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Forest Right Act: From historical justice to ecological suicide

By VK Bahuguna



The Forest Rights Act, 2006 is one unique Act which was unequivocally supported by all the major political parties in the country. The Forest Rights Act (FRA) 2006 was envisioned as a “healing touch” for India’s tribal population. However, almost two decades later, the Act has been hollowed out by the Ministry of Tribal Affairs (MoTA) and state governments, transforming it into a political instrument-first promoting encroachments on forests and then regularising them through recommendations of the Gram Sabha, as per the provisions of the Act.

The Gram Sabhas have a conflict of interest within the Act itself. Gram Sabha members first encroach upon forest land and then sit to regularise it. Thus, in the high-stakes electoral landscapes of Maharashtra, Odisha, Chhattisgarh, and Madhya Pradesh, the FRA is no longer about “rights”-it is about “votes”.

An Act of this kind, when dealing with historical injustice, must have a final cut-off date, just like the current Special Intensive Revision of electoral rolls being carried out by the Election Commission. There was no cut-off date for filing applications, and the open-ended nature of the Act is promoting encroachments due to competitive politics engulfing forest areas. Major conflicts are brewing in forest regions, particularly with Joint Forest Management (JFM) Committees.

The Ministry of Tribal Affairs, in its zeal to show target-driven “progress”, has often pressured local administrations to ignore satellite evidence, thus giving scope for encroachments.

The Forest Department’s time-series imagery unequivocally proves that thousands of hectares were cleared after the 2005 cut-off date.

Yet Gram Sabhas-often under the patronage of local political brokers-are encouraged to override scientific evidence with populist claims. The net result is that the country is not correcting a “historical injustice”; instead, it is incentivising fresh deforestation. In this regard, the silence of the forest establishment in the country is intriguing and contrary to its mandate. The Forest Survey of India’s 2023 status report clearly highlights the adverse impact of the faulty implementation of this Act.

The much-touted “Gadchiroli Model” of bamboo management-celebrated by MoTA and activists as the pinnacle of community empowerment-should instead serve as an eye-opener. While Mendha-Lekha became the poster village for “bamboo liberation”, the reality across the wider district is grim due to over-extraction. Under the guise of Community Forest Rights (CFR), bamboo is being harvested on an industrial scale without the scientific rigour of the Forest Department’s Working Plans. Without technical oversight, bamboo clumps are over-exploited for quick cash, leading to resource depletion. Vast tracts of once-lush bamboo forests in Gadchiroli have been reduced to stumps, as so-called “community management” failed to account for the biological cycle of the plant. In Madhya Pradesh and Odisha as well, research indicates a visible surge in the reconsideration of previously rejected claims.

It is high time that the Secretary (Forests) and Director General of Forests in the Government of India, along with the Principal Chief Conservator of Forests of Maharashtra, bring out a white paper on the Gadchiroli model and comparable models in other states. The Indian

Forest Service Association should also work towards the truthful implementation of the Act for genuine tribal interests.

This is necessary because retaining healthy natural forests is an absolute necessity in the midst of climatic vagaries, to maintain water security, agriculture, and ecological stability.

The writer has been long associated with forest-tribal issues, both as Inspector General of Forests in the Ministry of Environment, Forest and Climate Change, and in the tribal-dominated State of Tripura as Principal Secretary. The writer has also worked as a researcher and research manager as Director General of ICFRE, and as faculty at IIFM. This long engagement has provided a deep understanding of tribal issues that have been festering at sub-divisional level committees comprising Revenue, Forest, and Tribal Welfare Departments, tasked with settling disputed claims during the forest reservation process. This was evident when activists opposed the enactment of the Forest Conservation Act, 1980.

Those familiar with forest history know that during the time of Brandis—a German botanist and experienced forester, and the country's first Inspector-General of Forests (appointed in 1864)—one of the most people-centric approaches was adopted. During forest reservation, he ensured that two-thirds of forests in and around villages were left for the use of local people. He also ensured that before reservation, foresters at the village level beat drums to inform people clearly about their rights and objections. Sadly, however, much of these forests were later taken over by powerful village elites and local populations themselves.

That said, there were several cases of disputed settlements after princely and ex-zamindari forests were swiftly converted into reserved and protected forests after Independence. The sub-divisional level committees set up in 1989 did not arrive at solutions, nor did they report such cases in any state. Meanwhile, activists and some political actors devised a different route by encouraging encroachments, and requests for regularisation kept flooding the Ministry, subsuming the role of the committee.

In 2004, when the UPA government came to power with the support of Left parties, the FRA was enacted in 2006. The Left hoped to make inroads in northern Indian states, but largely failed. The Act was also a political counter to the NDA government's February 2004 order

regularising pre-1980 encroachments by releasing such lands under the Forest Conservation Act. Had either the NDA order or the FRA been implemented in a truthful and impartial manner, it could have been among the best interventions in tribal welfare.

In sum, the Act needs an immediate review at the highest level. As a first step, a final date for applications must be fixed. If the FRA continues to be used as an electoral instrument, India risks creating titled citizens in a landscape stripped of forests, with rivers running dry. True forest rights cannot exist without forests themselves. It is time to depoliticise the FRA and return to a science-based, conservation-first approach. The Act was designed to give forest-dwellers a stake in conservation; instead, it has been weaponised to carve up India's remaining carbon and water sinks.

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in https://groups.google.com/d/msgid/forestrights/CANnuqHF1oZvBn6K4i-fEqsHXufZdz2Vu_84rgvY%3DCRNwM_nz%3Dw%40mail.gmail.com

Such a vicious campaign to malign the letter and spirit of the FRA. There is no substance in his argument. Civil society would welcome a comparative study of forests under departmental management and those under community management. The author has deliberately avoided highlighting the diversion of forest land for illegal mining, tourism industries, and encroachment on forest land for the department's guest houses across the country.

*Regards,
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