

IMPACT OF FOREST RIGHTS ACT 2006 ON TRIBAL DEVELOPMENT IN INDIA

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ABSTRACT

Millions of individuals reside within or near forest areas without official recognition of their rights to homes, lands, or livelihoods. The Forest Rights Act (herein referred to as 'FRA') of 2006 was enacted to address these issues, granting recognition to forest dwellers and imposing greater accountability in conservation efforts. As of the 2011 census, the tribal population in India stood at 104.3 million, comprising 8.6% of the total population, which was 8.2% in 2001. Over the years, a significant number of forest-related cases involving tribal people were reported, primarily concerning illegal activities such as cutting down trees for domestic use and the transportation of wood by bullock carts under the Indian Forest Act of 1927.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 represents a crucial opportunity to enhance the economic, social, and political security of tribal communities and other traditional forest dwellers. This paper seeks to examine the current status of the Forest Rights Act, 2006 in India, particularly focusing on the challenges encountered during its implementation and its impact on the sustainable livelihood of tribes and forest dwellers. It underscores the significance and legitimacy of the FRA, 2006, highlighting its potential to uplift marginalized tribal communities. However, it also emphasizes that despite well-crafted policies, effective implementation remains a significant hurdle. Strengthening the rights of forest dwellers, enhancing conservation accountability, and promoting transparency are identified as essential steps towards fully realizing the Act's potential benefits.

Keywords- Forest, Illegal Activities, Forest Dwellers, Tribal Communities, India etc.

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I. INTRODUCTION

Tribals, also known as "adivasis" or forest-dependent communities, comprise approximately 104 million individuals, which is about 8.61% of India's total population. They are primarily the inhabitants of forest areas or regions adjacent to forests. Throughout history, humans have shared a symbiotic relationship with forests, fostering an interdependence crucial for the preservation and sustainability of these ecosystems. Their presence within forested areas has been regarded as indispensable, with both parties contributing to each other's well-being. This mutual coexistence has been integral to maintaining the delicate balance of the forest ecosystem. Humans, through their interactions with the forest, have provided stewardship, utilizing resources in a manner that promotes regeneration and biodiversity. Meanwhile, forests have bestowed upon humans the essential resources for survival, including food, shelter, and medicine.

This interconnectedness underscores the significance of harmonious coexistence between humans and forests, highlighting the necessity of responsible stewardship for the continued vitality of these invaluable ecosystems. Despite this longstanding connection, their rights over forest resources were not formally acknowledged by the Indian Government, neither during the colonial period nor after Independence. Consequently, they have faced the constant threat of displacement, often being labeled as "encroachers" and forcibly removed from forests in the name of industrial development and scientific forest management. The enduring historical injustices suffered by tribal communities have culminated in their estrangement from their ancestral territories, precipitating a pronounced deterioration in their socio-economic conditions. This protracted marginalization has engendered a profound rupture in the fabric of tribal societies, exacerbating disparities and hindering avenues for social and economic advancement.

Forced displacement from their traditional lands has inflicted enduring scars, severing vital ties to cultural heritage and sustainable livelihood practices. This separation has not only deprived tribal communities of their primary source of sustenance but has also disrupted communal structures and eroded longstanding social cohesion. Consequently, the economic fallout has been substantial, with the loss of land exacerbating poverty and impeding opportunities for economic self-sufficiency. Dispossessed of their ancestral territories, tribal communities confront barriers to accessing resources, education, healthcare, and gainful employment, perpetuating cycles of poverty and dependency. To redress these historical injustices and foster

inclusive development, concerted efforts must be undertaken to restore land rights, recognize tribal sovereignty, and empower communities to participate meaningfully in decision-making processes. Such endeavors should prioritize the preservation of cultural heritage, promote equitable access to resources, and uphold the rights and dignity of tribal peoples as indispensable stakeholders in the pursuit of sustainable development. However, in December 2006, a bill was passed in the legislative assembly aimed at recognizing the forest rights of Schedule Tribes (herein referred to as 'ST') and OTFD (herein referred to as 'Other Traditional Forest Dwellers'). This bill, known as "The STs and OTFD (Recognition of Forest Rights) Act, 2006" or FRA, was enacted on December 31, 2007, by the Government of India, with the Ministry of Tribal Affairs designated as the nodal agency for its implementation. While the FRA is hailed as a significant step towards empowering tribal communities for self-governance and rectifying historical injustices, its implementation progress has been sluggish across India over the past decade.

