

The Forest Rights Act and The Battle for India's Forests

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The Ministry of Environment, Forest & Climate Change (MoEFCC) [amended the Forest Conservation Act \(FCA\), now called the Van Sanrakshan Evam Samvardhan Adhiniyan, in 2023](#). Its mission was to ease and speed up forest diversion for non-forestry purposes to contribute to the government's primary agenda of 'ease of doing business'.

It targeted the definition of 'forest' itself: confine the application of the FCA to only the notified forests. FCA empowers the foresters, the officers and frontline staff of the Forest Department, to divert the forests for non-forestry purposes.

The 2023 amendment rolls back the definition of 'forest' advanced by the Supreme Court. This would mean removing [at least 1.99 lakh sq km](#) from the foresters' authority to decide on whether land can be diverted or not. This was a big letdown of the foresters when the hegemony over the forest land had vastly expanded by about a third with the Supreme Court redefining what 'forest' is.

According to the Supreme Court, '*forest land* will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership' vide its judgment [of December 12, 1996 in WP\(C\) 202/1995](#).

How much that would be is yet to be ascertained.. The [States/UT wise details](#) of forest areas identified by the Expert Committees constituted vide Supreme Court order of December 12, 1996 and reiterated on February 19, 2024 is yet to be fully complied with.

Notified forests were 7,15,342.61 sq. km. or 21.76% of the country according to the [India State of Forest Report 2023](#). Responding to the petition filed by some retired forest officers and others, the Supreme Court in WP(C) No.1164/2023 [stayed the exclusion of](#)

[what it sought to add to what forest lands](#) are. This came as a great relief to the foresters whose reign over the much larger 'forests' than are notified has been retained.

In the meanwhile, the parliament enacted the [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#) (FRA). This was the direct fallout of the nationwide struggle triggered by the large-scale forest evictions that the MoEFCC ordered in May 2002.

MoEFCC also reckoned in its [2009 Country Report to the FAO](#) that FRA 'assigned rights to protect around 40 million ha of community forest resources to village level democratic institutions. The fine-tuning of other forest-related legislations is needed with respect to the said Act.'

A spate of constitutional challenges to FRA by retired foresters in the various high courts and some conservation non-government organisations have been clubbed together and are being heard in the Supreme Court. The courts have so far not stayed its implementation, much to the dismay of these petitioners.

FRA required transferring over half of India's forests from the colonial regime of the Forest Department to the democratic regime of forest dwellers' Gram Sabhas. Not only did the Gram Sabhas become the authority to protect, conserve, regulate and manage forests, wildlife and biodiversity, but also the ones to give the primary clearance for forest diversion under FCA.

The [2023 FCA Rules](#) then came as a savior: the mandatory FRA compliance, including Gram Sabha consent, that was a prerequisite for forest diversion was made, believe it or not, a post-diversion responsibility of the state governments.

In recent months, the Forest Department unleashed a no holds barred, law or no law, offensive to retain and strengthen their stranglehold over the forests and wildlife. However, it has achieved mixed results.

They have been successful in expanding their authority into newer areas, both legal and geographical; pushing out Gram Sabha consent as a prerequisite for forest diversion; and in partially resisting forest rights recognition, citing inapplicable legal provisions besides disregarding verified evidence that accompany forest rights claims.

Besides carrying out evictions under the cover of ['voluntary relocation' from Tiger Reserve](#), they are awaiting approval to keep out forest lands on lease from the purview of the FRA. At the same time, they have had to give up their stranglehold over a part of the forests to the Gram Sabhas, and have mostly failed in their attempts to encroach into the sabhas' powers and functions.

Self-designated nodal agency debunked

In a bizarre move, the Chhattisgarh Forest Department declared itself to be the 'nodal agency' for the management of the Community Forest Resource (CFR) areas on May 15, 2025.

