

Forest rights act (FRA)

April 2, 2020

Why in news?

- On February 13, 2019 the Supreme Court ordered the eviction of lakhs belonging to the Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) categories across 16 States, whose claim as forest-dwellers has been rejected under the FRA.
- On February 28, 2019, the court stayed its order and decided to examine whether due process was followed by the gram sabhas and the States under the FRA before the claims were rejected.

About FRA:

- The Act **passed in 2006 grants legal recognition** to the rights of traditional forest dwelling communities.
- There are **two stages to be eligible** under this Act.
- **everyone has to satisfy two conditions:**
 - primarily residing in forests or forest lands;
 - depends on forests and forest land for a livelihood;
- **one has to prove that-**
 - the above conditions have been true for **75 years**, in which case one is an Other Traditional Forest Dweller **OR**
 - One is a member of a Scheduled Tribe and that he/she is residing in the area where they are scheduled.
 - In the latter case he/she is a Forest Dwelling Scheduled Tribe.
- The law recognizes **three types of rights:**
- **Land Rights**
 - No one gets rights to any land that they have not been cultivating prior to December 13, 2005.

- Ownership to land that is being farmed by tribal or forest dwellers is 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**.
 - Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or **whose land is the subject of a dispute between Forest and Revenue Departments, can claim those lands**.
 - The land **cannot be sold or transferred to anyone except by inheritance**.
- **Use Rights:**
 - **Minor forests produce** things like tendu patta, herbs, medicinal plants etc. “that has been traditionally collected (this does not include timber).
 - **Grazing grounds and water bodies**
 - **Traditional areas of use** by nomadic or pastoralist communities
- **Three-step procedure for deciding on who gets rights:**
 1. First, the **gram sabha** (full village assembly, not the gram panchayat) **makes a recommendation**.
 2. The gram sabha’s recommendation goes through two stages of screening committees at the taluka and district levels.
 3. The **district-level committee makes the final decision**.
 - For the first time, this law also gives the community **the right to protect and manage the forest**.