

The Indian Forest Act came into force in 1927

- This act was to secure exclusive state control over forests to protect timber trees and other forest produce before this law, most of village lands had traditionally belonged to the forest dwelling communities.
- The Act defined state ownership over forest areas.
- It reserved the power to regulate use of forest.
- Finally they used the power to substitute or over ride customary rights. The Act created three categories of forests, namely Reserved forests,

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- Reserved forests are the most protected of these three categories.
- No rights can be acquired in reserved forests
- Except by succession or under a grant or contract with the government.
- Felling trees, grazing cattle, removing forest products, quarrying, hunting and fishing in RF areas was an offence.
- People could be jailed or fined for breaking the law.

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- The law had a process of recognition of traditional uses of the area by local people
- It was to be done at the time of the declaration of reserved forest.
- “Nistar” rights were recognized in few cases. Nistar rights are traditional rights of access and rights of using forest produce.
- People having nistar rights can continue use of timber, firewood, minor forest produce. They could also grazing cattle or go fishing.

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- The claims of rights had to be settled at the time of declaration.
- In many areas the process was inadequate.
- There were many conflicts.
- Tribes opposed the act as it affected their lives. There was much corruption at local level.

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- One more category under the forest law is village forest
- State Government could assign rights of use of a government forest to a village.
- They could use it for forest-produce or pasture. It was their duty of the villagers to protect and improve such forests.
- In Himalayas communities used this to get management control over forests which were traditionally used by them.

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- In some areas new state forest rules allow panchayat's to control forest. but this is against the interest of the local tribes.
- Panchayat is an elected body.
- Tribal may not have good representation in the panchayat.



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- So even if the tribal's are interested in forest management, they cannot influence panchayat to do it.
- There are regular conflicts about control of forest between tribal communities and the panchayat.

The Forest Conservation Act (1980)

- India's first Forest Policy was made in 1952.
- But a lot Indian forest was lost Between 1952 and 1980,
- This loss was mainly because various projects. state governments opened many forest lands for agriculture, industry and other development projects .
- This was easy under the Indian Forest Act.

The Forest Conservation Act (1980)

- Looking at the destruction Central government passed the Forest Conservation Act in 1980.
- According to this act prior approval of the federal government was necessary for de-reservation of reserved forests.
- Logging and use of forestland for non- forest purposes was restricted.

The Forest Conservation Act (1980)

- There was a need of New forest policy at this time.
- Earlier forest policies had focused attention on revenue generation
- New policy needed to protect ecological functions of forest.

The Forest Conservation Act (1980)

- The National Forest Policy, 1988, (NFP) is concerned with the sustainable use and conservation of forests,
- It strengthens the Forest Conservation Act (1980).
- It was quite different from earlier forest policies.
- Earlier policies gave priority to government interests and industrial requirements for forest products.

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- The NFP of 1988 gave priority to maintenance of ecological balance.
- This was to be done through the conservation of biological diversity.
- The objectives were Soil and water management, increase in tree cover, efficient use of forest produce, substitution of wood and ensuring peoples' involvement in achieving these objectives.

The Forest Conservation Act (1980)

- It clearly stated that forests should meet the needs of local people for food, fuel wood, fodder and non-wood forest products.
- The NFP legitimizes the customary rights and concessions of communities living in and around forests.
- It says that domestic requirements of the rural poor should take precedence over industrial and commercial demands for forest products.

The Forest Conservation Act (1980)

- The new policy laid down procedure for the conversion of forests into non-forest uses.
 - Conservation of the forests as a natural heritage was also included in this policy,
 - The policy states that the network of Protected Areas should be strengthened and extended.
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The Forest Conservation Act (1980)

- In 1992, the 73rd Amendments to the Constitution supported governance through Panchayats.
- All States can provide power to the local panchayats to manage local forest resources.
- This legislation curtailed the indiscriminate logging and release of forest land for non-forestry purposes.

The Forest Conservation Act (1980)

- There was no mechanism to compensate state governments for loss of timber logging revenues.
- Many state governments do not like this fact.
- They have always tried to dilute the central act.
- The provisions of the acts and policies were initially restricted to the land declared as forest by the government.

The Forest Conservation Act (1980)

- This could be seen in sacred groves, many private lands also had forests.
- They were also degrading and something needed to be done.
- In 1996, Mr. TN Godavarman filed a case against government.

