

NEXT IAS

**DAILY EDITORIAL
ANALYSIS**

TOPIC

**COMMUNITY FOREST RESOURCE
(CFR) RIGHTS UNDER THE FOREST
RIGHTS ACT (FRA)**

www.nextias.com

COMMUNITY FOREST RESOURCE (CFR) RIGHTS UNDER THE FOREST RIGHTS ACT (FRA)

Context

- An analysis reveals that only **three states—Maharashtra, Chhattisgarh, and Odisha**—have made notable progress in recognizing **Community Forest Resource (CFR) rights** under the **Forest Rights Act (FRA), 2006**. The majority of **forest-dwelling communities** across India continue to face significant hurdles in securing these rights.

Forest Rights Act (FRA), 2006: A Landmark Legislation

Background:

Before the enactment of the **FRA, 2006**, **Scheduled Tribes (STs)** and **Other Traditional Forest Dwellers (OTFDs)** lacked **legal recognition** over their ancestral forest lands.

- Colonial forest laws** and **post-independence conservation policies** often labeled them as **encroachers**.
- The FRA was introduced to **correct these historical injustices** and provide a framework for recognizing **forest land and resource rights**.

Key Provisions

- Recognition of Rights:** Grants STs and OTFDs the right to **hold, live, and use forest land** for habitation and livelihood. **Community Forest Resources (CFR):** Recognizes community rights over **customary common forest lands** for **management and conservation**. **Critical Wildlife Habitats:** Identifies and protects **ecologically sensitive areas** while ensuring wildlife conservation. **Sustainable Use & Conservation:** Emphasizes **responsible use** of forest resources while preserving **biodiversity**.

Community Forest Resource (CFR) Rights: A Special Category

- Under **Section 3(1)(i) of the FRA, 2006**, **CFR rights empower Gram Sabhas** (village councils) to legally manage their traditional forests. These rights ensure **community-led conservation and sustainable use of forest resources**.

Key Features of CFR Rights:

- Ownership & Governance:** **Gram Sabhas** are recognized as the **governing body** for community forests.
- Sustainable Use:** Allows communities to **harvest non-timber forest produce (NTFP)** like **honey, bamboo, and medicinal plants**.
- Forest Conservation:** Enables communities to **protect forests** from **deforestation, mining, and external threats**.
- Customary Rights:** Recognizes **traditional knowledge** in forest conservation.
- Protection from Eviction:** Communities **cannot be displaced** without their **explicit consent**.

Challenges Hindering CFR Implementation

Displacement Due to Conservation & Development Projects:

- A study titled *'Democratising Forest Governance: Challenges Old and New'* found that **over 1,00,000 forest dwellers** have been **displaced** due to **protected areas** created by the **National Tiger Conservation Authority (NTCA)**.
- More than **3,00,000 hectares of forest land** have been **diverted** for **mining and infrastructure projects**.

Slow & Limited Recognition of CFR Rights:

- Maharashtra (36%), Chhattisgarh (24%), and Odisha (10%)** have made progress, but most states lag.
- States like **Jharkhand, Gujarat, and Karnataka** have recognized **less than 2%** of potential CFR areas.

Conflicting Legal Frameworks:

- Overlapping laws—**Indian Forest Act, 1927**, **Wildlife (Protection) Act, 1972**, and **Forest (Conservation) Act, 1980**—create **ambiguities** in FRA implementation.
- These **conflicts** often delay **CFR recognition**.

Weak Institutional & Financial Support:

- Many **Gram Sabhas lack resources, technical expertise, and funds** for effective forest management.
- **Lack of government investment** in community-led conservation efforts **weakens CFR governance**.

Lack of Awareness & Political Will:

- Forest dwellers often **remain unaware** of their rights under the FRA.
- **Administrative delays & bureaucratic hurdles** further slow down claim processing.

Successful CFR Implementations in India

Mendha-Lekha, Maharashtra (2009):

- First village in India to receive **CFR rights** over **1,800 hectares** of forest.
- **Gram Sabha-led bamboo harvesting & conservation** improved **local livelihoods**.

Niyamgiri, Odisha (2013):

- The **Dongria Kondh tribe** exercised **CFR rights** to **stop bauxite mining** in the **Niyamgiri hills**.
- The **Supreme Court upheld their rights**, marking a **historic victory for tribal self-governance**.

CFR Rights & India's Climate Goals

- **FRA's Role in Carbon Sequestration:** India has committed to **sequestering 2.5 gigatonnes of CO₂ equivalent** through **forest conservation**.
 - ♦ CFR rights contribute to **global climate initiatives**, such as **Reducing Emissions from Deforestation and Forest Degradation (REDD+)**.

Way Forward: Strengthening CFR Implementation

- **Expedite Claim Processing:** States should **streamline bureaucratic procedures** to recognize **CFR claims faster**. **Capacity Building for Gram Sabhas:** **Training & technical support** should be provided for **sustainable forest management**. **Strengthen Legal Protections:** Ensure **stronger safeguards** against **land encroachment & corporate exploitation**. **Increase Awareness & Community Participation:** Awareness campaigns should **educate forest dwellers** about their **rights under the FRA**. **Financial & Institutional Support:** Governments must **invest in community-led conservation programs**.

Conclusion

- The **Forest Rights Act (FRA), 2006**, particularly **Community Forest Resource (CFR) Rights**, is a crucial step toward **decentralized forest governance** in India. Recognizing the role of **tribal and forest-dwelling communities** can enhance **environmental conservation, social justice, and economic security**. However, **bureaucratic inefficiencies, legal conflicts, and lack of awareness** continue to hinder its implementation. Strengthening **institutional support** and **ensuring timely recognition of CFR rights** is essential for **protecting both forest ecosystems and the rights of forest-dependent communities**.

Source: DTE

Mains Practice Question

What are the main challenges hindering the implementation of Community Forest Resource (CFR) rights, and how can these challenges be addressed to ensure the livelihood and rights of forest-dwelling communities?

