

FRA 2006

[UPSC Notes]

What is the Forest Rights Act 2006?

According to the Ministry of Tribal Affairs, Government of India, the FRA Act 2006 includes:

- individual rights such as self-cultivation and habitat, as well as,
- community rights such as grazing, fishing, and
- access to naturally distributed water bodies in forests,
- habitat rights for particularly vulnerable tribal groups (PVTGs),
- traditional and seasonal resource utilization of Nomadic and Pastoral community members,
- biodiversity access,
- community right to traditional knowledge and intellectual property, acknowledgment of traditional customary rights, and
- the right to defend, regrow or preserve as well as manage community forest resources for sustainable usage.

It also guarantees the right to allocate forest land for the purpose of development in order to meet the community's basic infrastructure requirements. In combination with the 2013 FRA, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Settlement Act helps protect tribal populations from expulsion without rehabilitation and restitution.

The Act also requires the Gram Sabha and rights holders to conserve and protect biodiversity, wildlife, forests, neighboring catchments, waterbodies, and other ecologically fragile zones, as well as to halt any dangerous practices affecting these reserves or tribal cultural and natural heritage. Under the Act, the Gram Sabha is also a highly empowered entity, allowing the tribal population to have a definitive say in the perseverance of local policies and programs influencing them.

Thereby, the Act authorizes forest dwellers to have significant exposure to forest reserves and use forest reserves in the traditional manner, to safeguard, conserve, and manage natural resources, to guard forest dwellers from unlawful forced removal, and to provide basic development amenities for the group of forest dwellers to receive education, health, nutrition, infrastructure, and similar facilities.

History of Forest Rights Act

For a long time, many people, particularly scheduled tribes, have resided within and around forested areas in a mutually beneficial relationship.

- This association has resulted in institutionalized or informal conventions of utilization and extraction, which are frequently governed by ethical or moral beliefs and customs, ensuring that forests do not get overly exploited.
- Throughout the colonial period, the emphasis started shifting from the woodlands being utilized as a natural resource for local community survival to the resource of the state for corporate entities and land development for agricultural purposes.
- Various acts and policies, including the Central Government's three Indian Forest Acts, passed in the years 1865, 1894, and 1927, as well as some of the State Forest Acts, severely restricted hundreds of years old conventional-use freedom of indigenous communities.
- Nonetheless, this continued after the independence until 2006, when the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act was passed.

Objectives of Forest Act 2006

The main objectives of the Forest Act 2006 are as follows:

- To correct the historical wrongs done to forest dwelling community members.
- To guarantee land tenure, livelihood, and security of food for forest dwelling scheduled tribal communities also, including other traditional tribal communities.
- To boost the forest conservation framework by including authority and obligations on forest rights holders for sustainable usage, conservation of nature, and preservation of ecological balance.

Features of Forest Rights Act 2006

The features of the Forest Rights Act 2006 are as follows:

- The act acknowledges and safeguards the rights over forests and habitation in the forest land, in the case of Forest Dwelling Scheduled Tribes (FDST), also including Other Traditional Forest Dwellers (OTFD) who have resided in these forests for decades.
- In addition, the act defines the powers and responsibilities of FDST and OTFD for sustainable usage, biodiversity conservation, and the preservation of balance in the ecological systems.
- It solidifies the forest conservation regime while guaranteeing the FDST and OTFD's ability to make a living and their food security.
- It aims to the right a colonial wrong done to FDSTs and OTFDs, that are critical to the survival and sustainable preservation of the forests.
- The act distinguishes four kinds of rights:
 - It grants FDSTs and OTFDs ownership rights to the land that is farmed by tribals or forest communities, up to a maximum of 4 hectares.

- Possession is granted only for the land that is currently being farmed by the related family; none of the new lands will be provided.
- Rights of inhabitants include the extraction of slight forest produce, areas for grazing, pastoralist routes, and so on.
- The process of rehabilitation in the case of either illegal eviction or forced migration, and also basic amenities, based on forest protection restrictions.
- It includes the power to defend, regenerate, safeguard, or manage any of the community forest resources that have traditionally been protected and conserved for long-term use.

