



UPSC & STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

Forest Rights Act – Two Decades On, the Implementation Gap Persists

INDIAN EXPRESS

18 February 2026

SUBJECTS COVERED

SOCIAL ISSUES

ENVIRONMENT

POLITY

GS PAPERS

GS2

GS3

CURATED & WRITTEN BY**Bharat Choudhary**

UPSC Educator & Content Creator •

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

Free UPSC & State PCS Resources

ujiyari.com

Forest Rights Act — Two Decades On, the Implementation Gap Persists

 The Indian Express

18 February 2026

GS2

GS3



The Indian Express

MAINS RELEVANCE:

GS Paper 2

GS Paper 3



INTERVIEW ANGLE

"Why does the Forest Rights Act (2006) continue to see high rejection rates of claims despite being a 20-year-old law? What does this reveal about India's governance of forest-dwelling communities?"

WHY IN NEWS

Tribal communities across Maharashtra held large protests in February 2026 over the high rejection rate of Forest Rights Act (FRA) claims — with over 45% of claims rejected in some districts — two decades after the Act was passed to undo historical injustice to forest dwellers.

THE PROMISE OF FRA 2006

The **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** was landmark legislation — recognising that India's forest and tribal policy had, since colonial times, treated forest-dwelling communities as “encroachers” on their own ancestral lands.

The historical injustice:

Indian Forest Act, 1878: Introduced “eminent domain” — state ownership of all forests; extinguished customary rights of tribal communities

Post-independence: **Wildlife Protection Act, 1972** and **Forest Conservation Act, 1980** further restricted access to forests

By 2005, millions of tribal families had been resident in forests for generations — often without any land title, vulnerable to eviction

FRA's guarantee: Recognised that Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) who had lived in forests for at least **3 generations (75 years) before December 13, 2005** have legally enforceable rights over that land and its produce.

FOUR TYPES OF RIGHTS

Type	Description
Title Rights	Individual or community ownership of up to 4 hectares of forest land per family
Use Rights	Right to collect Non-Timber Forest Products (NTFP), graze livestock, access water bodies
Relief and Development Rights	Right to basic amenities (schools, health centres, roads, electricity) within forest areas
Forest Management Rights	Community right to protect, manage, and govern community forest resources

THE IMPLEMENTATION GAP

Twenty years after enactment, implementation remains deeply uneven:

Maharashtra (2026 Protests)

Over **45% of claims rejected** in some districts

Of approximately 2 lakh claims filed, thousands remain pending or rejected without proper reasoning

High rejection rates in: Gadchiroli, Yavatmal, Palghar, Nandurbar (tribal heartlands)

Common rejection reasons: Insufficient evidence, satellite imagery misinterpretation, revenue records mismatch

National Picture

Total claims filed (as of 2025): ~52 lakh individual + ~2.4 lakh community claims

Claims approved: ~24 lakh individual + ~1.3 lakh community

Pattas (land titles) distributed: ~23.5 lakh individual

Rejection rate: Varies from 30% to 60% across states

Why High Rejection Rates?

Evidential burden: FRA requires 3 types of evidence (community witness, government record, documentary). Many tribal families lack written records going back 75 years

Satellite imagery misuse: The Supreme Court (2019, *Wildlife First v. MoEF&CC*) directive to verify individual claims using satellite imagery has resulted in mechanical rejections based on forest cover maps that do not reflect actual possession

Forest department resistance: The department has historically seen FRA as diminishing its authority; Sub-Divisional Level Committees (SDLCs) with forest officials often override Gram Sabha recommendations

Gram Sabha disempowerment: The Act vests decision-making in Gram Sabhas, but district administrations frequently bypass this, transferring authority to bureaucrats

OTFDs exclusion: The “Other Traditional Forest Dwellers” category (non-STs who have lived in forests for 75+ years) faces even higher rejection rates due to difficulty proving eligibility

CONSERVATION VS. RIGHTS: A FALSE CONFLICT

A persistent tension in FRA implementation involves **Project Tiger and wildlife sanctuary** boundaries. The 2019 Supreme Court verdict initially ordered eviction of 11.8 lakh families whose FRA claims had been rejected, before a stay was granted.

