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Rights to Forests

CC-10: Indian Economy- Issues and
Policies-2

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Introduction

The Forest Rights Act or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 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 forest also known as Scheduled Tribes, over land and other resources, which have been denied to them because of the continuation of the forest laws from the colonial area in the country.



Objectives

- It **recognizes the forest right** of the forest dwelling scheduled tribes (FDST) and other traditional forest dwellers (OTFD).
- It **vests the forest rights** and occupation in forest land to the **FDST and OTFD**.
- It **provides a framework for recording the forest right** vested in scheduled tribes and other traditional forest dwellers who have been residing in forests for generations but whose rights could not be recorded.
- It tells about **the nature of evidence required for recognition and vesting of forest rights**.



Features

- The Indian Government for the first time admitted that the rights of forest dwellers were not adequately recognized and a lot of historical injustice has been done to them whereas they are integral to the very survival and sustainability of the forest ecosystem.
- The act recognizes the forest rights of forest dwelling scheduled tribes and other traditional forest dwellers.
- It strengthens the conservation regime of the forest while ensuring livelihood and food security of the FDST and OTFD.
- The act enlists different types of rights known as **forest rights**. These rights include:
 - **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.



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- 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, to pastoralist routes, etc.
- **Relief and development rights**
 - To rehabilitation in case of illegal eviction or forced development 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.



Who can claim these Rights?

- Members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs.
- It 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 reside in forests land for bona fide livelihood needs.



Authorities under the act

GRAM SABHA

SUB-DIVISIONAL
LEVEL

DISTRICT LEVEL

STATE LEVEL
MONITORING
COMMITTEE



Procedure

The Gram Sabha has the authority to initiate the process for determining the nature and extent of Individual Forest Rights (IFR) or Community Forest Rights (CFR) or both that may be given to FDST and OTFD.

- First, the gram sabha (full village assembly) makes a recommendation i.e. who has been cultivating land for how long, which minor forest produce is collected, etc. The gram sabha plays this role because it is a public body where all people participate, and hence is fully democratic and transparent.
- The gram sabha's recommendation goes through two stages of screening committees at the sub-divisional and district levels.



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- The district level committee make the final decision. The Committee have six members- **three government officers** (Forest, Revenue and Tribal welfare departments) **and three elected persons** (of whom two shall be the scheduled tribes members and at least one shall be a women).
- The state level monitoring committee has been appointed to monitor the process of recognition and resting of these forest rights
- At both the sub-divisional and district levels, any person who believes a claim is false can appear to the committee, and if they prove their case, the right is denied.
- Finally, land recognized under this act cannot be sold or transferred.



Importance

- The act looks to right the wrongs of government policies in both colonial and independent India toward forest dwelling communities, whose claims over their resources were taken away during 1850s.
- The act also has potential of sustainably protecting forest through traditional ways along with providing tribes means of livelihood.
- The act will ensure that people get to manage their forest on their own which will regulate exploitation of forest resource officials, forest governance and management as well as tribal rights etc.



Challenges

- **Lack of Awareness**

- Unawareness at the lower level of forest officials who are supposed to help process forest rights claims is high and majority of the aggrieved population too remains in the dark regarding their rights.
- The forest bureaucracy has misinterpreted the FRA as an instrument to regularize encroachment instead of a welfare measure for tribals.

- **Dilution of Act**

- Certain sections of environmentalist raise the concern that FRA bend more in the favour of individual rights, giving lesser scope for community rights.



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- Community Rights effectively gives the local people the control over forest resources which remains a significant portion of forest revenue making states wary of vesting forest rights to gram sabha.
- **Institutional Roadblock**
 - Rough maps of community and individual claims are prepared by gram sabha which at times often lack technical knowhow and suffers from technical incapacity.
 - Intensive process of documenting communities' claims under the FRA makes the process both cumbersome and harrowing for illiterate tribals.



Way Forward

- The recognition of CFR would shift forest governance in India towards a community conservation regime that is more food security.
- Large-scale awareness and information dissemination campaigns are required at local level informing both tribal and lower level officials
- It is important to develop a detailed strategy of training and capacity building of people responsible for implementing the FRA, such as panchayats, gram sabha , village level, Forest Rights Committee etc.



THANK YOU