The Act was expected to improve the socioeconomic status of tribal people living in forests and make them key stakeholders in forest management. However, due to various implementation challenges, the outcome has fallen short of expectations, highlighting the need for a critical assessment of the implementation progress in different states. This study aims to analyze the impact of the FRA on tribal development and its implementation across India, focusing on the "percentage of titles distributed over the number of claims received in each state" as reported by the Ministry of Tribal Affairs. Given the lack of comprehensive studies analyzing the implementation of the FRA and its effects on tribal livelihoods in India, Highlighting the realities on the ground and identifying the root causes that could impede successful implementation are vital steps. Doing so offers valuable insights for enhancing processes and serves as a learning opportunity for other regions.

II. WHO ARE THE SCHEDULE TRIBES?

The Constitution of India, in Article 366, has defined in the STs as such of those tribes or tribal communities which have been so declared by the Constitutional Order under Article 342 for the purpose of the Constitution. There are 574 tribal groups recognized as scheduled tribes, previously referred to as 'aborigines', 'aboriginals', 'primitives', 'adivasis', 'vanajatis', and similar terms. Various provisions, such as Articles 46, 275, 330, 332, 335, 338, 340, etc., have been established to safeguard the interests of STs and protect them from social injustice and

exploitation. India boasts the world's largest tribal population, with 172.2 million people according to the 2011 census, accounting for 8 percent of the country's total population.

India is home to 573 distinct tribal groups, each characterized by unique socio-cultural identities and varying levels of social and economic development. These tribes exhibit differing degrees of exposure to modernity and adaptation to social change. One of their distinguishing features is that most of these tribal communities reside in dispersed and compact settlements situated in remote and hard-to-reach regions, typically nestled within the country's mountainous and forested areas. The majority of areas densely populated by tribal communities suffer from inadequate infrastructure, including deficiencies in roads, transportation, communication networks, access to electricity, and healthcare facilities.

The literacy levels within tribal communities are generally low, although there is significant variation among different groups and geographical regions. Importantly, a notable proportion of tribal children remain excluded from formal education systems. Existing norms, particularly those related to distance and population size, fail to accurately reflect the specific requirements of local communities in terms of distance and population size do not and cannot reflect the local specifics of requirements of tribal areas. This suggests that the planning for tribal groups need to be seen as special case, rather than applying the norms applicable for the broader populace. India's national and provincial administrations have recognized the distinct attributes of tribal communities, occasionally adopting adaptable strategies and criteria. Nevertheless, it is recognized that merely being flexible with norms is insufficient to ensure universal access to primary education. Therefore, several provinces are experimenting with innovative approaches. One recent strategy showing promise is the establishment of community schools known as "maabadi" in Andhra Pradesh, replacing government schools in small and scattered habitations, where formal schools according to existing norms, even after relaxation of rules, are not possible.

The community schools have been functioning for about eight years. The schools comprise several innovative features and have been widely diffused over the last five years. This monograph documents several aspects of this innovative, alternative strategy in meeting the educational needs of the disadvantage population.

III. BACKGROUND OF FRA -2006

The STs and OTFD (Recognition of Forest Rights) Act 2006, popularly referred as Forest Rights Act (FRA). This legislation marks a ground-breaking milestone in the history of forest governance in India.

It potentially seeks to transform the structure and nature of forest governance by allowing legal recognition of a variety of pre-existing rights of STs and other forest inhabitants who have traditionally relied on forests for sustenance and livelihoods. The types of rights recognized by FRA include individual rights over land, communal rights over forests and their products, rights to community forest resources habitat rights of particularly vulnerable tribal groups (PTGs) and seasonal rights of pastoralist and nomadic tribes. Crucially, under the law, Gram Sabhas, which consist of a collective adult in a village, hamlet, or settlement, are authorized to initiate and facilitate and recognizing rights. It is important to understand the context of emergence of a revolutionary act like FRA.

In India, around 275 million people depend on forest (World Bank, 2006) of which around 100 million people live on land classified as forests (Lynch and Talbott, 1995). According to one estimate, 40 percent of India's poor live in about 1.73 lakh forest-fringe villages (FSI, 1999). Poverty in forest areas is linked to insecurity of land tenure and deprivation of access rights to forest resources, both pointing to the need for forest tenure and governance reforms (Bray et al.,2003).

Across history, there has been a gradual process of excluding and marginalizing the population dependent on and residing in forests in India. The colonial State considered forest as state property and a source of revenue, therefore, massively exploited for commercial use without any provision for meeting local livelihood requirements of the forest inhabitants. Imperial Forest Department was established by the British in 1864 for managing the strategic concern of exploitation of timber, as a critical juncture of exclusion and separation of local people's customary forest use from valued forests through policy enforcement amounted to gradual 'ethnic cleansing'⁸ in many cases.

