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ASSESSING THE EFFECTIVENESS OF THE FOREST RIGHTS ACT, 2006: PROGRESS, CHALLENGES AND POLICY IMPLICATIONS

AUTHORED BY - R. RAMAKRISHNAN
LL.M. (Taxation) – Pursuing
Government Law College, Coimbatore
Affiliated to Tamil Nadu Dr. Ambedkar Law University, Chennai

Abstract

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act or FRA) was enacted to address the historical exclusion of forest-dwelling communities from rights over land and forest resources. This article examines whether the Act's legal design can translate recognition of rights into effective and accountable community governance. It uses doctrinal legal research, analysing the Act, the 2008 Rules as amended, relevant Supreme Court decisions and official implementation material, with published village studies used as illustrative secondary evidence. The analysis finds that the FRA is more than a land-title statute: it recognises individual and community rights, places the Gram Sabha at the beginning of the claims process, and couples rights with conservation responsibilities. Yet its promise is weakened by uneven implementation, inadequate reasons and review in claim decisions, administrative resistance, limited capacity, and the gap between title recognition and actual control over forest produce and management. The article argues that implementation should be assessed through procedural fairness, effective enjoyment of rights, community participation and ecological accountability rather than title counts alone. It recommends reasoned claim decisions, accessible records, adequately resourced Gram Sabhas, coordination among departments, and regular public reporting that distinguishes claims filed, decided, recognised, rejected and pending.

Keywords: Forest Rights Act, Gram Sabha, Community Forest Resource, Forest Governance, Tribal Rights.

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1. Introduction

India's forest governance has long involved a tension between state control of forests, conservation objectives and the customary use of forests by communities whose livelihoods and cultures are closely connected to them. The FRA was enacted against the background of what its Statement of Objects and Reasons describes as the historical injustice suffered by forest-dwelling Scheduled Tribes and other traditional forest dwellers whose rights were not adequately recorded during the consolidation of State forests.1

The Act seeks to recognise and vest forest rights in eligible forest-dwelling communities and to provide a framework for recording those rights. It recognises individual rights, community rights and community forest resource (CFR) rights. It also assigns responsibilities for conservation and sustainable use. The result is a statutory model that links tenure security with participatory forest governance.

The existence of a statutory entitlement, however, does not itself establish that the entitlement is effective. A claim may be delayed, rejected without adequate reasons, recognised over a smaller area than claimed, or followed by administrative obstacles to exercising rights over minor forest produce. An evaluation that counts titles alone may therefore overstate implementation. Conversely, implementation challenges do not erase the significance of the Act's rights-based architecture.

This article asks: to what extent does the FRA's legal framework enable forest-dwelling communities to obtain and exercise recognised rights, and what institutional barriers limit that outcome? It argues that the FRA provides a meaningful statutory basis for recognition and community stewardship, but its effectiveness depends on fair claim procedures, genuine Gram Sabha authority, coordination between institutions and transparent monitoring of both rights and responsibilities. The discussion proceeds through the legal framework, the claims process, judicial interpretation, implementation evidence, key challenges and recommendations.

2. Research Methodology and Scope

The article adopts a doctrinal and socio-legal desk-based method. The primary legal materials are the FRA, 2006, the Forest Rights Rules, 2008, as amended, and Supreme Court decisions relevant to forest governance and community decision-making. Secondary material includes government implementation reports and published case studies of community forest

1.The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, Statement of Objects and Reasons (India).

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governance. No interviews, surveys or original fieldwork were conducted. The village examples are consequently used as illustrations reported in existing studies, not as independently verified empirical findings.

The scope is limited to the design and implementation of rights recognition, especially community and CFR rights, the role of the Gram Sabha, conservation duties, and the relationship between the FRA and forest administration. The article does not attempt a State-wise quantitative comparison. Official claim statistics are cited with their reporting date because totals and status categories change over time. This limitation matters: administrative data can show the volume and recorded status of claims but cannot, by itself, establish whether rights are being enjoyed in practice.

3. Statutory Framework of the Forest Rights Act

3.1 Purpose and eligible communities

The FRA applies to forest-dwelling Scheduled Tribes and other traditional forest dwellers who satisfy the statutory definitions. For a forest-dwelling Scheduled Tribe, the Act requires membership of a Scheduled Tribe in the area where the right is claimed and dependence on forest or forest land for bona fide livelihood needs. An other traditional forest dweller must have primarily resided in and depended on forests or forest land for bona fide livelihood needs for at least three generations before 13 December 2005; the Act defines a generation as twenty-five years. These are legal eligibility requirements, not general descriptions of all rural or tribal communities.2

3.2 Rights recognised

Section 3 recognises a range of rights. These include rights to hold and live on forest land under individual or common occupation for habitation or self-cultivation; community rights such as nistar; ownership, access to collect, use and dispose of minor forest produce traditionally collected within or outside village boundaries; community rights of use or entitlement such as fishing and access to water bodies; habitat rights for Particularly Vulnerable Tribal Groups and pre-agricultural communities; rights over disputed lands; conversion of forest villages and certain settlements into revenue villages; and rights to protect, regenerate, conserve or manage a community forest resource traditionally protected and conserved for sustainable use. Section

2.The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, S 2(c), (o) (India).

