Commercial cultivation under FRA, 2006

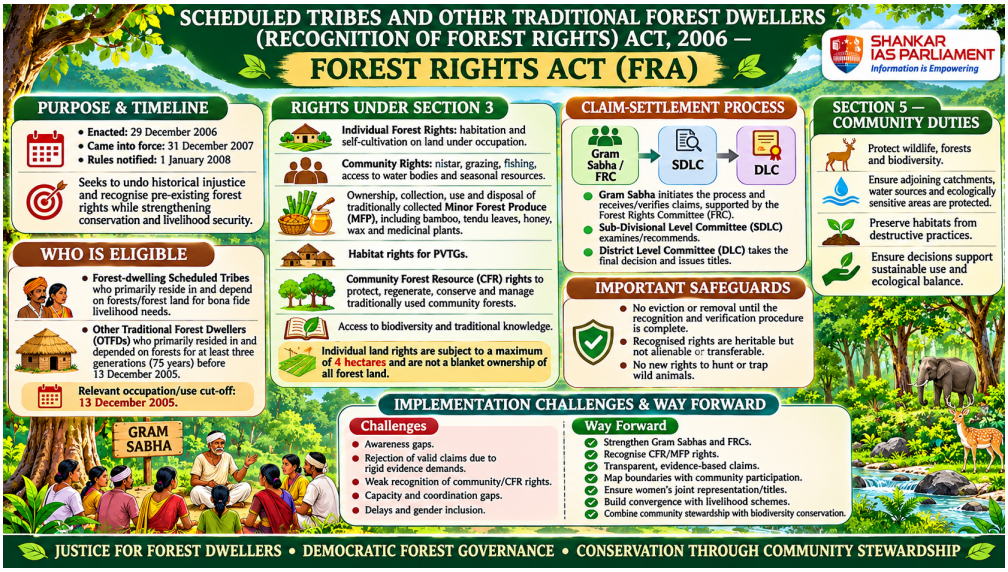
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Why in News?

The Supreme Court of India ruled that commercial crop cultivation and plantation activities inside reserve forest areas are not protected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

Key Aspects of the Ruling

- **Drawn Distinction–** A Bench of Justices Vikram Nath and Sandeep Mehta distinguished commercial cultivators and plantation owners from genuine forest-dwelling Scheduled Tribes (FDSTs) and Other Traditional Forest Dwellers (OTFDs) who depend on forests for subsistence.
- **Minor Forest Produce vs. Commercial Farming–** Under Section 3(1)(c) of the FRA, 2006, rights extend only to the collection, use, and disposal of *naturally occurring* minor forest produce.
- The Court noted that planned, promoted commercial crop cultivation is fundamentally contrary to this concept.
- **Agasthyamalai / Megamalai Case–** The observations came during hearings regarding extensive silk cotton cultivation (covering thousands of hectares) inside the reserve forests and tiger habitats of the Agasthyamalai Biosphere Reserve in Tamil Nadu.
- The Court rejected the argument that commercial farming can justify continued occupation or change the ecological nature of a forest.
- **Exclusion of Non-Resident/Temporary Occupants–** The bench excluded temporary residents and people living outside forest boundaries from claiming forest-dweller status through commercial cultivation.
- **Oversight and Committees–**
  - Directed the Central Empowered Committee (CEC) to examine whether silk cotton can be treated as a minor forest produce.
  - Formed a Special Committee headed by former Chief Justice of India B.R. Gavai to supervise and scrutinize FRA claims and the eviction of unauthorized commercial growers in the state.
- **Non-Forestry Diversion–** In a related ruling, the Court reiterated under Section 2 of the Forest (Conservation) Act, 1980, that forest lands cannot be diverted or leased for agricultural/commercial use without prior central approval.



Reference

[The Hindu| FRA Act 2006]

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