The customary use of forest by the villagers was only treated as 'privilege' and not 'right'. The absolute control and ownership right with the State. (Guha, 1984). Community lands and forests were reserved as state forests to extract revenue. This signaled the inception of a forest governance system that was foreign, imposed, and notably marginalized forest-dependent

communities under the guise of scientific forestry, public interest, national development, conservation, and industrial expansion.

This signaled the inception of a forest governance system that was foreign, imposed, and notably marginalized forest-dependent communities under the guise of scientific forestry, public interest, national development, conservation, and industrial expansion. It has also belabored the non-existent incompatibility between conservation and livelihoods (Patnaik, 2007).

The NFP of 1988 has adopted JFM as extension of forest administration, the impact of which was found to be adverse on the communities and their traditional systems and in a way ended up creating more conflicts and rights deprivation (Sarin, 2001). The process of marginalization of forest dwellers and their reduced access to forest resources by the State constructed legal instruments, led to serious discontent and frustration. As a result, the growing agitations and unrest in forest areas have arisen prominently in various regions of India against the continued exclusionary processes implemented by the state by pushing the resource dependent poor into a state of serious marginalization. The movement against such alienation of customary rights in tribal regions became prominent after 1980s.

In light of widespread dissatisfaction, the Indian government's Ministry of RD established the Bhuria Committee to propose key elements of legislation to extend the Part IXA of the Constitution of India (pertaining to Panchayats) to Scheduled Areas, which are predominantly tribal regions designated for special protection under the "Fifth Schedule" of the Constitution.⁹ The Committee had argued for the legal recognition of the Palli Sabha (or the village council) as the primary Centre of tribal governance and also recommended that the long-standing demand of tribal control over productive land and forests should be conceded to and administrative interference in their affairs should be minimized. Accordingly, on the report, the Parliament enacted the Provisions of PESA Act, 1996, which recognized the rights of tribal to self-governance and empowered their Palli Sabhas to manage their community resources.

The Commissioner for SCs and STs in his 29th report (1987–89) recommended a mechanism for resolving conflicts concerning forest land between tribal communities and the government. Following the suggestions were issued a set of six circulars on 18th September 1990 by the Ministry of Environment and Forests (herein referred to as 'MoEF'), asking the State governments to resolve conflicts concerning forest territories arising out of incomplete or poor

forest land settlements, conversion of forest villages into revenue villages and address other issues related to forest tenure. However, these circulars remained unimplemented leading to further unrest, alienation and deprivation in tribal heartlands (Kumar&Sarin, 2005).

The rights related to forests matter escalated in 2002 when the MoEF instructed the State governments to expel all "encroachers" from land within forest areas a specified timeframe, misinterpreting the Supreme Court's order in Writ Petition 202 of 1995 filed by TN Godavarman vs. Union of India.¹⁰ In response to the most crucial Intervention Application 703 filed by Advocate Harish Salve, Amicus Curiae, the SC passed an interim order "restrained the Central government from regularizing any encroachment without permission of the Court". No order was passed regarding eviction of the "encroachers." Misinterpreting the directive, the MoEF, through its Inspector General of Forests, issued a directive on 3rd May 2002, instructing the eviction of ineligible encroachers and all those who encroached regarding forest territory after 1980 within a specified time frame. The eviction drive created immense hardship for indigenous communities across the country. As per the statement of MoEF in Parliament on 16th August 2004, encroachers were evicted from 1.5 lakh hectares of forestland, without mentioning the number of family evicted. According to National Commission for Scheduled Castes (herein referred to as 'NCSD') and other groups working among forest dwellers, about 300,000 families were evicted between 2002-2006 by the Department to create new secured Areas and cleared forest encroachments to make way for plantations and wildlife areas. Since 1947, a significant number of individuals in the nation have been forced to relocate due to the establishment of Protected Areas and the execution of development projects such as large dams, mines, industries, roads, and military cantonments. Planning Commission estimates suggest that 21.3 million people were displaced by development projects between 1951 and 1990 alone (Ghoshand Bijoy, 2006).