Importance of FRA 2006

Below we have noted down the importance of the Forest Act 2006

- For the very first time, the rights of the community and the rights over shared or common property resources (CPR) are being acknowledged.
- Individual rights and liberties of the tribal as well as marginal communities, including other rights, have been outlined by this act.
- The notion of revenue villages has emerged since the act states that all villages in the forest, all old dwellings, non-surveyed villages, and other village settlements must be converted into these.
- It assures the livelihood and security of food and nutrition of the forest dwellers, Scheduled Tribes, and Other Forest Dwelling communities, all while strengthening the forest conservation framework.
- Community resources of the forests are supervised and taken care of in a manner that protects the traditional links between marginal communities and these resources. It is very well known that these communities also have traditionally used forest resources for environmental sustainability.
- This act protects rights over intellectual property and the traditional knowledge systems about cultural diversity and species diversity.
- It expands the mandate of the 5th and 6th Schedules of the Constitution, which protect indigenous communities' claims to land or forests.
- The Forest Rights Act of 2006 protects all the rights of communities that were displaced. One of the leading reasons for the rise of the Naxal movement, which critically affects the states of Jharkhand, Chhattisgarh, and Odisha, is tribal alienation.
- The Act attempts to include tribes by identifying IFR and CFR.
- FRA 2006 recognizes and safeguards the privileges of marginalized communities in the tribal regions to participate in developmental projects.
- Forest rights might also be attempted to be claimed by any of the members or communities who have lived in forest land for a minimum of three generations (75 years) before 13th December 2005 for legitimate livelihood wants.
- The act would allow people to look after, lead and supervise their own forests, regulate the mistreatment of resources obtained from forests by the officials,

improve governance of the forests, and better managing of tribal privileges and tribal rights.

Challenges with Forest Rights Act 2006

The challenges associated with the Forest Rights Act 2006 are given below.

Administrative Ignorance

The act's implementation remains the most difficult challenge, as environmental acts are not entirely in compliance with the law, illegal encroachments have occurred, and assertions have been improperly rejected. Because tribals do not have a large vote bank in most states, governments find it easier to undermine FRA or ignore it entirely in favor of monetary gains.

Inadequate Awareness

The lack of awareness among lower-level forest officials who are meant to assist in the processing of forest rights claims is substantial, and the larger percentage of the aggrieved population is also unaware of their rights. The forest bureaucracy has interpreted the FRA as a tool to legalize encroachment rather than a welfare measure for the tribals.

Dilution of FRA

Certain environmentalists are concerned that the FRA favors individual rights while leaving less room for community rights. Community Rights successfully gives the local people control over forest resources, which also continues to make up a significant chunk of forest revenue, making states cautious of granting Gram Sabha forest rights.

The Forest Bureaucracy's Reluctance to Relinquish Control

The forest bureaucracy, both at the federal and state levels, and, to a slightly lesser degree, big corporations, have engaged in gross mismanagement. The forest bureaucracy is concerned that it will end up losing its tremendous power over land and people, while corporations fear that they will lose cheap access to high-value natural resources.

Institutional Barriers

Gram Sabha creates rough layouts of community and individual claims, which frequently lack the technical know-how and educational capacity. The strenuous

procedure of documenting communities' claims under the FRA is both time-consuming and terrifying for illiterate tribals.

FRA 2006 Criticism

The discourse over whether the act will result in further encroachment on already disturbed lands of the forest region has begun.

- However, the act attempts to pay attention to the needs of forest-dwelling communities; it serves no objective when the expulsion rate of communities and families sent away from these lands multiplies because the government does not accept their claims and rights over these lands.
- The involvement of the committee on the sub-divisional level has always been doubted, as they are given the significant right to form decisions on the needs and declaratory claims of marginalized communities on forest lands.
- The refusal of the forest departments to give up their forest areas has led to various problems. The role of the forest department in letting the community of forest dwellers cultivate in given forest lands and reap all the rewards has been ridiculed, with tribes such as the Baigas accusing the department of failing to brace their claim to the land.
- The tribal communities also do not have the capacity to demonstrate their ownership of forest land, and the law is inadequate to support their claim.
- The role of the government in authorizing commercial farmlands on deteriorated land is also being debated and challenged because degraded land accounts for 40% of forest cover.