

**FOREST RIGHTS ACT, 2006:
AN ASSESSMENT OF GROUND REALITY
(A Research Study Sponsored by NHRC, New Delhi)
Draft Report**

Submitted To:
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Executive Summary

The entire life cycle of the indigenous (Adivasi) people is in consonance with nature and culture. The life cycle of the tribal communities, as articulated by the scholars is often centred around *jal, jungle and zamin* (water, forest and land), authentic human labour, participation with nature, production for primary needs, consumption, distributions and saving. There are over 275 million tribal population and other forest dwellers living in the forest and who derive their livelihood from forest resources in India (VNR India, 2020). The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, known as forest right rights and/or tribal rights act recognizes the rights of the tribal communities and other traditional forest dwellers to forest resources, on which these communities are dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The Forest Rights Act (FRA), 2006 recognizes the symbiotic relationship of the STs with the forests, reflected in their dependence on the forest as well as in their traditional wisdom regarding conservation of the forests. The Act encompasses Rights of Self-cultivation and Habitation which are usually regarded as Individual rights; and Community Rights such as Grazing, Fishing and access to Water bodies in forests, Habitat Rights for PVTGs, Traditional Seasonal Resource access of Nomadic and Pastoral community, access to biodiversity, community right to intellectual property and traditional knowledge, recognition of traditional customary rights and right to protect, regenerate or conserve or manage any community forest resource for sustainable use. It also provides rights to allocation of forest land for developmental purposes to fulfil basic infrastructural needs of the community.

In conjunction with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013, FRA protects the tribal population from eviction without rehabilitation and settlement (Ministry of Tribal Affairs, Govt. of India). The Act further enjoins upon the Gram Sabha and rights holders the responsibility of conservation and protection of bio-diversity, wildlife, forests, adjoining catchment areas, water sources and other ecologically sensitive areas as well as to stop any destructive practices affecting these resources or cultural and natural heritage of the tribals. The Gram Sabha is also a highly empowered body under the Act, enabling the tribal population to have a decisive say in the determination of local policies and schemes impacting them. Thus, the Act empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed, to protect, conserve and manage forests, protect forest dwellers from unlawful evictions and also provides for basic development facilities for the community of forest dwellers to access facilities of education, health, nutrition, infrastructure etc. The three-fold objective of the forest rights act is to: (i) undo the historical injustice occurred to the forest dwelling communities, (ii) ensure land tenure, livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers, and (iii) strengthen the conservation regime of the forests by including the responsibilities and authority on Forest Rights holders for sustainable use, conservation of biodiversity and maintenance of ecological balance.

National Human Rights Commission (NHRC) has entrusted the task to conduct a study on 'Forest Rights Act, 2006: An Assessment of Ground Reality' to Indian Institute of Public Administration, New Delhi. The present study is a pioneering endeavour to understand the impact of the recognition of the individual and community forest rights on the Scheduled Tribes and Other Traditional Forest Dwellers in the selected 7 Indian States (including Andhra Pradesh, Chhattisgarh, Jharkhand, Maharashtra, Odisha, Uttar Pradesh and Tripura). The sample comprises of 1300 STs and OTFDs, drawing from the Fifth and Sixth Schedule areas and Tribal Areas in the selected States. A 'before' and 'after' approach has been applied to observe the changes in the socio-economic condition of the tribal and forest dwellers in the study area in the last five years. The impact study has examined the process of FRA implementation and its impact in terms of recognition of forest rights and facilitating rights of local communities in the reserved forest and protected areas (including Core and Buffer Zones) in the States under study. The impact study has been carried out through Survey CTO- Real Time software. Survey tools (including Household Questionnaire, Village Questionnaire, Focus Group Discussion, Key Informant Interview) have been prepared to collect data from the field. At least two districts from each State covering 100 respondents (including IFR and CFR households) have been interacted. A household vulnerability index has been prepared taking into account the selected indicators such as: household income, average livestock, land holdings (IFR & CFR), literacy rate and household size.

The study report indicate that provisions made under forest rights act have resulted in enhancing the income level of the beneficiaries (especially among the tribal communities) and as a result improvement in their quality of life; sizable number of women title holders have enabled the tribal women to be empowered; CFR rights have enabled Gram Sabhas in managing and conserving their own forest resources along with sale of Minor Forest Produces leading to increase in income of the beneficiaries.

The study has made several recommendations based on the interaction with the various stakeholders (beneficiaries including tribal and other traditional forest dwellers; the officers of tribal welfare, revenue and forest department) in the surveyed states including: need of capacity building of Gram Sabha members in the context of their empowerment for forest governance; an expeditious implementation of the recognition of forest rights act and vesting of forest rights on both the tribal communities and other traditional forest dwellers whose livelihood is mainly dependent on forest; relaxation in the eligibility criteria of three generation proof required under the act for claiming land rights by the other traditional forest dwellers; and most importantly introduction of a sunset policy to FRA in the larger interest of protection and conservation of forest. The infrastructure in the tribal and forested areas needs to be improved. There must be synergies and better coordination between the Central Ministries especially among Ministry of Tribal Affairs (MoTA) and Ministry of Environment, Forest and Climate Change (MoEFCC) to enable expeditious implementation of the Act for recognition and vesting of forest rights.