Millions were driven into destitution and starvation, and were subjected to harassment, evictions, etc, on the pretext of being encroachers in their ancestral home lands. In Madhya Pradesh, over 125 villages have been completely destroyed by fire.¹¹ This has created a milestone in the history of Forest Rights Campaign, in which people's movements and organizations began to organize themselves to resist the evictions across the country. The significant infringement upon the democratic rights of tribal and other communities by the forest department remained a serious cause for concern. A country-wide campaign launched against the MoEF order on eviction by tribal and civil society organizations demanded a

comprehensive legislation to deal with the issues of unrecognized forest rights. Campaign for Survival and Dignity, among others, took a lead role in organizing and bringing large number of groups and people's organizations together under a common umbrella.

The mass struggle and campaigns launched at national, state and regional levels involving political leaders and parties, civil society networks, campaign groups, tribal rights activists, against the eviction and for permanent legal solutions to these historical wrongs. Compelled by these protests, MoEF issued a clarification in October 2002 that its 1990 circulars remained valid and that not all forest-dwellers were encroachers.

In fact, the Ministry acknowledged that "the rural people, especially tribes who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these tribes have become encroachers in the eyes of law" due to the state forests being consolidated in an affidavit submitted to the SC in July 2004. The declaration went on to say that furthermore "significantly improving forest conservation. The acknowledgment of these rights was necessary "to remedy a serious historical injustice."

The Forest rights Act 2006 emerged as a legislative measure for remedying a historical wrong through forest tenure reform. This outcome stemmed from the political system reacting to prolonged efforts by tribal communities and movements to assert their rights over the forest lands, they have traditionally relied on.

IV. ANALYSIS OF FRA 2006

Key features of the Act- The Act's primary aim is to acknowledge the rights ensured forest-dwelling communities and promote their involvement in forest conservation and management. Initially, the legislation focused solely on STs living in forests, excluding non-tribal individuals dependent on forests for their livelihood. However, following protests from civil society and social activists, the Act was expanded to include 'Other Traditional Forest Dwellers' as beneficiaries eligible for rights under this legislation.

The term "Scheduled Areas" refers to tribal regions covered by either the Fifth or Sixth Schedules of the Constitution of India.

Who are the Forest Dwellers under this Act?

The Act mandates adherence to two eligibility criteria for inclusion within its jurisdiction. The Act sets forth two eligibility conditions for individuals to be covered under its provisions:

- 1) Primary residence in the forest
- 2) Reliance on forested areas to meet essential livelihood requirements

This legislation stipulates the allocation of land rights to STs who have held possession of the land since December 13, 2005, and to OTFD who have been in possession of the place for three generations, equivalent to 75 years (with one generation considered as 25 years).

To qualify as a Forest Dwelling STs, an individual must belong to a Scheduled Tribe and reside in a forest located within the areas designated as Scheduled Areas under either the V or VI Schedule of the Indian Constitution, individuals meeting these qualifications for 75 years are recognized as OTFD.

What kind of Rights do Forest Dwellers get under this act?

The law recognizes three kinds of rights:

LAND- Individuals who haven't cultivated land before December 13, 2005, do not automatically receive land rights. However, those actively cultivating land without documentation can claim up to 4 hectares if it's for their livelihood. Those possessing official documentation such as a patta or government lease and whose land has been unlawfully taken by forest departments or is under dispute between the forest and revenue departments have the authority to assert ownership over their land. This land cannot be transferred or sold except through inheritance.

USE-The law grants the right to use and collect various resources, including:

1. Holding and residing in forest land either individually or communally and cultivating land for sustenance.
2. Collecting minor forest produce like tendu leaves, herbs, and medicinal plants, excluding timber.
3. Asserting intellectual property rights over Traditional wisdom associated with biodiversity and cultural variety.
4. Community entitlements like livestock grazing and fishing in aquatic habitats, along with any additional customary privileges upheld by forest-dwelling

communities and scheduled tribes, excluding the traditional practice of hunting and trapping animals.

Conservation Rights:

This law empowers communities for the initial instance, with the aim of safeguarding and manage forests. Section 3(i) grants the right and authority to conserve community forest resources, while Section 5 provides communities with general power to safeguard wildlife and forests. FRA acknowledges historical injustices faced by forest dwelling communities and grants them to conserve forests according to their traditions. Consequently, the Act entrusts control of forest-related activities to these communities. By endorsing the concept of the resources of community forests, as outlined in Section 2(a), encompassing all types of forest landscapes, the Act reinforces conservation efforts. This authority supplements that exercised by forest departments. FRA 2006 supersedes the Forest Conservation Act, which falls under the jurisdiction of the Ministry of Environment, Forest, and Climate Change. The struggle isn't merely for forest land but for the survival and dignity of every citizen reliant on forests for their livelihood. This legislation marks the inaugural enactment delineating the procedure for assessing the character and scope of forest rights.

