



Rights of Forest Dwellers and Thanthai Periyar Sanctuary

For Prelims: Thanthai Periyar Sanctuary, [The Forest Rights Act \(FRA\), 2006](#), [National Parks](#), [Tiger Reserves](#), [Nilgiris Biosphere Reserve](#), [Forest-Dwellers](#)

For Mains: Forest Rights Act, Community Forest Resource Rights and Significance of the Recognition, Issues Faced By Tribes in India, Ways to Empower the Tribal Society of India

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Why in News?

In recent events surrounding the notification of the **Thanthai Periyar Sanctuary in Tamil Nadu**, [forest-dwellers](#) expressed concerns about the **potential denial of their rights under the [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act 2006 \(FRA\)](#)**.

What are the Concerns Regarding the Notification of the Thanthai Periyar Sanctuary?

- The notification excludes **six tribal forest villages from the sanctuary**, confining them to a small area of 3.42 sq. km, without recognizing them as revenue villages.
- The notification also imposes **restrictions on cattle-grazing activities**, which may affect the traditional practices of the **Bargur cattle**, a traditional breed native to the **Bargur forest hills**.
- The notification does not mention the **consent of the forest rights holders or the gram sabha**, as required by the FRA, 2006.

Note

- In March 2022, the **Madras High Court** revised an older order imposing a total ban on cattle grazing in all the forests of Tamil Nadu and **restricted the ban to [National Parks](#), Sanctuaries, and [Tiger Reserves](#)**.
 - Tamil Nadu is the only state in the country where there is such a ban.
- This order is despite the FRA 2006, which acknowledges the **grazing and traditional resource access of nomadic or pastoralist communities**, this order applies to all forests, including National Parks, Sanctuaries, and Tiger Reserves. Grazing rights are community rights of the habitation-level villages and are to be regulated by their **gram sabhas**.

What is the Forest Rights Act (FRA), 2006?

- **About:**
 - FRA, 2006 acknowledges the **rights of forest-dwelling tribal communities and**

traditional forest dwellers to forest resources, essential for their livelihoods, habitation, and socio-cultural needs.

- The Act rectifies the historical injustice faced by these communities by recognizing their symbiotic relationship with forests, which was previously overlooked by forest management policies.

▪ **Forest Dwellers Rights Under FRA, 2006:**

- Under the FRA, forest dwellers are granted **individual rights such as self-cultivation and habitation**, as well as **collective or community rights** including grazing, fishing, access to water bodies, and traditional seasonal resource access for nomadic and pastoral communities.
- The Act also recognizes the rights of [Particularly Vulnerable Tribal Groups \(PVTGs\)](#), intellectual property rights, customary rights, and the right to protect, regenerate, or manage community forest resources sustainably.
- Additionally, it provides for the **allocation of forest land for developmental purposes** to meet the basic infrastructural needs of forest-dwelling communities.
- Importantly, the FRA works in conjunction with other relevant legislation such as the [Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act of 2013](#), to safeguard forest dwellers from eviction without proper rehabilitation and settlement.
- The Act further enjoins upon the **Gram Sabha (village assembly), to play a central role in the implementation of the Act.**
 - The Gram Sabha is also a highly empowered body under the Act, enabling the **tribal population to have a decisive say** in the determination of local policies and schemes impacting them.
 - FRA requires and authorises the gram sabha to determine and recognise forest rights and protect and preserve the forests, wildlife, and biodiversity within their customary and traditional boundaries, including inside Protected Areas.
- Violations of the FRA, particularly concerning Scheduled Tribes, are considered crimes under the **2016 amendment to the [Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act of 1989](#).**
- FRA states that **converting forest villages into revenue villages** is one of the forest rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers.

Note

- When notifying a Protected Area under the [Wild Life \(Protection\) Act \(WLPA\), 1972](#), the government must assess rights under the FRA, 2006 and obtain consent from the gram sabhas.
 - FRA 2006, being a later law, supersedes the WLPA, 1972. Any provisions in the WLPA that conflict with the FRA are considered null and void.

What are the Key Facts About Thanthai Periyar Sanctuary?

- The Thanthai Periyar Wildlife Sanctuary spans 80,114.80 hectares in the Bargur Hills of Erode district, Tamil Nadu.
- It has been declared the 18th wildlife sanctuary in the state, connecting the [Nilgiris Biosphere Reserve](#) with the [Cauvery South Wildlife Sanctuary](#).
- Positioned at the junction of the [Eastern Ghats](#) and the [Western Ghats](#), the sanctuary boasts rich biodiversity.
- The sanctuary is part of the tiger corridor connecting [Sathyamangalam Tiger Reserve](#), [Male Mahadeshwara Hills Tiger Reserve](#), and [Cauvery Wildlife Sanctuary](#).
 - Recognized by the [National Tiger Conservation Authority](#), it supports a viable tiger population and is crucial for their conservation.
- The region is a significant part of the [Nilgiris Elephant Reserve](#), housing a healthy population of elephants and **Indian Gaur**.
 - It serves as the catchment area for the **Palar River**, which feeds into the Cauvery River, supporting agricultural activities.

Comparison of Biosphere Reserve, National Park and Wildlife Sanctuary

Feature	Biosphere Reserve	National Park	Wildlife Sanctuary
Purpose	Promote sustainable development, conserve biodiversity, cultural heritage, and natural resources	Conserve natural environment, protect from human interference	Protect habitats of wild animals, promote breeding
Management	Internationally recognized under the UNESCO's Man and Biosphere (MAB) program and owned by the government.	Government has complete power over the national parks.	These can be under the government or owned under private entities.
Zones	Core zone (strictly protected), Buffer zone (limited human activities allowed), Transition zone (sustainable development encouraged)	Typically not divided into zones	Generally not divided into zones
Human Activities	Restricted in core zone, limited in buffer zone, encouraged in transition zone	Restricted, mainly for recreational purposes	Restricted to prevent disturbance to animals, limited educational access
Examples	Nanda Devi (Uttarakhand), Nokrek (Meghalaya)	Jim Corbett (Uttarakhand), Bandhavgarh (Madhya Pradesh)	Gir National Park (Gujarat), Chilka Lake Bird Sanctuary (Odisha)

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)

Q. Consider the following statements: (2019)

1. As per recent amendment to the Indian Forest Act, 1927, forest dwellers have the right to fell the bamboos grown on forest areas.
2. As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, bamboo is a minor forest produce.
3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 allows ownership of minor forest produce to forest dwellers.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only

- (c) 3 only
- (d) 1, 2 and 3

Ans: (b)

Q. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

Ans: (b)

Q. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State.

Ans: (a)

PDF Reference URL: <https://www.drishtias.com/printpdf/rights-of-forest-dwellers-and-thanthai-periyar-sanctuary>

