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Governance

Forest rights act: A tale of bureaucratic intent and ground-level betrayal

True implementation of FRA demands a political battle to dismantle the entrenched structures of control

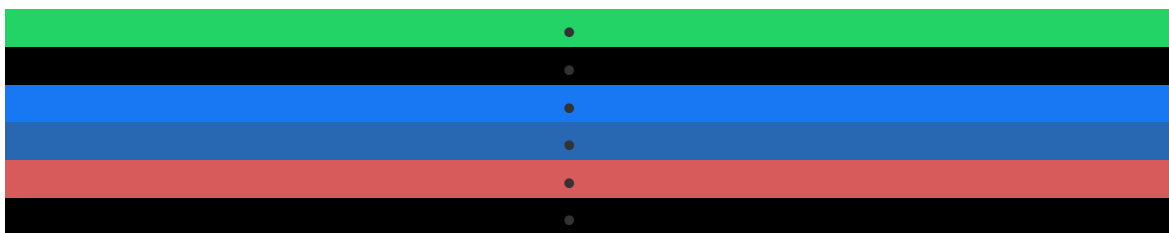


For every forest right title granted, nearly one has been formally denied. Photo for representation.iStock

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Published on:

30 Oct 2025, 10:02 am



Summary

- *The Forest Rights Act, intended to empower tribal communities and correct historical injustices, faces significant challenges in implementation.*
- *Despite the Ministry of Tribal Affairs' efforts to guide states, bureaucratic resistance and technical rejections hinder progress.*
- *The gap between policy intent and ground reality remains vast, with communities often sidelined in favor of industrial interests.*

The Union Ministry of Tribal Affairs (MoTA) writes detailed, thoughtful letters to Chief Secretaries, outlining with precision the gaps in the implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) that was born from a historic consensus to correct a “historic injustice”.

It is a legislation that seeks not merely to grant land titles but to orchestrate a radical shift in forest governance — from a colonial, exclusionary model to a democratic, community-led one. The MoTA, as its custodian, periodically dispatches detailed missives to the states, outlining the path to achieving this vision. The latest such communication, from Secretary Vibhu Nayar, is a comprehensive diagnostic of the ailment and a prescriptive guide for a cure.

It speaks of prioritising Community Forest Rights (CFR), disposing of decade-old pendencies, protecting against forced relocation and leveraging the Act to empower communities over minor forest produce (MFP). It is a blueprint for emancipation.

Yet, in the forests of India, these letters often feel like messages in a bottle, washed ashore in a land where the language of rights is foreign. The chasm between the intent in New Delhi's Shastri Bhavan and the reality in the woods is not just a gap; it is a raging river of apathy, conflict and systemic resistance.

Official narrative: Glimpse of progress in sea of data

On the surface, the government's own data, as reflected in MoTA's Monthly Progress Report (MPR) for July 2025, tells a story of incremental, albeit slow, progress. The numbers are impressive in their aggregate: Over 2.39 million Individual Forest Rights (IFR) titles have been granted across 21 states, covering a vast expanse of over five million acres of forest land.

Since the previous month, states like Odisha, Karnataka and Himachal Pradesh have shown activity, adding a combined 1,529 new IFR titles. This indicates that the administrative machinery has not ground to a complete halt.

On the community front, which is the very soul of FRA, the data shows that 121,863 CFR titles have been recognised nationally. The MoTA letter rightly identifies CFR and Community Forest Resource Rights (CFRR) as vital for “conserving ecosystems, strengthening livelihoods, and fostering community-led forest governance”. It even highlights “commendable examples” set by Tamil Nadu and Madhya Pradesh, urging other states to prepare an FRA Atlas to systematically identify potential areas for vesting community rights.

This is the narrative of intent — a central ministry pushing for a more systematic, transparent and accelerated process, anchored through state and district FRA cells funded under the Dharti Aaba Janjatiya Gram Utkarsh Abhiyan (DA-JGUA).

Hidden truth: Mountain of rejections & pendency

However, a deeper dive into MPR reveals the more sinister underbelly of this story. Nestled within the same report is a figure that betrays a profound injustice: A staggering 1.87 million forest rights claims have been rejected. Let that number sink in. For every title granted, nearly one has been formally denied.

In just one month leading up to the July 2025 report, this number swelled by over 11,000 rejections, with Odisha, Karnataka, and Goa contributing to this surge.

This mass rejection is not a mere statistical anomaly; it is the central crisis of FRA. The MoTA letter itself provides the clue to why this is happening. It notes, with evident concern, that “several claims are rejected on technical grounds, such as the absence of satellite imagery, GIS / GPS mapping”. It then delivers a crucial corrective, reiterating that Rule 12A of FRA “clearly envisages satellite imagery and other technological inputs as supplementary, not substitute forms of evidence”.