Assessment and scope of forest entitlements:

The Indian government has urged State Governments to enforce the clauses within this legislation and issue title deeds to claimants. To implement the Act, State Governments have established the following committees:

The SMC is chaired by the Chief Secretary, while District Level Committee (herein referred to as 'DLC') is led by the District Collector. Additionally, the Sub-Divisional Committee (herein referred to as 'SDC') is headed by the Revenue Divisional Officer. The SDC assesses resolutions passed by the Gram Sabha and compiles records of forest rights. The DLC approves these records and hears appeals filed by aggrieved parties against decisions made by the SDC.

Forest rights are primarily acknowledged and recorded by citizens, with the FRA restoring the pre-eminence granted to Indian citizens by the Constitution. The Act mandates that the Gram Sabha, a village assembly, recognize and verify rights claimed by individuals, sending reports to the SDC after verification. Both the SDC and DLC supervise the acknowledgment and granting of entitlements processes and hear appeals This aspect of the Act lacks clarity

regarding the Gram Sabha's qualifications, rights, and responsibilities. The Gram Sabha holds the authority to differentiate between individual and community rights. Section 5(c) of the FRA2006 empowers the GS to ensure the preservation of habitats from destructive activities, safeguarding natural and cultural heritage. It grants statutory rights to forest dwellers and Gram Sabha to protect their habitat, conserve forest resources, and wildlife.

Identification, Reinstatement, and bestowal of Forest Entitlements and Associated Affairs:

1. 1. Individuals who have followed the recognition and vesting procedure outlined in Section 6.
2. 2. State government authorities, while fulfilling their duties under the Wildlife (Protection) Act of 1972, have determined that the presence of rights holders poses a threat to wildlife and its habitat.
3. The state government has determined that there are no feasible alternatives, such as cohabitation, available.
4. A relocation or substitute package ensuring the affected people's stable livelihood and meeting their needs, as per applicable legislation and Central Government policy, has been devised.
5. The Gram Sabhas in affected regions have provided written consent for the proposed resettlement in a manner that is both voluntary and well-informed.
6. The relocation process will only commence upon the fulfillment of promised facilities and land allocation at the resettlement site. Furthermore, crucial wildlife habitats, from which rights holders are relocated, cannot be repurposed for wildlife conservation purposes by any governmental body thereafter. STs or OTFD must have inhabited forest land prior to.
7. STs or OTFD must have inhabited forest land prior to December 13, 2005, for recognition and vesting of forest rights under this Act.
8. Forest rights granted under this legislation are exempt from hindrances and procedural obligations, including clearance under the FCA of 1980 and the need to pay 'net present value' and undertake 'compensatory afforestation.'
9. Clause 8 allows STs and OTFD forced to relocate due to initiatives aimed at state development to claim land rights if the acquired land remains unused for five years.
10. Section 5 empowers holders of forest rights, Gram Sabhas, and village-level institutions to safeguard forests, wildlife, biodiversity, protect catchments, ensure

avoidance of actions detrimental to cultural and ecological heritage, and enforce Gram Sabha decisions controlling entry to communal woodland assets and halting activities harming wildlife, forests, or biodiversity.