The rights-conservation nexus:

Evidence from studies in Madhya Pradesh, Odisha, and Karnataka shows **community-managed forests (CFR under FRA) often have better conservation outcomes** than state-managed protected areas

Tribal communities have **economic incentives to protect forests** when their NTFP rights are secured (versus when eviction fear leads to extractive behaviour)

Biodiversity Act (2002), PESA Act (1996), and FRA (2006) together create a legal framework for **community-led conservation**

PESA ACT 1996 — THE STRUCTURAL FRAMEWORK

The **Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA)** extended panchayati raj institutions to Fifth Schedule areas (tribal-dominated), with crucial modifications:

Gram Sabhas have **primacy** over natural resources, land, and water

State laws cannot be inconsistent with PESA provisions

Yet: Most states with Fifth Schedule areas have not passed compliant PESA rules (Maharashtra passed PESA rules only in 2022 — 26 years late)

WAY FORWARD

Immediate:

Establish **FRA Review Committees** in high-rejection states; review all rejected claims afresh

Train SDLCs on treating Gram Sabha recommendations as **binding, not advisory**

Issue **satellite imagery guidelines** to prevent mechanical rejection

Structural:

Pass **compliant PESA rules** in all 10 states with Fifth Schedule areas

Extend **Community Forest Rights (CFR)** titles to all eligible villages before individual titles

Integrate FRA records with land revenue records (Digital India Land Records Modernisation Programme) to prevent future disputes

Strengthen NTFP markets — tribal cooperatives, minimum support price for forest produce (Van Dhan Vikas Kendras under TRIFED)

UPSC RELEVANCE

*FRA 2006, 4 types of rights, PESA 1996, Fifth Schedule, 4 hectares limit, December 13, 2005 cut-off, NTFP, Community Forest Rights (CFR). **Mains GS-2:** Tribal rights, constitutional provisions for scheduled areas, Gram Sabha powers, governance gaps in tribal welfare. **GS-3:** Forest conservation, community-based natural resource management, biodiversity, wildlife conflict.*

★ FACTS CORNER — KNOWLEDGEPEDIA

FOREST RIGHTS ACT (FRA) 2006 — KEY DATA:

Full name: Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Eligibility cut-off: **December 13, 2005** (3 generations / 75 years residence before this date)

Individual title limit: **4 hectares** per family

4 types of rights: **Title, Use, Relief and Development, Forest Management**

Primary decision body: **Gram Sabha**

Nodal ministry: **Ministry of Tribal Affairs**

NATIONAL IMPLEMENTATION STATUS (2025):

Claims filed (individual): **~52 lakh** | Approved: **~24 lakh** | Pattas distributed: **~23.5 lakh**

Community claims filed: **~2.4 lakh** | Approved: **~1.3 lakh**

Rejection rate (varies): **30–60%** across states

PESA ACT 1996:

Extends PRIs to **Fifth Schedule areas** (10 states with tribal regions)

Gram Sabha has primacy over: Land, natural resources, NTFP, money lenders, minor water bodies

States with Fifth Schedule: Andhra Pradesh, Chhattisgarh, Gujarat, HP, Jharkhand, Maharashtra, MP, Odisha, Rajasthan, Telangana

TRIFED AND VAN DHAN VIKAS KENDRAS:

TRIFED: Tribal Cooperative Marketing Development Federation

Van Dhan Vikas Kendras: Skill + enterprise hubs for tribal NTFP processing; 3,000+ centres sanctioned

OTHER RELEVANT FACTS:

Indian Forest Act 1878: Colonial law introducing state ownership of forests; tribal rights extinguished

Forest Conservation Act 1980: Requires central clearance for diversion of forest land

Supreme Court 2019 (*Wildlife First v. MoEF&CC*): Initially ordered eviction of 11.8 lakh families; stayed by SC itself

Sources: Indian Express, Down to Earth, PIB

CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

Published on ujjari.com · Free UPSC & State PCS Current Affairs