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3(1)(i), specifically, recognises the latter community forest resource management right. It does not by itself create a general power to manage every forest area.3

3.3 Rights and conservation responsibilities

Section 5 empowers holders of forest rights, the Gram Sabha and village-level institutions to protect wildlife, forests and biodiversity; ensure that adjoining catchments, water sources and ecologically sensitive areas are adequately protected; ensure that the habitat of forest-dwelling Scheduled Tribes and other traditional forest dwellers is preserved from destructive practices; and ensure that decisions regulating access to community forest resources are taken in a manner that protects the community and its natural heritage. Rights and responsibilities are thus linked in the statute. This linkage must not be used to make recognition conditional on an undefined conservation test; the responsibilities must be interpreted within the Act and Rules.4

3.4 Recognition procedure and institutional roles

Section 6 establishes a multi-level process. The Gram Sabha initiates the determination of the nature and extent of individual and community rights, receives and verifies claims, prepares maps and passes a resolution. That resolution is forwarded to the Sub-Divisional Level Committee (SDLC), which examines it and may hear appeals. The District Level Committee (DLC) takes the final decision on the record of rights. The State Level Monitoring Committee monitors implementation. The structure places the Gram Sabha at the first level while providing administrative scrutiny and appeal. The statutory design therefore requires both community participation and accountable review; it should not be reduced to unilateral departmental screening.5

3.5 Evidence and procedural fairness

The Rules recognise multiple forms of evidence, including government records, physical features, statements by elders, customary practices, maps, traditional structures and other materials. Rule 13 requires consideration of more than one item of evidence for determining rights. The framework is significant because historical use and customary rights may not be documented in conventional land records. Authorities should assess evidence contextually, record reasons for decisions and ensure that claimants can understand and challenge rejection

3.Id. S 3(1)(a), (c), (i).
4.Id. S 5.
5.Id. S 6; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, rr. 3, 4, 12, 14 (India).

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or modification. A bare rejection figure does not reveal whether notice, assistance, hearings and appeal rights were meaningful.6

4. Judicial Interpretation and the Conservation-Rights Relationship

4.1 Forest protection jurisprudence

In T.N. Godavarman Thirumulpad v. Union of India, the Supreme Court interpreted the Forest (Conservation) Act, 1980 broadly for the purpose of forest protection, directing that the term "forest" not be confined only to land formally notified as forest. The continuing proceedings transformed forest administration and strengthened prior scrutiny of diversion. The decision is part of the legal setting in which the FRA operates, but it should not be described as itself granting or defining FRA rights: it preceded the FRA and concerned the conservation statute.7

4.2 Scheduled Areas and community rights

In Samatha v. State of Andhra Pradesh, the Supreme Court considered transfers and mining leases in Scheduled Areas under the applicable land-transfer regime. The judgment is important to the protection of tribal land and resource interests in that legal context. It does not decide the FRA claims process, which was enacted later. Its relevance is therefore contextual: it illustrates judicial concern with the special legal protection of Scheduled Area communities and the limits on transferring their resources, rather than constituting a direct interpretation of the 2006 Act.8

4.3 Gram Sabha decision-making in Niyamgiri

Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests is more directly relevant to the FRA's community decision-making architecture. In considering the proposed bauxite project affecting the Niyamgiri hills, the Supreme Court directed that Gram Sabhas determine specified community and religious rights claims under the FRA. The decision recognised the importance of the Gram Sabha process and the cultural and religious interests of the affected communities. It demonstrates that project approval cannot simply bypass statutory rights determination. At the same time, it is a case-specific order and should not be overstated as a universal veto over every development project.9

6.The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, r. 13 (India).
7.T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267.
8Samatha v. State of Andhra Pradesh, (1997) 8 SCC 191.
9.Orissa Mining Corp. Ltd. v. Ministry of Environment & Forests, (2013) 6 SCC 476.