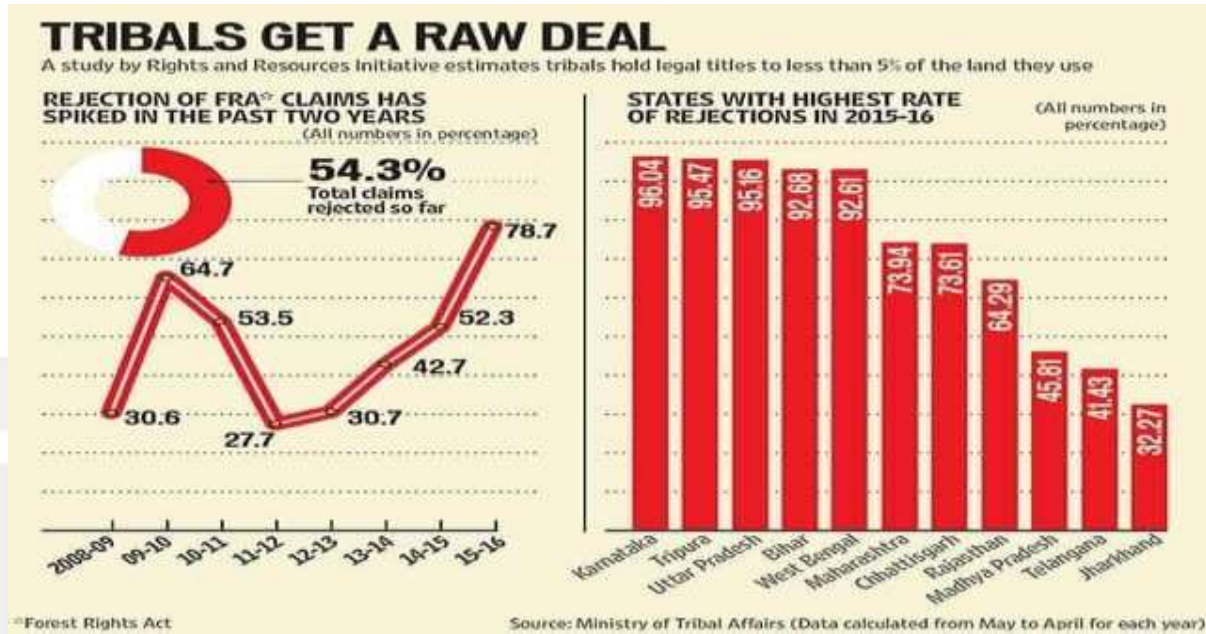
Entities Responsible for Granting Rights under FRA, 2006:

Chapter IV of the FRA, 2006 delineates the authorities and procedures for vesting rights under the aforementioned legislation. Section 6 specifies the authorities and their associated procedures:

1. Within its domain, the Gram Sabha commences the procedure of ascertaining the nature and scope of individual or collective forest entitlements for forest-dwelling STs and OTFD. This encompasses receiving, consolidating, and validating claims, alongside drafting a map delineating the territory of each proposed entitlement. Upon endorsing a resolution to this end, the Gram Sabha (herein referred to as 'GS') dispatches a copy to the SDLC.
2. The state government designates a SDLC to assess the resolution of the GS, compile a registry of forest entitlements, and present it to the DLC for ultimate determination.
3. Those dissatisfied with the SDLC ruling may submit an appeal to the DLC within sixty days of the former's decision. The DLC then examines and addresses the appeal.
4. The State Government designates a DLC to assess and approve the SDLC's forest rights record. The decision made by the DLC regarding the forest rights record is considered conclusive and obligatory.
5. The state government institutes a SLMC tasked with supervising the process of recognizing and granting forest rights, as well as providing necessary reports or submissions to the central agency overseeing the process.
6. The SDMC, DLC, and SLMC consists of representatives from the Revenue, Forest, and Tribal Affairs departments of the State Government, along with three members nominated by the relevant level of Panchayat Raj Institutions. It is mandated that at least two members belong to Scheduled Tribes, and at least one member must be female, as stipulated.
7. The composition, functions, and procedures of the SDLC, DLC, and SLMC are defined as per regulations.

Violations and Penalties Enforced by the Forest Rights Act, 2006:

1. Any authority, committee, officer, or member thereof found contravening any its associated regulations concerning the acknowledgment of forest rights may face charges under this FRA, leading to prosecution and fines of up to rupees 1000.



S. No. States Number of Claims Received thus far to 31.07.2017 No. of Titles Distributed up to 31.07.2017⁶¹

S. No.	States	Number of Claims Received thus far to 31.07.2017			No. of Titles Distributed up to 31.07.2017 ⁶¹		
		Individual	Community	Total	Individual	Community	Total
1	Andhra Pradesh	1,69,153	4,711	1,73,864	85,678	1,413	87,091
2	Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802
3	Bihar	8,022	0	8,022	121	0	121
4	Chhattisgarh	8,43,539	25,977	8,69,516	3,73,718	12,714	3,86,432
5	Goa	9,372	361	9,733	0	3	3
6	Gujarat	1,82,869	7,187	1,90,056	81,178	3,516	84,694

