Implementation Hassles in the Forest Right Act

Why in news?

Supreme Court's order to evict tribal people who claim the forest land has temporarily stayed.

How the Forest Right Act of India empowers the tribal population?

- India hosts nearly 200 million tribal and other traditional forest dwellers who derive their livelihoods mainly from forest resources.
- The effective implementation of the Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006, which recognizes the individual as well as community rights over forest resources.
- It empowers the communities to use, manage and govern forests for their livelihood as well as for the conservation and protection of forests.

What are the issues in the proper implementation of FRA?

- Due to the absence of a proper survey, settlement and land record, customary rights of tribal over forest land have always been under threat.
- As most of the tribal do not have required documentary evidence to possess the forest land they are considered encroachers of the land on which they live.
- State governments have not taken any systematic efforts to recognize and record the individual and community rights of forest dwellers.
- According to the Ministry of Tribal Affairs, up to September 30, 2018, 4.2 million individual and community resources claims were filed, of which, 1.9 million claims were rejected.
- Once the 150 million potential beneficiaries of FRA submit their claims, at the current rejection rates, several millions of tribal and other forest dwellers would be deprived of their customary forest rights.

What are the reasons behind the implementation hassles?

- **Lack of Resources -** The primary reason for the implementation hassle is due to lack of political commitment; lack of adequate human and financial resources with the Department of Tribal Affairs, which is the nodal agency for implementation of FRA.
- **Bureaucratic Failure -** Unkind and irresponsible forest bureaucracy which

influences the decision at various levels, poor or non-functioning of district and sub-division level committees, which consider the claims filed by gram sabhas, which seriously affects tribal.
- **Recent government decisions -** Various decisions of the government affect implementation of the Act, like Environment ministry's guideline to lease 40 per cent of the degraded forest in the country to private companies for afforestation and forced plantation on land under shifting cultivation.

What are the concerns with SC's decision on forest lands?

- The Supreme Court order of February 13, 2019, asking States to evict people whose claims to forest land have been rejected by them, is a glaring example of this.
- The eviction order by the apex court was based on affidavits filed by the States.
- Union Government filed a petition before the apex court to stay the eviction order.
- Although the eviction order has temporarily stayed, the rights of tribal and other traditional forest dwellers remain highly uncertain.
- If the stay order gets vacated, above one million people will be affected immediately. Click here to know more.

What measures are needed?

- Union government in cooperation with State governments should implement the Forest Rights Act, 2006 in its right spirit.
- If gram sabhas are involved in Compensatory Afforestation Fund Act, 2016 (CAF) Plantation Programme, about 30 million hectares of forest will come under effective protection and regeneration.
- It will also help meet the climate change mitigation goal for negative emission through additional carbon sequestration.
- Besides, 65 out of the 103 districts affected by Left-wing extremism have high individual forest right (IFR) and community forest right (CFR) potentials.
- Implementing FRA in these districts will not only lead to the development of forest dwellers but also build a relationship of trust and bond between them and the government, thereby reducing land conflict, Naxalism and underdevelopment.
- Besides leveraging modern technology to map and monitor the implementation of FRA, the forest bureaucracy must also be reformed to serve as service providers to gram sabhas.
- There is a need to provide marketing and MSP support to non-timber forest products and create institutional mechanisms to support community forest

enterprises for value addition.

- It is important that the Ministry of Tribal Affairs at the Central and State levels are strengthened with human and financial resources to help implement FRA on a mission mode.

Source: Business Line

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