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4.4 Avoiding false binaries

The judicial and statutory materials do not support a simple choice between forest conservation and community rights. The FRA's structure treats communities as rights-holders and participants in conservation, while other environmental laws continue to apply. The practical challenge is to harmonise legal regimes, honour due process and avoid treating customary use as inherently incompatible with conservation. Likewise, invoking conservation should not become a reason to bypass rights recognition or the statutory role of the Gram Sabha.

5. Implementation: Evidence and Assessment

5.1 Reading administrative data cautiously

The Ministry of Tribal Affairs publishes periodic implementation reports and official statements on claims received, titles distributed, claims rejected and claims pending. For example, a Government of India statement reported that, cumulatively up to 31 December 2025, 36.41 per cent of claims had been rejected. That figure is a snapshot of recorded claim outcomes, not a direct measure of unlawful rejection or overall effectiveness. It must be read with the denominator, the date, differences between individual and community claims, the number pending, appeal outcomes and the reasons recorded. The draft's earlier figures of 36.35 per cent rejected and 14.60 per cent pending were not accompanied by a report date or source and are therefore not carried forward as current facts.10

Official data should be disaggregated by State, claim type, area claimed and area recognised, rejection grounds, appeals and time taken. A claim can be marked disposed while an appeal remains possible; aggregate disposal totals can therefore conceal unresolved disputes. The Ministry's monthly reporting is useful for monitoring, but a fuller assessment should combine administrative indicators with evidence about whether title-holders can access minor forest produce, prepare and implement CFR plans, receive relevant public services and participate in decisions affecting their forests.

5.2 Illustrative community experiences

Published case studies show how recognition may support local governance when communities can exercise rights. A National Institute of Rural Development and Panchayati Raj case study

10.Press Information Bureau, Ministry of Tribal Affairs, Claims and Pending Approvals under FRA (Feb. 11, 2026), https://pib.gov.in/PressReleasePage.aspx?PRID=2226309. The release reports 18,90,360 claims rejected as of Dec. 31, 2025, while also reporting 44,33,940 claims settled as 85.40 percent and 18,90,360 rejected as 36.41 percent. The reported percentages appear not to share a mutually consistent denominator; the counts and reporting date should be checked against the underlying MPR before drawing a rate-based inference.

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of Podochuanpadar in Odisha describes Gram Sabha-led claims, titles for individual rights and community forest rights, and preparation of a local forest management plan. The case illustrates the importance of community organisation and technical support, while the time taken to obtain titles also points to procedural delay. It is an illustrative case study, not a representative sample of all FRA implementation.11

Research on Pachgaon in Maharashtra similarly documents a community forest rights title over approximately 1,006 hectares and collective bamboo management. A peer-reviewed study reports socioeconomic benefits associated with collective action, participation, livelihood opportunities and community decision-making. These examples suggest that the legal title can be a platform for governance and livelihood security, but outcomes depend on local institutions, market access, internal inclusion and relations with forest authorities. They do not prove that the same model can be replicated without attention to local ecology and social conditions.12

5.3 Criteria for effectiveness

The Act's effectiveness should be assessed through at least four connected dimensions. First, *procedural access*: can eligible claimants obtain understandable information, file claims and receive timely, reasoned decisions? Second, *substantive recognition*: do decisions recognise the rights and areas supported by evidence, including community rights that may not resemble individual land titles? Third, *effective enjoyment*: can rights-holders exercise access, use, management and produce rights without avoidable administrative obstruction? Fourth, *accountable stewardship*: do community institutions have the capacity and inclusive processes needed to protect forests and resolve internal disagreements? A single title-count measure captures only part of this picture.

6. Persistent Challenges

6.1 Administrative delay and uneven implementation

The statutory process involves Gram Sabhas, SDLCs, DLCs and State monitoring institutions. Where these bodies lack trained personnel, clear schedules or coordination, claims may remain pending for long periods. Delays are especially serious where claimants face insecure tenure

11. National Institute of Rural Development and Panchayati Raj, Managing the Forests (Community Forest Rights) under FRA, 2006: Podochuanpadar Village Case Study (2021), https://nirdpr.org.in/nird_docs/casestudies/uoh/uoh3n.pdf.

12. Geetanjoy Sahu, Mrinalini Paul & Vijay Dethe, Socioeconomic Benefits of Community Forest Rights: A Case Study of Pachgaon in Chandrapur District of Maharashtra, 80(4) Indian Journal of Social Work (2019), https://journals.tiss.edu/ijsw/index.php/ijsw/article/view/313.

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or where project decisions proceed before rights determination. Although the Rules prescribe procedures, the Act does not supply every operational detail needed to ensure consistent timelines and support across States.