It barred all other government and non-government agencies from carrying out any work related to this. CFR is the forest land within the traditional or customary boundaries of the village over which the Gram Sabhas is the authority to govern. This includes protection, conservation, regulation and management of CFR areas. About 20,06,224 ha of forest lands have already been titled under FRA as CFR area to 4,349 Gram Sabhas in the state.

This attempted coup followed the Tribal Affairs Ministry release of the 'Consolidated Guidelines for implementation of FRA related initiatives under Pradhan Mantri Janjatiya Unnat Gram Abhiyan (PM-JUGA)' in September 2024. One of its prominent support components for the states is for CFR management consisting of Rs 15 lakhs for every 100 ha for CFR plan and another Rs 15,000 per ha for its execution. That would amount to a whopping Rs 6,000 crores for Chhattisgarh. Getting a hold over the amount is worth a battle!

Also, the Ministry of Tribal Affairs (MoTA) withdrew an FRA compatible [2015 CFR guidelines](#) and replaced it with an FRA discordant [2023 guidelines](#).

The new guidelines opened up the space for the bureaucracy, especially the Forest Department, to take control of the CFR area. The new guidelines undermined the Gram Sabha autonomy which is at the core of FRA. Chhattisgarh State tops the list of States in recognising CFR rights for villages in the country.

Faced with a backlash, the Chhattisgarh Forest Department tried to pass off the use of the term 'nodal agency' as a typographical error. It hastily put [this order in abeyance](#) on July 3, 2025. The absence of guidelines and a model CFR Management Plan were the stated excuse. However, the 2023 CFR guidelines were already in place.

The framework of CFR Management Plan was there in the 2024 Consolidated Guidelines of PM-JUGA. MoTA affirmed this along with Gram Sabha's supremacy in CFR management as per their needs while dumping the preposterous declaration in [their letter to the Chhattisgarh Chief Secretary](#) on August 14.

No forest rights on forest lands leased out

Another uncanny development is unfolding in Chhattisgarh. This time it is to keep out 2,17,881 ha (as of 2016) of forest land, leased to the Forest Development Corporation (FDC) by the Forest Department, from the purview of FRA.

Close on the heels of an FDC proposal to the Additional Chief Secretary this January, the three official members of the District level Committee (DLC) of Mohla-Manpur-Ambagarh Chowki district jointly proposed to the Tribal and Scheduled Caste Department on May 6, 2025 that CFR rights should not be recognised on leased land to FDC.

Out of the 22 CFRs that they, as DLC members, recognised in January last year, they now want their decision on 18 CFR rights of Mohala. A Dhouki and Manpur A Chowki Tehsils to be reversed as these are on FDC lease lands, and reject these community claims in violation of the law. Recognition, they argue, would deprive the FDC from cutting and harvesting trees as per the forest working plan on these lands. They wanted the forest lands leased to the FDC to be exempt from the purview of FRA. Where CFR titles are already issued on such lands, there should be a condition that the Gram Sabhas shall not prevent any activities of the FDC.

The Forest Department followed this up in June 2025 demanding that all titles for CFR rights issued to the Gram Sabhas over FDC lands should be cancelled. This is a punishable offence as the FRA does not provide for cancellation of titles.

Large tracts of forest lands are leased mostly to the State Forest Department owned corporations for plantations such as tree, rubber, tea, coffee, cashew and other forest products. FRA recognises pre-existing forest rights of forest dwellers on forest lands; that include forest lands on lease. FRA overrides all these lease agreements making them infructuous where CFR claims exist.

Timber power: Beyond forest and into the fields

Responding to a Supreme Court order in WP(C) 202 of 1995, the MoEFCC extended the authority of the Forest bureaucracy to the wood-based industry through the [Wood-Based Industries \(Establishment and Regulation\) Guidelines, 2016](#). They became the authority to issue licenses approving the wood based industry, its capacity expansion, location, the timber requirement and availability, and regulate supply as well from forests and outside the forests including from overseas.

