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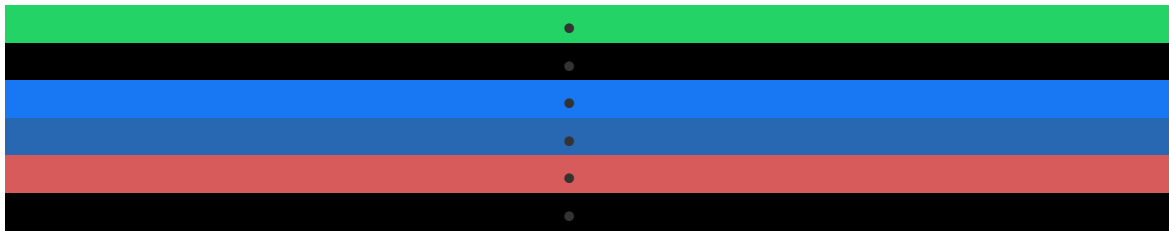
How the Supreme Court order on Forest Rights Act impacts its implementation and forest-dependent communities

FRA promises community-led forest governance, but legal hurdles stall progress and fuel fears of displacement and loss of rights

Nivedita Panda

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The Forest Rights Act (FRA), 2006, marked a monumental step in correcting historical injustices faced by Adivasi and forest-dependent communities across India. This landmark legislation acknowledges the symbiotic relationship between forest dwellers and the ecosystems they help sustain.

However, the ongoing Supreme Court case concerning the FRA, and the orders passed in February 2019, have raised serious concerns. Let us look at the implications of the Court's directives and the continuing challenges in the Act's implementation.

On February 13, 2019, the Supreme Court ordered the eviction of individuals whose claims under the FRA had been rejected. This sparked widespread protests, with the potential to affect an estimated 1.8 million people.

Following intervention by the Union Ministry of Tribal Affairs (MoTA), the apex court modified its order on February 28, staying the evictions and directing states to review the rejected claims. Nearly six years on, most states have yet to undertake this review process in right earnest.

In Odisha, 629,000 claims were filed under the FRA. Of these, approximately 140,504, or roughly 23 per cent, were rejected at the district level committees. Yet, reviews have not been carried out in accordance with the procedures laid out in the FRA and its rules. No reliable data exists on the rejected claims or the reasons for their dismissal.

While government reports cite procedural lapses, non-ST status of claimants, incorrect land classification, or inadequate evidence as reasons, field reports reveal that many genuine claims have been arbitrarily rejected.

This issue extends far beyond Odisha, reflecting a nationwide trend. Rejection not only strips communities of their rights but also risks branding them as “encroachers,” leaving them vulnerable to displacement and insecurity, an outcome antithetical to the FRA’s spirit.

The FRA is more than a justice mechanism; it’s a tool for empowering forest communities and promoting sustainable forest governance. A cornerstone of the Act is the empowerment of Gram Sabhas, village-level democratic institutions, to manage and protect forests. By vesting authority in these bodies, the FRA fosters participatory and decentralised governance.

The Court’s 2019 order, and the subsequent delay in implementation, have created deep insecurity among hundreds of thousands of forest dwellers and weakened grassroots conservation efforts. In particular, the delay in recognising Community Forest Resource (CFR) rights has stymied progress.

Some conservation groups, who challenged the FRA in the Supreme Court, claim CFR rights may lead to deforestation and overexploitation. Yet, ground realities in Odisha tell a different story. In fact, CFR rights have emerged as one of the most democratic and effective means of ensuring forest protection. Several communities have not only regenerated degraded forests but have also adopted sustainable practices following CFR title recognition.

Case studies of community conservation successes

In Teen Mouzas, Nayagarh district, villagers formed a Forest Protection Committee as early as 1977, long before the FRA came into force. Their informal conservation efforts evolved into formal mechanisms, and in 2021, following legal recognition under the FRA, they established a Community Forest Resource Management Committee (CFRMC) aligned with Sections 3(1) and 5 of the Act.

Similarly, in Betakata village, Nilagiri Tehsil, Balasore district, the community was granted CFR and CFRR rights over 1181.6 hectares. The CFRMC now manages the forest and the village’s name, derived from the “Beta” plant used in local rituals, underscores the cultural connection with the forest.

The FRA legally acknowledges the traditional practices of forest communities. This recognition is crucial for sustaining age-old conservation techniques that have been integral to India's ecological heritage.

In Rissia village, also in Nilagiri Tahsil, community opposition to royal hunting during the reign of Maharaja Kishore Chandra Mardaraj Harichandan eventually ended the practice. Today, with CFR and CFRR rights, the village continues its conservation legacy over over 1.7 million hectares through a CFRMC.