The Forest Conservation Act (1980)

- It was a petition to stop illegal felling of timber in the Nilgiri hills.
- This was not always on forest department's lands.



The Forest Conservation Act (1980)

- The Supreme Court said that forests would be defined by their “dictionary meaning”.
- But it did not actually give this meaning.
- Supreme court assumed responsibility for implementing the Forest Conservation Act with this for all forest areas irrespective of the land ownership.
- These were to be called forest alike areas.

The Forest Conservation Act (1980)

- In the 1996 ruling, the Supreme court asked states to identify, demarcate and notify forest areas even those outside of the forest lands, but it is not complete.
- This case confused many and one is not sure if privately owned forests are to be governed as private lands or forest lands.
- All the above acts and policies, were made for limiting destruction of forest.

The Forest Conservation Act (1980)

- In practice the law only restricts the poor, marginalized communities because they are powerless,
- The laws can be neglected or bent by the rich influential groups in the society.
- Social activists put constant pressure for a new Act that supports traditional rights forest communities.

The Forest Conservation Act (1980)

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, was passed in 2006.
- It was Also called the Forest Rights Act.
- This is one act which has met with many different feelings.
- Social activists and local communities were happy with the provisions.
- But many corporate, environmentalists and bureaucrats were confused and unhappy

The Forest Conservation Act (1980)

- Before we discuss the provisions of this act let us look back at the history of forest dwelling communities.
- Millions of people live in and around forest lands.
- They have no legal right to their homes, lands or livelihoods.
- This Act recognizes forest dwellers' rights and makes conservation more accountable.

The Forest Conservation Act (1980)

- Under the Indian Forest Act, areas were often declared to be “government forests” without recording who lived in these areas or how they were using it.
- As many as 82% of Madhya Pradesh forest and 40% of Orissa’s reserved forests were never surveyed for people’s rights.
- Till today 60% of India’s national parks have not completed their process of survey and settlement of rights of local people.

The Forest Conservation Act (1980)

- All the people living next to forests daily face restrictions on going into forest. national forest policy declares that forest should support needs of people.
- But the local forest guards may not allow people to take forest produce.
- People are subject to harassment and eviction.
- They were treated as encroachers in their own homes.

The Forest Conservation Act (1980)

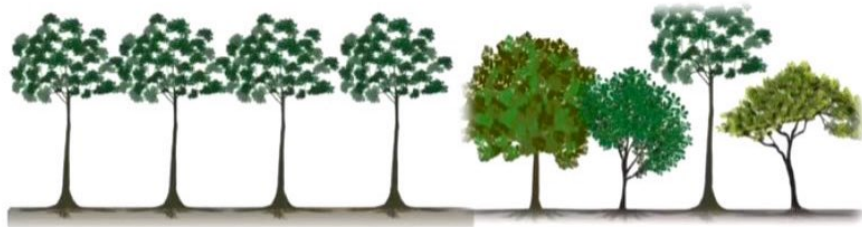
- The Commissioner for Scheduled Castes and Scheduled Tribes, has said that “The criminalization of the entire communities in the tribal areas is the darkest blot on the liberal tradition of our country.

The Forest Conservation Act (1980)

- The Commissioner for Scheduled Castes and Scheduled Tribes, has said that “The criminalization of the entire communities in the tribal areas is the darkest blot on the liberal tradition of our country.
- The Indian Forest Act, 1927, initially favored extraction of timber by the state.

The Forest Conservation Act (1980)

This was repeated when Wild Life Protection Act was passed in 1972.



The Forest Conservation Act (1980)

- The Statement of the Forest Rights Act describes it as a law intended to correct the "historical injustice" done to forest dwellers by the failure to recognize their rights.

The Forest Conservation Act (1980)

- The Act includes two provisions:
- It Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.
- It Makes a beginning towards - giving communities and the public a voice in forest and wildlife conservation.

