



Tribal Forest Rights

For Prelims: Community Forest Resource, Forest Rights Act, Reserve Forest, Protected Forest, Sanctuary and National Parks

For Mains: Forest Rights Act, Community Forest Resource Rights and Significance of the Recognition

Why in News?

Recently, residents of Karipani and Budra villages in Chhattisgarh carried out a **massive afforestation drive over 100 acres**, as it was the last-ditch effort of the villagers to **secure rights over their forest land**.

- As many as 10 villages in protected areas of the state received the **Community Forest Resource Rights (CFRR)** titles on [Adivasi Divas observed on August 9, 2022](#) but Karipani and Budra were not among them.

What are Community Forest Resource Rights?

- The Community Forest Resource rights under Section 3(1)(i) of the [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#) (Commonly referred to as the Forest Rights Act) provides for **recognition of the right to “protect, regenerate or conserve or manage”** the community forest resource.
- These rights allow the **community to formulate rules for forest** use by itself and others and thereby discharge its responsibilities under **Section 5 of the Forest Rights Act**.
- CFR rights, along with Community Rights (CRs) under Sections 3(1)(b) and 3(1)(c), which include nistar rights and rights over non-timber forest products, **ensure sustainable livelihoods of the community**.
- **Once CFRR is recognised by a community, the ownership of the forest passes into the hands of the Gram Sabha instead of the forest department.**
- Effectively, the Gram Sabha has become the nodal body for management of the forests.
- These rights give authority **to the Gram Sabha adopt local traditional practices of forest conservation and management** within the community forest resource boundary.
- Chhattisgarh is only the second state to have recognised CFR rights inside a national park i.e., [Kanger Ghati National Park](#).
- In 2016, the Odisha government was the first to recognise Community Forest Resources (CFRs) inside the [Simlipal National Park](#).

What is the Forest Rights Act, 2006?

- The Act recognizes and vests 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.
- 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.
- 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.
 - 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.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

Ans: (d)

Exp:

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also referred to as the Forest Rights Act (FRA), 2006, **recognizes the rights of the forest-dwelling tribal communities and other traditional forest dwellers to forest resources.**
- The Act encompasses Rights of self-cultivation and habitation which are usually regarded as individual rights; and community rights as grazing, fishing and access to Water bodies in forests, habitat rights for PVTGs, etc.
- In conjunction with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013, FRA protects the tribal population from eviction without rehabilitation and settlement.
- As per the provisions of the Act and the rules framed thereunder, various schemes and projects are implemented under the Ministry of Tribal Affairs. **Therefore, option (d) is the correct answer.**

[Source: DTE](#)