

FOREST RIGHTS ACT 2006



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WHAT IS IT?

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted to protect tribal and forest-dwelling communities, who had been living within the forests in harmony with the environment and the ecosystem, and to balance the right to environment with their right to life and livelihood.

RIGHTS UNDER THE ACT

Title rights – Ownership to land that is being 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, meaning that no new lands are granted.

Use rights – To minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.



Relief and development rights – To rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection.

Forest management rights – to protect forests (from wildlife, etc.)



ELIGIBILITY

Eligibility to get rights under the Act is confined to those who “**primarily reside in forests**” and who depend on forests and forest land for a livelihood.

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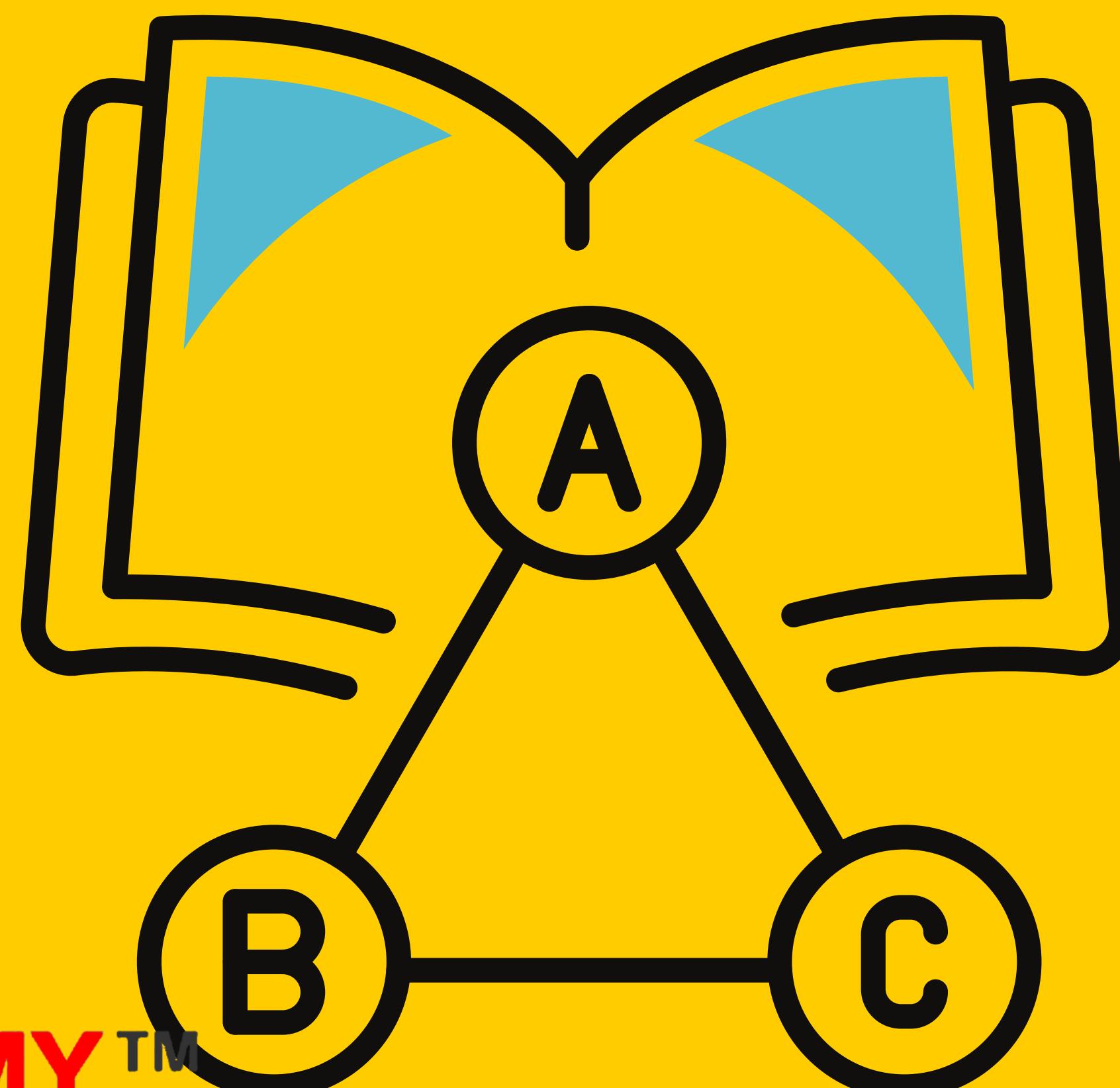


Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for **75 years**.



PROCESS OF RECOGNITION OF RIGHTS

The Act provides that the **gram sabha**, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised.



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This resolution is then screened and approved at the **level of the sub-division** (or taluka) and subsequently at the district level.



The **screening committees** consist of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level. These committees also hear appeals.



ISSUE IN FRA

But getting legal right to dwell in the forest included an official process of settling the land claim.



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Considering that 13 years is a long time to complete the official trial, the apex court inferred that people whose settlement rights had not been accepted must be evicted.

