRR claims.
2. There is no specific “target” set for state governments to achieve in terms of recognizing CFRR, making it difficult to measure their performance against a benchmark.

Other concerns and challenges:

- The implementation of CFRR can be complex and challenging, involving multiple stakeholders, varying interpretations of laws and regulations, and administrative hurdles.
- Local communities may face difficulties in navigating the legal processes to claim and exercise their CFRR, including obtaining necessary documentation, facing bureaucratic delays, and dealing with conflicting interests of different stakeholders.
- Conflicts with Conservation Goals: community management of forests may not always align with conservation objectives. In some cases, local communities may prioritize short-term economic gains over long-term sustainability, leading to over-exploitation of forest resources, encroachment, or other unsustainable practices.
- Resource Degradation and Overuse: Unregulated extraction of forest resources, such as timber, NTFPs, and grazing, can lead to deforestation, habitat destruction, and loss of biodiversity.
- Many local communities may lack the technical, financial, and institutional capacity to effectively manage and benefit from CFRR. Lack of access to markets, credit, infrastructure, and extension services may limit their ability to engage in sustainable livelihood activities, such as value addition, marketing, and enterprise development.
- External Pressures and Threats: CFRR may face external pressures and threats from various sources, such as industrial encroachment, infrastructure development, illegal logging, mining, and land grabbing. These external pressures can undermine the rights and interests of local communities and pose challenges to the sustainable management and conservation of forests.

Community forest resource rights(CFRRs):

- Community Forest Resource Rights (CFRR) refer to the legal recognition and protection of traditional forest rights of local communities, including indigenous and tribal communities, over forests and forest resources in their customary use areas.
- CFRR is a provision under the Forest Rights Act (FRA) of 2006, which aims to empower local communities with rights over forest land and resources, and promote their participation in the conservation and sustainable management of forests.

Benefits of CFRRs:

1. **Source of Livelihood:** Local communities can engage in sustainable harvesting of non-timber forest products, such as medicinal plants, fruits, and nuts, practice sustainable agriculture, agroforestry, and livestock rearing in forest areas, which can provide food, fodder, and other essential resources for their sustenance.
2. **Sustainable Management of Forests:** local communities have a vested interest in protecting and conserving forests for their own livelihoods and future generations, this can lead to better forest management practices.
3. **Traditional knowledge and Cultural Rights:** CFRR recognize and protect the customary and cultural rights of local communities, including their traditional practices, rituals, and knowledge related to forests and forest resources. This helps preserve the rich cultural heritage of indigenous and tribal communities.
4. **Empowerment and Participation:** CFR can lead to increased community engagement in decision-making, planning, monitoring, and implementation of forest-related activities, and can contribute to more inclusive and democratic forest governance.
5. **Social Justice and Equity:** CFRR addresses historical injustices and displacement of local communities due to forest conservation policies in India.
6. **Biodiversity Conservation and Climate Change Mitigation:** Well-managed forests also act as carbon sinks, absorbing and storing carbon dioxide, and can contribute to climate change mitigation efforts.

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. It ensures the livelihood and food security of the Forest Dwellers Scheduled Tribes and Other Forest Dwellers and strengthens the conservation regime of the forest.
5. Community Forest Resources are monitored and managed in a way that protects marginal communities' traditional linkages with these. it is known how these communities have always traditionally utilized the forest resource for sustainable development.
6. This act in a way protects intellectual property rights and the traditional knowledge related to cultural diversity and biodiversity
7. It expands the mandate of the 5th & 6th Schedules of the Constitution that protect the claims of indigenous communities over tracts of land or forests they inhabit.
8. The displaced communities' rights are secured by the forest rights act 2006. The alienation of tribes was one of the factors behind the Naxal movement, which affects states like Chhattisgarh, Odisha and Jharkhand. The Act through identifying IFR and CFR tries to provide inclusion to tribes. Read more about the [Status of the Tribal populations in India](#) on the linked page.
9. The rights of marginal and tribal communities over developmental activities are also recognized and secured by FRA 2006
10. Forest rights can also be claimed by any member or community who has for at least three generations (75 years) prior to the 13th day of December, 2005 primarily resided in forest land for bona fide livelihood needs.
11. The act will ensure that people get to manage their forest on their own which will regulate the exploitation of forest resources by officials, improve forest governance and better management of tribal rights.

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.

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 Resource

- It is a customary common forest land located in a villages' and customary boundaries
- It can also be called seasonal use of landscape in the case communities
- Example - Reserved Forests, Protected Forests, Protec (Sanctuaries, National Parks)

Critically Habitat

- Government of India (Ministry of Environment & forest) nc areas as CWH which meets a scientific criteria decided by committee including experts from locality appointed by the g and from that of the Ministry of Tribal Affairs.

Forest Scheduled Tribes

- Persons or group of persons who reside in and are dependent land to meet their livelihood needs

Forest Villages

Forest Department of State Governments established settlements ins for forestry operations.

It includes:

- Forest Settlement Villages
- Fixed Demand Holdings
- All types of taungya settlements
- Lands for cultivation and uses permitted by the government

Minor Forest (MFP) An important source of livelihoods for tribal people are non-w products, generally termed 'Minor Forest Produce (MFP)' means all forest produce of plant origin and will include bamboo, canes, fodc gums, waxes, dyes, resins and many forms of food including nuts, Honey, Lac, etc.

Other Tradition Dwellers Member/community prior to 13th December 2005, who resided for at years or were dependent on a forest land for their livelihood needs

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.

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.

Multiple Choice Question (MCQ)

Consider the Following Statements

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, as per the Forest Rights Act of 2006.
2. Community rights and rights over common property resources (CPR) have been recognized for the first time as per the Forest Rights Act of 2006.
3. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (RFCTLARR Act, 2013) safeguards against displacement of Scheduled Tribes.
4. 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

Which of the following statements are true?

1. 1 and 3 alone are true
2. All the 4 statements are true.
3. All the 4 statements are false.
4. Only 2 and 4 are true.

Answer: B

FAQ about Forest Rights Act

Q. When was Forest Rights Act passed?

The Forest Rights Act was passed in 2006. It was intended to address the 'historical injustice' done to 'traditional forest dwellers' of India. It was enacted to protect the right to life and livelihood of scheduled tribes and other traditional forest dwellers.

Q. What are the benefits of Forest Right Act?

The act empowers and encourages local self-governance amongst the marginalised tribal communities and forest dwellers. It helps in Conserving the traditional knowledge and the intellectual property rights related to cultural diversity and biodiversity of the inhabitants of the forests. The Act provides guidelines for undertaking developmental facilities of the villages in and around forested areas. It helps in the promotion of vulnerable groups and aims at alleviating their poverty levels.