



DAILY EDITORIAL ANALYSIS

TOPIC

**INDIA'S FOREST RIGHTS
ACT (2006): APART FROM
EXCLUSIONARY LAWS GLOBALLY**

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Context

- India's **Forest Rights Act (FRA), 2006** protects indigenous communities' rights, recognizing the rights of indigenous communities and forest dwellers, **unlike global conservation policies** that restrict human access to protected areas.

About the Forest Rights Act (FRA), 2006

- It is officially known as the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**.
- It aims to correct historical injustices faced by forest-dwelling communities by recognizing their land and resource rights.
- It ensures that **Scheduled Tribes (STs) and other traditional forest dwellers** can **legally access and manage forest resources** while contributing to biodiversity conservation.
- It impacts an estimated 150 million forest-dwelling people, 40 million hectares of land, and 1,70,000 villages.

Types of Forest Rights (FRA, 2006)

- Individual Forest Rights (IFR):** Individuals and families have the right to cultivation for livelihood and habitation on forest land.
- Community Forest Rights (CFR):** Communities have access to traditional community resources and **minor forest products** such as bamboo, honey, wood oil, and mahua.
 - It includes grazing and fishing rights, access to water bodies in forests, habitat rights for **Particularly Vulnerable Tribal Groups (PVTGs)**, and access to traditional seasonal resources for pastoral and nomadic communities.
- Community Forest Resource Rights (CFRR):** It goes one step beyond CFR as it offers **management rights of the forest to the gram sabha** instead of the forest department.

Other Key Provisions of the Forest Rights Act (2006)

- Evidence-Based Claims:** It provides a framework for recording and verifying forest rights through Gram Sabhas (village councils).
 - It accepts traditional knowledge and oral evidence for claim validation.
- Responsibilities of Forest Dwellers:** It encourages sustainable use of forest resources while ensuring ecological balance.
- Protection Against Eviction:** It prevents forced displacement of forest dwellers without proper legal procedures.
 - It ensures rehabilitation and compensation in case of relocation.

Key Concerns & Challenges

- Bureaucratic Resistance and Exclusion:** Many forest officials oppose FRA provisions, fearing loss of control over forest lands.
 - Forest bureaucracy often rejects claims, leading to mass evictions despite legal protections.
- Legal Battles and Evictions:** The Supreme Court, in 2019, ordered the eviction of rejected claimants, affecting 17 lakh tribal families, though protests led to a temporary hold on the order.
- Conflicts with Conservation Policies:** India's protected-area model under the **Wildlife Protection Act, 1972** has led to large-scale displacement of forest communities.
 - Conservation laws often criminalize traditional forest use, disregarding community-led biodiversity protection.

- **Slow Recognition of CFRs:** Estimates suggest 30 million hectares of forest land could be vested as CFRs, benefiting 200 million people, but progress has been slow.
 - ♦ As of October 2023, only 2.3 million land titles have been granted, while 4.5 million claims remain unresolved.

Global Efforts for Forest Conservation

- The **Convention on Biological Diversity (CBD)**, introduced at the **Rio Earth Summit in 1992**, is the **largest international agreement**, with 196 countries as signatories, guiding conservation laws worldwide.
 - ♦ **India**, recognized as **one of the world's 17 megadiverse countries**, has developed legal instruments and governance systems **to align with the CBD's objectives**.
- **UN Declaration on the Rights of Indigenous Peoples (2007):** It was passed to address discrimination against **Indigenous Peoples and Local Communities (IPLCs)**, the declaration affirms their right to maintain and strengthen their institutions, cultures, and traditions.
- **Kunming-Montreal Global Biodiversity Framework (KMGBF):** It was adopted at COP-15 in 2022, that promotes the equitable representation of Indigenous Peoples and Local Communities (IPLCs) in conservation efforts.
 - ♦ It includes the **'30 by 30' target**, aiming to protect 30% of the world's land and marine areas by 2030 while ensuring IPLC participation.

How the FRA Differs from Global Conservation Laws?

- **Community-Led Conservation:** Unlike laws that displace indigenous peoples, the FRA acknowledges their historical role in protecting forests.
 - ♦ Studies show that traditional governance systems used by indigenous groups help preserve ecosystems more effectively than state-controlled conservation.
- **Legal Recognition of Forest Dwellers:** The FRA grants land and resource rights to Scheduled Tribes and other traditional forest dwellers.
 - ♦ It overrides colonial-era laws that declared forests as state-owned land, disregarding indigenous claims.
- **Balancing Conservation and Livelihoods:** The FRA allows communities to harvest minor forest produce, ensuring economic sustainability while preserving ecosystems.
 - ♦ Global conservation models often criminalize indigenous practices, leading to forced evictions.

India's Legal Instruments for Conservation

- **Biological Diversity Act (BDA), 2002:** It supports documentation and protection of traditional knowledge related to biodiversity. It establishes a three-tier institutional system:
 - ♦ National Biodiversity Authority (NBA) at the central level.
 - ♦ State Biodiversity Boards (SBBs) at the state level.
 - ♦ Biodiversity Management Committees (BMCs) at the local level.
- **Wildlife Protection Act, 1972 and Project Tiger, 1973:** It introduced the protected area model, creating national parks, sanctuaries, and tiger reserves.
 - ♦ As of February 2025, India has 1,134 protected areas and 58 tiger reserves.
- **Scheduled and Tribal Areas:** Articles 244 & 244A of Indian Constitution acknowledges the distinct status of Adivasis and other tribal groups, while it does not officially use the term 'indigenous peoples'.
- **Tribal and Forest Rights:** The Panchayats (Extension to Scheduled Areas) Act (PESA), 1996 empowers Gram Sabhas (village councils) in tribal regions with decision-making authority.
- **India's National Biodiversity Strategy and Action Plan (NBSAPs):** India's updated NBSAPs outline 23 key conservation goals for 2023, including biodiversity protection and IPLC rights recognition.
 - ♦ It relies on existing institutional frameworks, limiting the scope for more decentralized, community-led approaches.

Conclusion

- India's Forest Rights Act sets a global precedent for inclusive conservation, ensuring that indigenous communities remain stewards of biodiversity.
- Strengthening its implementation can further protect both forests and livelihoods, making India's approach a model for sustainable conservation worldwide.

Source: TH

Mains Practice Question

[Q] How does the Forest Rights Act (FRA), 2006 contribute to biodiversity conservation while ensuring the rights of Indigenous Peoples and forest dwellers?