6.2 Rejection without meaningful reasons or assistance

A system that relies on varied forms of customary and local evidence requires active assistance in preparing maps, recording testimony and identifying relevant documents. Rejection without intelligible reasons prevents claimants from curing evidentiary gaps or using appeal mechanisms. The appropriate safeguard is not automatic acceptance of every claim; it is a fair and transparent process that distinguishes ineligible claims from claims that require additional evidence and enables review of decisions.

6.3 Departmental overlap and authority conflicts

Forest, revenue, tribal welfare and local government agencies may hold different records and institutional priorities. In practice, this can create uncertainty about who must provide records, support mapping, recognise community plans or facilitate access to forest produce. The FRA assigns functions across institutions, but coordination must be made operational through clear protocols and joint accountability. A title that cannot be exercised because of unresolved administrative conflicts is a weak form of recognition.

6.4 Limited Gram Sabha capacity and inclusion

The Gram Sabha is central to the recognition process, but formal authority is not enough. Communities may need resources for meetings, mapping, translation, documentation and conservation planning. Internal inequalities can also affect who speaks and benefits: women, landless households, smaller hamlets and Particularly Vulnerable Tribal Groups require meaningful participation. Capacity support should strengthen community decision-making rather than transfer control to outside agencies.

6.5 Development, diversion and ecological pressures

Infrastructure, mining, conservation restrictions and other land-use decisions can affect forest communities. Section 4(5) restricts eviction or removal from occupation until recognition and verification are complete. Any development decision affecting recognised or claimed rights must therefore account for the Act's safeguards, the applicable forest and environmental laws, and the decision-making requirements established in relevant judgments. At the same time,

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community rights do not eliminate ecological duties or other valid legal requirements. The governing task is lawful coordination, not displacement of one statutory framework by another.

7. Suggestions and Recommendations

1. Publish complete, dated data. The Ministry should release a consistent dashboard that separately reports individual, community and CFR claims filed, decided, recognised, rejected and pending; reasons for rejection; appeals; area claimed and recognised; and time to decision. Every published percentage should identify its date and denominator.
2. Require reasoned and reviewable decisions. SDLC and DLC decisions should state the evidence considered, the legal basis and the reasons for rejection or modification. Claimants should receive the decision in an accessible language with clear information about appeal and review options.
3. Set service standards and track delay. States should establish public timelines for each stage, identify the authority responsible for delay and report overdue cases. Deadlines should preserve adequate opportunities to gather evidence and should not turn into a reason for summary rejection.
4. Fund the Gram Sabha process. Provide predictable support for meetings, local mapping, record-keeping, translation, legal literacy and community forest planning. Assistance should be designed with communities and should not compromise the Gram Sabha's statutory role.
5. Adopt joint administrative protocols. Forest, revenue and tribal welfare departments should agree on procedures for sharing records, verifying claims, recognising titles, facilitating minor forest produce rights and responding to CFR management plans. A designated coordination mechanism should resolve disputes promptly.
6. Strengthen inclusion and accountability. Ensure participation by women, marginalised hamlets and vulnerable groups; publish meeting procedures; and create accessible grievance routes. Community-level accountability should accompany, not replace, State responsibility to implement the law.
7. Assess outcomes as well as titles. Periodic independent evaluations should examine secure access, livelihoods, community governance, ecological conditions and distribution of benefits. Case studies should identify both enabling factors and limitations and should not be presented as nationally representative without suitable evidence.
8. Coordinate project decisions with rights recognition. Authorities considering diversion,

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conservation restrictions or infrastructure affecting forest land should check for pending and recognised FRA rights, follow applicable statutory procedures and give affected Gram Sabhas the role required by law. This reduces the risk that rights recognition becomes ineffective after a project decision has already been made.

8. Conclusion

The Forest Rights Act, 2006 establishes a rights-based framework that recognises individual and community claims, gives the Gram Sabha a central role in the claims process and connects forest rights with conservation responsibilities. Its significance lies not only in the grant of titles but also in the possibility of community participation in forest governance and livelihood decisions.

The available legal and administrative materials show both the Act's potential and the limits of implementation. Published examples from Podochuanpadar and Pachgaon demonstrate that recognised community rights can support local management and livelihood activity under particular conditions. They should be read as illustrations, not proof of uniform success. Administrative rejection and pendency statistics likewise identify issues for scrutiny but do not alone establish why claims fail or whether rights are enjoyed after recognition.

The article's central conclusion is that FRA effectiveness must be measured across the entire rights pathway: access to claim procedures, fair determination, actual exercise of rights and accountable community stewardship. Better data, reasoned decisions, resources for Gram Sabhas and coordination among public agencies are necessary to close the gap between statutory recognition and lived rights.