7	Himachal Pradesh	591	68	65	53	7	60
8	Jharkhand	99,224	3,286	1,02,510	54,458	1,723	56,181
9	Karnataka	2,98,795	5,741	3,04,536	12,421	628	13,049
10	Kerala	36,140	1,395	37,535	24,599	NA	24,599
11	Madhya Pradesh	5,75,639	39,828	6,15,467	2,17,245	27,510	2,44,755
12	Maharashtra	3,52,950	11,408	3,64,358	1,06,898	5,748	1,12,646
13	Odisha	6,14,863	13,483	6,28,346	4,06,919	5,952	4,12,871
14	Rajasthan	70,556	691	71,247	36,184	75	36,259
15	Tamil Nadu	18,420	3,361	21,781	0	0	0
16	Telangana	1,83,107	3,427	1,86,534	93,494	721	94,215
17	Tripura	1,98,238	277	1,98,515	1,25,020	55	1,25,075
18	Uttar Pradesh	92,520	1,124	93,644	17,712	843	18,555
19	Uttarakhand	182	0	182	0	0	0
20	West Bengal	1,31,962	10,119	1,42,081	44,444	686	45,130
	TOTAL	40,35,107	1,38,490	41,73,597	17,37,46	63,071	18,00,538

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Table 1. Implementation of the Forest Rights Act, 2006 in 20 Indian states

V. IMPLEMENTATION CHALLENGES

FRA was introduced to acknowledge the rights of tribal communities and forest dwellers, who traditionally inhabit and rely on forests for their livelihoods. However, recent developmental activities have resulted in the displacement of these communities without effective rehabilitation measures. This lack of legal recognition for their rights led to the enactment of the FRA in 2006.

The aim of the FRA is not only to grant rights but also to ensure social justice. However, a decade after its enactment, it is crucial to assess its current implementation status and its socio-legal impact. The Government has failed to grasp the heterogeneity and cultural diversity of

tribal communities living in forest areas. It has not investigated the reasons for the abandonment of traditional lands and nomadic lifestyles, nor has it addressed the issue of food insecurity among these communities. The displacement of tribes has become a significant concern for the Central Government. These communities, who have resided in forests for centuries, have always depended on forest resources for their sustenance. While the Act grants both individual and collective rights, exceptions allow the central government to displace forest-dependent communities through notifications. This action is seen as both egregious and inhumane, as it purportedly protects industrial interests, particularly in mining. Environmentalists, who initially supported the Act, now view it as detrimental to society, as they previously blamed tribes for ecological degradation and wildlife poaching.

The central question which remains is that, will displacement and rehabilitation efforts benefit tribal and traditional forest dwellers? There has been no successful rehabilitation case in India. These vulnerable communities are often harassed during registration of their claims and settlement processes, with little capacity to contest authorities. Economic improvement, access to education, skill development, and social integration have not been prioritized by the government. Instead, efforts have focused on eviction rather than livelihood support and food security. Investment in land, human capital, or access to credit remains unheard of for both tribes and the general public. Additionally, conflicts arise over customary and usufruct rights, whether individual or communal.

The Supreme Court's intervention in the Vedanta Case (decided on April 18th, 2013) marked a significant step towards rigorous implementation of the act. Other legislations, such as wildlife and forest conservation acts, alongside social security laws, could address forest preservation and local governance. The right to livelihood, declared a fundamental right, indirectly safeguards tribal rights to minor forest produce, ensuring livelihood and food security. While rights recognition is essential, recent attempts to bypass the Act undermine constitutional values and erode public trust in the government. Tribal communities, often illiterate and lack access to formal documentation, and struggle to prove their multi-generational inhabitation of forests. The government has not adequately addressed the complex relationship between individual and communal forest rights, leading to biased outcomes favoring either the government or forest communities.

Meanwhile, the real issues facing society, including tribal areas, such as starvation, malnutrition, gender inequality, water resource accessibility, infrastructure, education, and

socio-economic disparity, require urgent attention. Tribes, the most marginalized, are viewed as obstacles to industrialization rather than partners in development.

The Act's formulation lacked proper tribal participation, and coordination among government schemes for forest communities is inadequate. Individual and family impact assessments and effective consultations are necessary to determine the nature of rights granted under the Act. Despite ample resources, their collection, concentration, and utilization remain inefficient.

The Forest Rights Act (FRA) of 2006 stands as a watershed moment in India's forest governance, representing a significant leap forward in recognizing and protecting the diverse rights of STs and OTFD. This legislation has the potential to fundamentally reshape the landscape of forest governance by legally acknowledging a range of longstanding rights held by these communities, who have historically relied on forests for their sustenance and livelihoods.

The FRA encompasses various rights, including individual land rights, communal forest rights, Particular Tribal Groups (herein referred to as 'PTG'), and seasonal rights for pastoralist and nomadic tribes. Notably, local Gram Sabhas are empowered to initiate and facilitate the rights recognition process. The Act was officially notified on December 31st, 2007, with rules coming into effect on January 1st, 2008. However, implementation has primarily focused on individual rights, predominantly benefiting Scheduled Tribes, while neglecting OTFD and their rights, such as community forest resource (herein referred to as 'CFR') rights and habitat rights.

