



## Forest Rights Act

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### Why in News

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Recently, the **Jammu and Kashmir government** has decided to **implement the Forest Rights Act (FRA), 2006**, which **will elevate the socio-economic status** of a sizable section of the 14-lakh-strong population of **tribals and nomadic communities**.

### Key Points

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- **About:**
  - FRA enacted in 2006 **recognises the rights of forest-dwelling tribal communities** and other traditional forest dwellers to forest resources on which these communities **were dependent for a variety of needs, including livelihood, habitation** and other sociocultural needs.
  - It 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.
  - It strengthens the **conservation regime of the forests** while ensuring livelihood and food security of the FDST and OTFD.
  - The **Gram Sabha** is 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**.

- **Rights Under the Forest Rights Act:**

- **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.

- **Significance:**

- **Constitutional Provision Expansion:**

It **expands the mandate of the Fifth and the Sixth Schedules** of the Constitution that protect the claims of indigenous communities over tracts of land or forests they inhabit.

- **Security Concerns:**

The alienation of tribes was one of the factors behind the **Naxal Movement**, which affected states like Chhattisgarh, Odisha and Jharkhand.

- **Forest Governance:**

- It has the **potential to democratise forest governance** by recognising community forest resource rights.
- It will ensure that **people get to manage their forest on their own**, which will regulate exploitation of forest resources by officials, improve forest governance and better management of tribal rights.

- **Challenges:**

- **Administrative Apathy:**

- As tribals are not a big vote bank in most states, **governments find it convenient to subvert FRA** or not bother about it at all in favour of monetary gains.
- The forest **bureaucracy has misinterpreted the FRA as an instrument to regularise encroachment** instead of a welfare measure for tribals.
- Corporates fear they may lose the cheap access to valuable natural resources.

- **Dilution of Act:**

Certain sections of environmentalists raise the concern that **FRA bends more in the favour of individual rights**, giving lesser scope for community rights.

- **Institutional Roadblock:**

Rough maps of community and individual claims are prepared by Gram Sabha which at times often lack technical knowhow and suffers from educational incapacity.

- **Misuse of FRA:**

The FRA has been misused and communities have rushed to file claims. Politicians across party lines have **interpreted FRA as a land distribution exercise** and have fixed targets for districts.

## **Way Forward**

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- It is important that the **governments at Central and State levels are strengthened** with human and financial resources to help implement FRA on a mission mode.
- Besides leveraging modern technology to map and monitor the implementation of FRA, the **forest bureaucracy must also be reformed to serve as service providers** to gram sabhas.

**Source: TH**