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LEGISLATION TRACKER

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

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CURATED & WRITTEN BY

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ACT NUMBER YEAR ENACTED

Act No. 2 of 2007 2006

KEY PROVISIONS

- 1 Recognises individual and community forest rights of forest-dwelling STs and OTFDs
- 2 Title rights up to 4 hectares of forest land under individual occupation before 13 December 2005
- 3 Community Forest Resource (CFR) rights for customary common forest land management
- 4 Gram Sabha is the authority to initiate and verify claims (Section 6)
- 5 Right to protect, regenerate, conserve, and manage Community Forest Resources (Section 3(1)(i))
- 6 Free and informed consent of Gram Sabha required before forest diversion (Section 4(5) read with LARR Act)
- 7 Rights cannot be recognised in critical wildlife habitats of national parks/sanctuaries unless resettlement is completed

BACKGROUND

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 — commonly known as the Forest Rights Act (FRA) — was enacted on December 29, 2006 and came into force on December 31, 2007. It was a landmark legislation that sought to undo the “historical injustice” done to forest-dwelling communities whose rights were not adequately recognised during the **consolidation** of state forests in colonial and post-colonial India.

Colonial forest policies, beginning with the Indian Forest Act, 1865 and consolidated under the Indian Forest Act, 1927, systematically dispossessed tribal and forest-dwelling communities by declaring vast tracts of customary forests as Reserved Forests and Protected Forests. Post-independence, the Forest Conservation Act, 1980 further restricted forest land use without recognising pre-existing rights of indigenous communities. The FRA was enacted to correct this by providing a legal framework for recognising the pre-existing rights of forest dwellers.

The Act covers approximately 100 million forest dwellers across India and applies to the entire country except Jammu & Kashmir (now applicable to J&K after reorganisation in 2019). It recognises 13 types of rights under Section 3, broadly classified into Individual Forest Rights (IFR) and Community Forest Rights (CFR). The Gram Sabha is the central institution for initiating, verifying, and approving claims.

KEY CONCEPTS

- **Forest Dwelling Scheduled Tribes (FDSTs):** Members of Scheduled Tribes who primarily reside in forests and depend on forests for bona fide livelihood needs; must have occupied forest land before December 13, 2005 (Section 2(c))
- **Other Traditional Forest Dwellers (OTFDs):** Any member or community who has resided in and depended on forests for at least 75 years (three generations) prior to December 13, 2005 (Section 2(o))
- **Community Forest Resource (CFR):** Customary common forest land within the traditional or customary boundaries of a village, managed and protected by the community (Section 2(a))
- **Critical Wildlife Habitat:** Areas within national parks and sanctuaries required for wildlife conservation, to be determined on a case-by-case basis by MOEFCC in consultation with expert committee; must be kept inviolate (Section 2(b))
- **Minor Forest Produce (MFP):** All non-timber forest produce of plant origin including bamboo, brushwood, stumps, canes, tussar, cocoons, honey, wax, lac, tendu/kendu leaves, medicinal plants, herbs, roots, tubers (Section 2(i))
- **Gram Sabha:** Village assembly as defined under PESA or state Panchayat Acts — the authority to initiate the process of determining rights, receive and verify claims, and pass resolutions (Section 6)

IMPORTANT PROVISIONS

Section 3 — Forest Rights: Recognises 13 categories of rights including: (a) right to hold and live in forest land under individual/family occupation (up to 4 hectares); (b) community rights such as nistar (traditional fuel/fodder collection); (c) right of ownership over MFP; (d) rights of settlement and conversion of forest villages to revenue villages; (e) right to protect, regenerate, conserve, and manage CFR; (f) right of access to biodiversity and intellectual property related to traditional knowledge.

Section 4 — Recognition of and Vesting of Forest Rights: Forest rights shall be recognised and vested in the holder if the Gram Sabha and Sub-Divisional Level Committee verify the claim. Section 4(5) mandates that no member shall be evicted or removed from forest land until the recognition and verification process is complete. Rights in critical wildlife habitats of national parks/sanctuaries are subject to conditions — the government must establish that co-existence is not possible, scientific evidence exists, resettlement has been completed, and free informed consent of the Gram Sabha has been obtained.

Section 5 – Duties of Holders of Forest Rights: Holders must protect wildlife, forests, and biodiversity; ensure catchments and water sources are adequately protected; and prevent any destructive practices affecting forests.

Section 6 – Authorities and Procedure: Three-tier institutional mechanism: (1) Gram Sabha initiates, receives, and verifies claims; (2) Sub-Divisional Level Committee (SDLC) examines and collates claims; (3) District Level Committee (DLC) considers and approves claims. The State Level Monitoring Committee (SLMC) monitors implementation.