This directive lays bare the conflict. The ground-level implementing authorities — Sub-Divisional Level Committees (SDLC) and District Level Committees (DLC) — are often dominated by officials from the forest and revenue departments. These are institutions steeped in a legacy of control over forests and land, viewing FRA as an erosion of their authority.

By weaponising technicalities like satellite imagery, which cannot capture the nuances of traditional occupation or identify the occupant, they create a convenient, bureaucratic veil for denying rights. The Gram Sabha’s evidence, the very heart of the FRA process, is routinely dismissed, making a mockery of the law’s community-centric philosophy. The system, in effect, is designed to fail the claimant.

Crucible of injustice: Hasdeo Aranya

If one needs a case study of this betrayal, look no further than the Hasdeo Aranya region in Chhattisgarh. Dubbed the lungs of central India, this pristine forest is home to Adivasi communities whose existence is inextricably linked to the land.

Despite FRA’s clear safeguards under Section 4 (2), which mandates that rights must be recognised and settled before any relocation for “inviolable” areas, the state government has been pushing for coal mining in the region.

The story in Hasdeo is a microcosm of the national struggle. The MoTA letter’s earnest directive that “no member... is relocated from such areas without the settlement of their rights” rings hollow here. The state’s actions demonstrate a fundamental disregard for the spirit of FRA, prioritising extractive industrial interests over community-led forest governance and conservation. It is a stark example of how the law is side-lined when it conflicts with powerful economic and political agendas.

MFP paradox: Policy vs practice

Nowhere is the disconnect more poignant than in the context of MFP. The MoTA letter powerfully reiterates that FRA has an “overriding effect” on other laws related to MFPs.

It empowers right-holders to process, add value and market their produce, and even calls for amending transit permit rules to allow Gram Sabhas to issue them.

Yet, as field reports from villages like Sirlijodi in Rayagada, Odisha reveal, the gatherers — mostly women — have no awareness of the minimum support price (MSP) or schemes like Van Dhan Vikas Kendra (VDVK). They sell their high-quality tamarind for a paltry Rs 30 a kilogramme to the first middleman who arrives, utterly disconnected from the formal procurement system and the legal empowerment the FRA is supposed to grant them. The law promises autonomy, but the ground reality is one of continued exploitation.

This dispossession is most starkly evident in the case of high-value MFPs like kendu leaves. In a bitter irony, numerous Gram Sabhas in Koraput district and other parts of Odisha that have received CFR titles, formally recognizing their right to “own, collect, use, and dispose of” MFP, are systematically prevented from exercising this right. The state forest department continues to control the lucrative Kendu leaf trade, issuing transit permits to its own contractors and denying the same to the legally empowered Gram Sabhas.

This is not an isolated case; similar patterns are reported from states like Chhattisgarh and Jharkhand, where the forest department's monopoly over transit permits persists, directly contravening the FRA's mandate and the MoTA's specific instructions. The recognition of CFR, in these instances, becomes a hollow certificate, a right granted on paper but violently withheld in practice.

Way forward: Beyond letters to battle for power

The MoTA's letters are necessary. They are a crucial, official record of what should be. They provide civil society and communities with a tool to hold governments accountable. The establishment of FRA cells and the push for digitalisation, as mentioned in the letter, are steps in the right direction.

However, the relentless pace of rejections, the battles in places like Hasdeo and the profound awareness gap in tribal hamlets prove that the FRA's promise remains largely unfulfilled.

Therefore, a multi-pronged strategy is essential:

- **Political accountability:** The implementation of FRA must be moved from the periphery to the centre of political discourse. The performance of state governments must be judged on metrics beyond titles distributed to include claims rejected, CFR titles recognised and instances of illegal relocation.
- **Strengthening Gram Sabha:** Massive capacity-building and legal literacy programs are needed to arm Gram Sabhas with the knowledge to defend their claims and assert their rights over MFPs and forest governance.
- **Bureaucratic reformation:** The composition and functioning of the SDLCs and DLCs need an overhaul to ensure they are not dominated by officials hostile to the FRA. Independent monitors and civil society observers could be incorporated to ensure fairness.
- **Convergence as tool for empowerment:** The DA-JGUA must be aggressively used to provide the promised post-recognition support — from building community

storage facilities and processing units to facilitating market access — ensuring that a title translates into tangible economic improvement.

FRA remains one of the most visionary and radical pieces of legislation in independent India. But its true implementation demands a political battle to dismantle the entrenched structures of control and to truly believe, as the law does, that the best guardians of India's forests are the communities who have called them home for centuries.

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Views expressed are the author's own and don't necessarily reflect those of Down To Earth.