Kalikaprasad village in Mayurbhanj district illustrates the intersection of cultural tradition and ecological resilience. Recurrent tiger sightings led the community to revive forest worship practices. In 2018, they secured CFR rights over 520.8 hectares and formed an 11-member CFRMC for sustainable forest management.

The ecological benefits of such recognition are evident. With secure tenure, communities are incentivised to manage forests sustainably, enhancing biodiversity and climate resilience.

Soura Kurlanda in Gajapati district, a Reserve Forest area once plagued by wood smuggling, now exemplifies this shift. The Lanjia Soura community, classified as a Particularly Vulnerable Tribal Group, enforced strict bans on tree felling. In February 2025, they secured 84.5 hectare under CR and CFR rights, reinforcing their conservation efforts.

Livelihood impacts and challenges in FRA Implementation

Legal recognition under the FRA has improved livelihoods for many communities. In Kalakani village, Rayagada district, 25 tribal families previously faced harassment from forest officials. After awareness campaigns, the Gram Sabha formed a Forest Rights Committee (FRC) and successfully claimed 65 hectares under CFR and CFRR rights. Today, the CFRMC supports both conservation and livelihoods.

In Pajilibandha, also in Rayagada, 54 tribal families, especially women, previously sold forest produce at meagre prices to middlemen. After forming an FRC in 2023 and receiving support through the Pradhan Mantri Van Dhan Vikas Kendra (PMVDVK), they began producing leaf plates and tamarind cakes. Monthly incomes have since risen to Rs 5,000-6,000 per member, ending dependence on exploitative intermediaries.

Despite these success stories, the FRA's implementation continues to face significant challenges as stated below:

- **High Rejection Rates:** Procedural errors, lack of documentation, or misinterpretation of FRA provisions lead to widespread rejections. In Odisha, many claims were rejected due to incomplete paperwork or disputes over land classification.
- **Weak Institutional Mechanisms:** Many states fail to hold regular meetings of FRA bodies, leading to inconsistent implementation.
- **Opposition from Conservation Lobbies:** Some conservationists argue that FRA undermines forest protection. However, cases from Betakata, Rissia and Soura Kurlanda demonstrate the opposite: that community stewardship enhances conservation outcomes.
- **Lack of Awareness and Capacity:** Many communities lack legal literacy and the resources needed to pursue claims effectively, leading to rejection of valid claims.

To ensure the FRA realises its full potential, systemic reforms are essential. State governments must review rejected claims with transparency and in strict adherence to the provisions of the FRA. Detailed reasons for rejection should be provided to both the claimants and the Gram Sabha and claimants must have access to appeals mechanisms at every level of governance, as mandated by the Act.

Capacity-building programmes should be undertaken to strengthen Gram Sabhas and other local institutions. This includes training in forest management, the legal provisions of the FRA and sustainable resource use. The success of CFRMCs in villages

such as Kalikaprasad, Teen Mouza and Betakata shows the effectiveness of empowered local institutions.

Efforts must also be made to align conservation policies with the objectives of the FRA. Recognising that sustainable development and conservation can coexist is crucial to resolving the tensions between forest rights and ecological priorities, as shown by the successful forest protection efforts in Rissia and Soura Kurlanda.

As demonstrated in Pajilibandha and Kalakani villages, integrating livelihood support with the recognition of forest rights can bring about significant economic transformation. Initiatives that support value addition to forest produce and provide market linkages should be prioritised alongside FRA implementation.

The FRA stands as a testament to India's commitment to social justice and environmental sustainability. It acknowledges the invaluable contributions of forest-dependent communities to conservation and seeks to restore their rightful role as custodians of these ecosystems. The success stories from across Odisha — Betakata, Rissia, Satabhaya, Soura Kurlanda, Kalakani, Pajilibandha and Kalikaprasad — demonstrate that, when implemented effectively, the FRA can lead to community empowerment, biodiversity conservation and sustainable livelihoods.

Yet, the persistent challenges in implementation and the looming threat of Supreme Court directives demand urgent attention. By promoting transparent governance, strengthening local institutions, aligning conservation goals with community rights and integrating livelihood support, the FRA can continue to serve as a beacon of hope for millions.

Protecting the rights of forest dwellers is not only a question of justice; it is also a critical step towards achieving sustainable forest management and biodiversity conservation in India.

Nivedita Panda is a researcher working on forest rights, governance, biodiversity conservation, ecological justice, and community-based natural resource management with Vasundhara, Odisha.

With inputs from Tushar Dash, secretary-cum executive director at Vasundhara Odisha and Aurobindo Rout, programme officer at Vasundhara Odisha.

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