Amendments to the rules in September 2012 aimed to address implementation challenges, including the recognition of CFR rights, The transformation of forest villages into revenue villages, the management of minor forest produce, the handling of claim rejections, and the establishment of a mandatory reporting and monitoring system. Recognition of rights under the FRA spans individual land rights, communal forest rights, habitat rights for PTGs, and seasonal rights for pastoralist and nomadic tribes.

Critically, the FRA delegates authority to Gram Sabhas (Village Councils) to initiate and facilitate the process of determining forest rights. A crucial aspect of the FRA, Community Forest Resources (CFR) rights, allows formal recognition of rights over forests conserved by local communities, with provisions supporting the community's right to biodiversity conservation. Additionally, the FRA addresses the sustenance of livelihoods dependent on forest resources through conservation schemes for title-holding forest dwellers. Government

claims suggest significant progress, with approximately 86.83% of total forest rights claims disposed of by June 30, 2013, resulting in the distribution of 1.30 million titles out of 3.25 million claims filed. However, challenges persist, including high claim rejection rates, inadequate recognition of rights for 'other traditional forest dwellers,' and limited acknowledgment of community forest and habitat rights. Despite these challenges, the implementation of the FRA has the potential to pave the way for a progressive and democratic forest governance regime across India's forested landscapes of country. This research study has provided a comprehensive insight and perspective into the key issues surrounding the implementation of the FRA, with the aim of developing specific recommendations to enhance the foundation of this pivotal legislation.

VI. RECOMMENDATIONS

1. The effective execution of the FRA and its essential provisions like CFR and habitat rights necessitates meticulous planning at the state and district levels. This planning should involve the identification of forest interface villages, utilizing GIS tools to monitor progress, and ensuring the availability of maps and documents to the Gram Sabhas, among other measures.
2. There is a recognized necessity to establish sufficient institutional support mechanisms and establish a dedicated specialized unit, such as a Resource Center or a State Level Task Force, to streamline the implementation of the FRA. Developing a comprehensive long-term action plan for FRA implementation is imperative. Achieving this within the existing formal government structure is challenging, as officers are often overwhelmed with multiple responsibilities. Therefore, deliberate efforts should be directed towards involving national and local civil society organizations to provide close facilitation and tailored support to local communities based on their actual needs.
3. It is essential to review all community rights granted thus far to verify the accuracy of claims in compliance with the regulations outlined in the Act and in alignment with the perspectives of local traditional institutions.
4. Promoting the utilization of Geographic Information System technology is advisable to aid in the creation of community-level maps that facilitate individual and CFR claims. It's imperative for the government to proactively supply GPS equipment to local communities. and establish groups of Gram Panchayat level

master trainers capable of imparting technical expertise to village youths, community-level resource persons, and leaders.

5. There is a demand for increased transparency in convergence initiatives, particularly in terms of educating beneficiaries about scheme details such as sanctioned funds, duration, objectives, and so on. Currently, major convergence initiatives on land development tend to prioritize activities like bund repair and land leveling without considering the unique characteristics of the land or the actual resource requirements. Therefore, convergence initiatives need to be more customized and tailored to local needs. Gram Sabhas should actively participate in planning interventions for recognized individual and community forest resources based on specific local requirements, rather than having predetermined schemes imposed upon them.
6. To facilitate cross-learning and monitoring, there is a need for more frequent national-level interfaces. While formal meetings are acknowledged as costly, leveraging technology can render them more convenient and cost-effective. It is proposed that Chief Secretaries of the States should engage in bi-monthly video conferencing sessions regularly to address this requirement.
7. State governments must guarantee the convening of State Level Monitoring Committees (herein referred to as 'SLMC') at regular intervals in accordance with the 2012 Amendment rules. The Tribal Welfare department should engage in regular interactions with (CSOs) and People's organizations before the SLMC meetings.
8. Regular research initiatives should be conducted by the State(s) to work on the field-level challenges impeding the effective of the Act. The respective Tribal Research Institute(s) should take the lead in this endeavor, collaborating with reputable civil society organizations to conduct research activities.
9. States need to accurately identify and compile a roster of forest fringe and interface villages to ensure the effective implementation of Community Rights, including rights over Community Forest Resources.
10. Ministry of Tribal Affairs (herein referred to as 'MoTA') will furnish responses to all inquiries raised by the States within a designated timeframe.

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