The Forest Conservation Act (1980)

- There are two stages to be eligible under this Act.
- First, a person has to satisfy two conditions: the person has be
- Primarily residing in forests or forest lands.
- There should be (“bona fide livelihood needs”).
- It means that there should be Dependence on forests and forest land for a livelihood

The Forest Conservation Act (1980)

- Second, person/s have to prove:
- That the above conditions have been true for 75 years, in which case person will be grouped as an Other Traditional Forest Dweller Or that the person is a member of a Scheduled Tribe and has been residing in the area where they are Scheduled.
- In the latter case person is a Forest Dwelling Scheduled Tribe.
- The law recognizes three types of rights:

Land Rights

- No one gets rights to any land that they have not been cultivating prior to December 13, 2005 or land they are not cultivating at present.
- Those who are cultivating land but don't have documents can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood.
- Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or whose land is the subject of a dispute between Forest and Revenue Departments, can

Use Rights

- The law provides for Community rights to use and collect the following:
- A . Minor forest produce like tendu patta, herbs, medicinal plants etc. that has been traditionally collected.
- This does not include timber.
- B . Grazing grounds and water bodies
- C . ~~Traditional areas of use by nomadic or pastoralist communities can~~

Right to Protect and Conserve

- For the first time, this law gives the community the right to protect and manage the forest. it provide a right and a power to conserve community forest resources.
- The community has the general power to protect wildlife, forests, etc.
- This is vital for the thousands of village communities who are protecting their forests and wildlife against threats from forest mafias, industries and land grabbers.

Recognition of rights

- Section 6 of the Act provides a transparent three-step procedure for deciding on who gets rights.
- The gram sabha plays prominent role because it is the full village assembly.
- Gram sabha makes a recommendation – it states who has been cultivating land for how long, which minor forest produce is collected, etc.

Recognition of rights

- The gram sabha plays this role because it is a public body where all people participate. It is fully democratic and transparent.
- The gram sabha's recommendation goes through two stages of screening committees at the taluka and district levels.
- The district level committee makes the final decision
- The Committees have six members – three government officers and three elected persons.

Recognition of rights

- At both the taluka and the district levels, any person who believes a claim is false can appeal to the Committees, and if they prove their case the right is denied (sections 6(2) and 6(4)).
- Land recognized under this Act cannot be sold or transferred.

Application of FRA

- Mendha Lekha village has been leading the struggle for control over forest produce.
- Community forest rights of Mendha Lekha village in Maharashtra's Gadchiroli district were been recognized following FRA.
- It has initiated forest governance and management processes that are financially viable, socially equitable and ecologically sustainable.

Application of FRA

- In BRT Tiger Reserve, Karnataka, 33 settlements received CFR titles.
- These came together to formulate a tiger conservation plan.
- In Gujarat's Narmada district, more than 60 villages initiated simple governance systems to protect, conserve and manage forests.
- In Simlipal Tiger Reserve of Odisha, villages with CFR titles devised simple, rule-based adaptive governance systems for their CFRs, and are now protecting their forests.

Application of FRA

- Many communities across the country have successfully stopped commercial forestry operations in their CFRs.
- Orissa has supported about 200,000 individual households holding forest land titles through convergence programs related to housing (IAY), land development (MGNREGA), irrigation and horticulture.
- Some Particularly Vulnerable Tribal Groups (PVTGs) have claimed habitat rights under this act.

Application of FRA

- These include Khadia, Mankidias, Lodhas in Mayurbhanj district, Kutia Kondhs of Kandhmal district, Bondas of Malkangiri district in Odisha, and Baigas in Dindori district of Madhya Pradesh.

Opposition to the act

- The implementation of the act has been stalled in many ways.
- Forest department and Revenue department have been reluctant to deal with the processes.

Opposition to the act

- Tribal department, which is in charge of the implementation, has not been able to deal with these conflicts of interest.
- The environmental lobby is divided. Those who focus mainly on habitat and species protection have opposed FRA because they feel that it will open all forests to exploitation by people.

Opposition to the act

- In some places, false claims have been filed by non eligible persons.
- The state and central governments have created conflicting rules and policies that do not recognize the provisions of FRA.
- Compensatory Afforestation Fund Act 2016 provides incentives to displace forest dwellers from protected areas by making a specific provision for funding relocation.

Opposition to the act

- MOEFCC issued guidelines in August 2015 to lease 40 percent of degraded forests in the country to private companies for afforestation.
- These guidelines are in complete violation of FRA
- They forget the fact that most of these forests are either already recognized CFRs or the process of claim settlement is ongoing.

Opposition to the act

- The various acts and policies related to forest habitats in India have irreversibly impacted the rural populations.
- Tribals' are seriously affected by these acts.
- Many of the issues of impoverishment, displacement, powerlessness of the communities are a direct result of loss of access over forest resources.
- There are possibilities of sustainable management of these resources