

Forest Rights Act, 2006

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In News

The symbiotic relationship between forests and forest-dwelling communities found recognition in the **National Forest Policy, 1988**. The policy called for the **need to associate tribal people in the protection, regeneration and development of forests**. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted to protect the marginalized socio-economic class of citizens and balance the right to environment with their right to life and livelihood.

Key Provisions of Forest Rights Act, 2006

- The Act recognises and vests forest rights and occupation of forest land with **Scheduled Tribes and other traditional forest dwellers**.
- **The rights include:**
 - . living in the forest for habitation or for self cultivation for livelihood
 - . community rights such as nistar
 - . right to own, use or dispose of minor forest produce
 - . conversion of forest village to revenue village
 - . conversion of pattas or leases issued by any local authority or any state government on forest land to titles
 - . other traditional customary rights.
- A forest dwelling schedule tribes (FDST) nuclear family would be **entitled to the land currently occupied subject to a maximum of 2.5 hectares**. The land may be allocated in all forests including core areas of National Parks

and Sanctuaries.

- In core areas, an FDST would be given provisional land rights for five years, within which period he would be relocated and compensated. If the relocation does not take place within five years, he gets permanent right over the land.
- The **Gram Sabha is empowered to initiate the process of determining the extent of forest rights** that may be given to each eligible individual or family.
- The sub divisional level committee (SDLC), which shall be constituted by the State Government, would examine the resolution passed by the Gram Sabha and prepare the record of forest rights. It would then be forwarded to the District Level Committee (DLC) for a final decision. **The DLC would be the final authority to approve the record of forest rights** prepared by the SDLC.
- Forest rights of FDSTs would be subject to the **condition that such communities had occupied forest land before October 25, 1980.**

Status of Implementation

- According to the Ministry of Tribal Affairs report, **of the 2.9 million claims settled under FRA, only 1.6% (46,156) gave community rights and most of these did not include rights over MFP.**
- Most lower level forest officials who are supposed to help process forest rights claims are **not aware of the provisions of the Act.**
- Further, the main reason forest department officials are not telling people about rights over **MFP is that it is a major source of revenue for forest departments.**
- Most states have **nationalised certain MFP items**— mahua, sal seeds and flowers, tendu leaves and certain gums. They trade in them through cooperatives and corporations.
- To retain hold over forests, various state forest

departments are **pushing for joint forest management (JFM) committees** (first introduced in the 1990) to manage community forest rights.