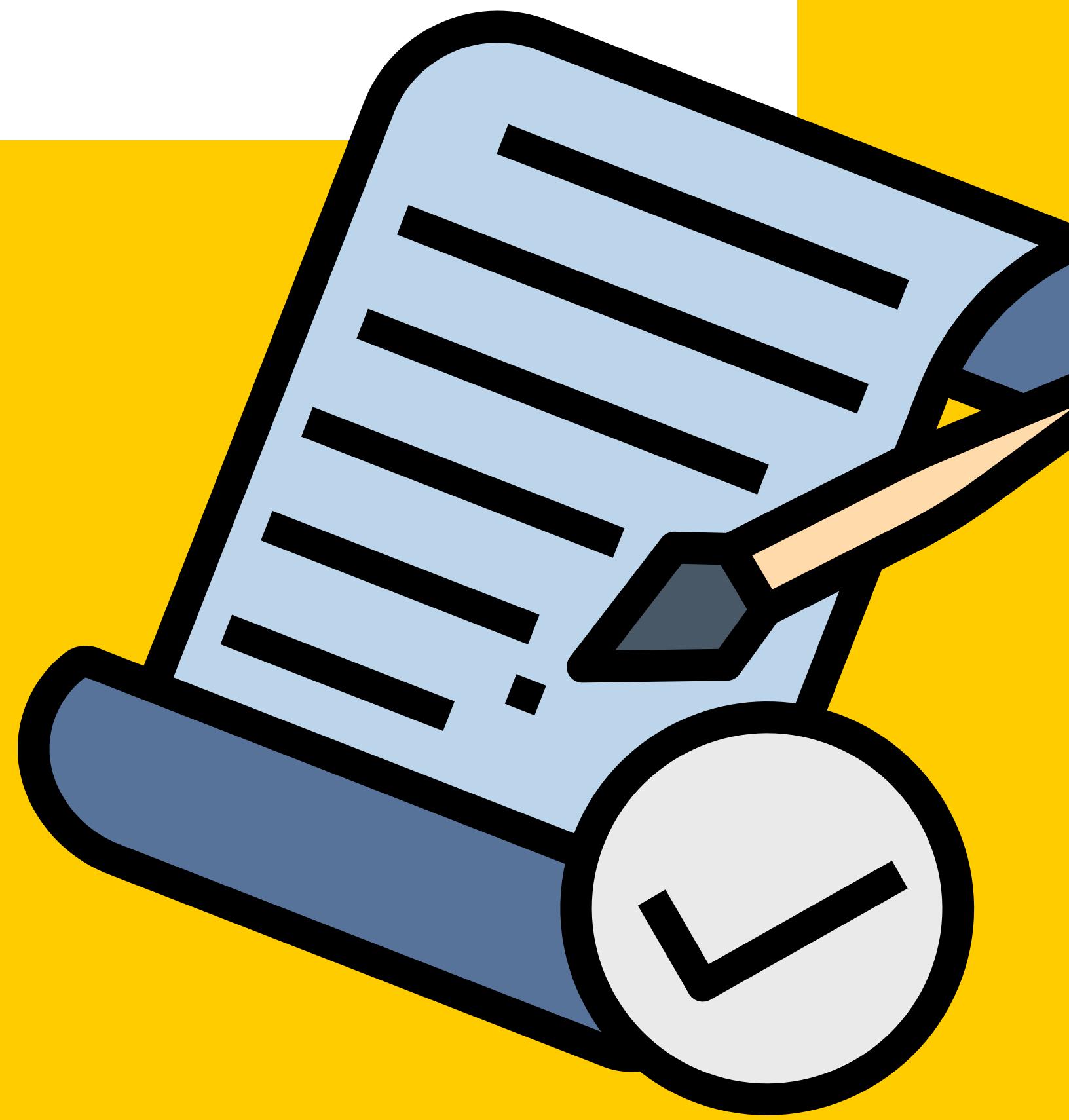
It also ordered states to give a report on the action taken against the claimants whose claims had been rejected.



OTHER RIGHTS AVAILABLE TO THE FOREST DWELLERS

District mineral foundation(DMF):

Similarly, in recognition of the rights of local communities to benefit from mineral resource extraction, the Mines and Minerals (Development and Regulation) Act (MMDR 1957) was amended in 2015 to institute District Mineral Foundation(DMF) as a mechanism of benefit sharing.



DMFs must work for the interest and benefit of people in the areas affected by mining, through an inclusive and participatory process.



With mandatory contributions from mining companies, currently there are more than 27,000 crores in DMFs across all mining districts.

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Problem:

DMF funds in many top mining districts in Jharkhand, Chhattisgarh, Odisha and Madhya Pradesh are being used through top-down and heavyhanded decision making, sidelining mining-affected people and their most pressing needs.



PESA:

In addition, the Panchayats (Extension to the Scheduled Areas) Act (PESA) 1996, emphasises people's engagement for governing natural resources through local level institutions such as gram sabhas.

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Implementation of FRA and DMF is tied to PESA, requiring gram sabhas' active engagement.

WAY FORWARD

The main reason for passing of such eviction order is to save the forest resources from exploitation.

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But it should be noted that these forest dwellers were able to live in harmony with nature for a long period of time.

Thus appropriate action now would be to strengthen the community rights and to include them in the governance process.