Section 7 – Offences and Penalties: Any authority or committee that contravenes the Act is punishable with imprisonment up to 30 days or fine up to Rs 1,000. Unauthorised felling or removal of MFP from forest land is also an offence.

Section 3(1)(i) – CFR Rights: Community right to protect, regenerate, conserve, and manage any community forest resource that communities have traditionally protected. This is the most transformative provision – it effectively creates community-governed forests parallel to the state forest bureaucracy.

LANDMARK JUDGMENTS

Orissa Mining Corporation v. MOEF (Niyamgiri Case, 2013): The Supreme Court held that the Gram Sabha of the affected tribals must give consent before mining or forest diversion in Scheduled Areas. This effectively gave the Dongria Kondh tribe the right to block Vedanta’s bauxite mining project in the Niyamgiri Hills, Odisha. The Court directed that the claims under FRA must be settled before forest diversion.

Wildlife First v. Ministry of Environment and Forests (2019): The Supreme Court initially ordered eviction of over 1.1 million forest dwellers whose FRA claims had been rejected. This was stayed after widespread outcry. The Court later directed states to review all rejected claims following due process and not to evict until the review was completed. The case highlighted the poor implementation of FRA across states.

935 Affected Families v. State of Chhattisgarh (2021): The Chhattisgarh High Court held that forest diversion for coal mining without settling FRA claims and obtaining Gram Sabha consent violated both FRA and the Fifth Schedule of the Constitution.

Amini Devi Oram v. State of Odisha (2023): The Odisha High Court held that rejection of FRA claims at the SDLC/DLC level without giving the claimant an opportunity of hearing violates principles of natural justice.

RECENT AMENDMENTS / DEVELOPMENTS

FRA Rules Amendment, 2012: The Ministry of Tribal Affairs amended the FRA Rules to strengthen the claims process – clarified that SDLC/DLC cannot reject claims without giving reasons in writing and providing an opportunity to the Gram Sabha to appeal. Added requirement that forest diversion proposals must include a certificate that FRA rights have been recognised and settled.

Community Forest Resource Rights: As of 2025, approximately 1,02,889 Community Forest Rights titles have been distributed covering about 68 lakh hectares across 20 states. Over 25.11 lakh total titles (individual + community) have been distributed out of 51.23 lakh claims filed at Gram Sabha level (49% approval rate). Odisha, Chhattisgarh, Maharashtra, and Madhya Pradesh lead in CFR implementation. However, the potential CFR area is estimated at 4 crore hectares — meaning only a fraction has been titled, indicating massive implementation gaps. The Ministry of Tribal Affairs sanctioned 324 district-level FRA cells across 18 states/UTs to accelerate claims processing.

Van Dhan Vikas Karyakram: Launched in 2018 by TRIFED under the Ministry of Tribal Affairs to provide value addition, branding, and marketing of Minor Forest Produce collected by tribals exercising their Section 3(1)© rights under FRA. Over 3,000 Van Dhan Vikas Kendras established by 2024.

Forest (Conservation) Amendment Act, 2023 — Conflict with FRA: The Forest (Conservation) Amendment Act, 2023 (effective 4 August 2023) has raised concerns about undermining FRA rights. It exempts forested areas within 100 km of international borders for “strategic projects of national importance,” potentially displacing indigenous communities whose rights are recognised under FRA. The amendment has been challenged in the Supreme Court; on 3 February 2025, a bench of Justices B.R. Gavai and K. Vinod Chandran ordered the Centre and states to “refrain from steps that lead to reduction of forests.”

Sugra Adiwasi v. Pathranand (2025): The Supreme Court sought to harmonise FRA with the Forest Conservation Act. The Court held that FRA beneficiaries have the right to build permanent (pucca) dwellings on forest land recognised under their titles, and clarified that the Forest Conservation Act should not be interpreted as a law of “absolute prohibition” but rather of “regulation and monitoring.”

Convergence with CAMPA Funds: The Ministry of Tribal Affairs has pushed for convergence of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) funds with FRA implementation, particularly for CFR management plans developed by Gram Sabhas.

UPSC RELEVANCE

13 types of rights under Section 3, three-tier claims process (Gram Sabha-SDLC-DLC), 4 hectare limit for IFR, December 13 2005 cut-off date, 75-year residency requirement for OTFDs, CFR rights under Section 3(1)(i)

Mains GS-2: Tribal governance and Fifth Schedule, role of Gram Sabha, PESA-FRA linkage, implementation challenges, Niyamgiri judgment and consent framework **Mains GS-3:** Forest conservation vs. tribal rights, community forest management, Minor Forest Produce economy, forest diversion and environmental clearances **Interview:** “Can tribal self-governance and forest conservation coexist? Discuss the Niyamgiri model.”

RELATED TERMS

[Fifth Schedule](#)[Pesa Act](#)



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