On June 18, 2025, the MoEFCC expanding the jurisdiction of the foresters, asked the state governments to adopt the [Model Rules for Felling of Trees in Agricultural Lands](#). MoEFCC could issue only model rules as both land and agriculture are state subjects. If adopted by the states, the foresters can take control of the supply chain of wood from outside the forest area, issuing permits for felling. The Model Rules makes it compulsory for farmers to register themselves in the National Timber Management System, provide initial plantation details, obtain permission to fell, verify, transport and supply wood to the wood-based industry. With this, unlike the police, their policing powers combined with the power over forest wealth, would extend beyond and outside the forests.

No wildlife clearance needed

FRA permits government agencies to establish 13 public facilities on forest lands. These forest diversions are exempted from the application of FCA. No forest clearance is required from MoEFCC.

These facilities are schools; dispensary or hospital; anganwadis; fair price shops; electric and telecommunication lines; tanks and other minor water bodies; drinking water supply and water pipelines; water or rain water harvesting structures; minor irrigation canals; non-conventional source of energy; skill up-gradation or vocational training centers; roads and community centers.

Forest land up to one hectare with felling of up to 75 trees is permissible for each facility. Gram Sabha recommendation is mandatory. The diversion can be approved at the district level by the Forest Department, and if not, by the DLC constituted under FRA.

However, foresters prevented thousands of such facilities from being established in Protected Areas, viz. National Parks, Wildlife Sanctuaries and Tiger Reserves, for the lack of wildlife clearance from the National Board for Wildlife under the Wildlife Protection Act, 1972 (WLPA).

A [letter, dated October 28, 2020, from the Deputy Inspector General of Forests \(WL\)](#) to the Under Secretary of MoTA confirming the requirement of wildlife clearance for these public facilities was used to stall these facilities.

Wildlife clearance is only required for projects that need prior Environmental Clearance under the Environmental Protection Act, 1986. Only eight categories of projects listed in the Schedule to the [Environment Impact Assessment, 2006](#) that are proposed within the Protected Areas, or in the surrounding Eco-sensitive Zones require environmental clearance.

These categories are mining, extraction of natural resources and power generation (for a specified production capacity); primary processing; material production; materials processing; manufacturing/fabrication; service sectors; physical infrastructure including environmental services and building/construction projects/Area development projects and townships.

The public facilities in FRA do not fall under any of these categories. Yet, the lack of wildlife clearance has been successfully deployed even in the courts to stall the establishment of these public facilities.

MoTA, under mounting pressure, rather than forthrightly state that wildlife clearance is not applicable, obliquely [clarified on July 2, 2025](#) that these public facilities are 'not contingent on external clearances unless explicitly stated in the FRA'.

Land grab through Conservation Reserve notification

Disregarding applicable laws, the MoEFCC and the Telangana Forest Department notified 1,492.88 sq. km. tiger corridor as Kumuram Bheem Conservation Reserve on May 30, 2025. This, it is claimed, connects the Kawal Tiger Reserve in Telangana with Tadob-Andhari Tiger Reserve in Maharashtra.

Notified under the WLPA, the Reserve encompasses 78 reserve forest blocks. A Conservation Reserve can be notified only on government-owned lands, in consultation with local communities, and not on private lands.

There are 339 villages on this stretch. If, in the unlikely event of the entire area being forest lands, most of these lands would fall within the jurisdiction of these Gram Sabhas with community and individual rights whether titled, claimed or yet to claim, under the FRA.

And FRA overrides the WLPA, as it came later. With this, the authority to protect, conserve and manage the forests, wildlife and biodiversity is squarely with these Gram Sabhas; not with the officers of the Forest Department and Kawal Tiger Reserve.

It is the Gram Sabhas' prerogative to decide the management plans, decide whether or not to bring it under the purview of the Protected Area regime including Conservation Reserve or Community Reserve. Faced with [widespread protests and shutdowns](#) especially in Kumuram Bheem Asifabad and Adilabad districts, this illegal order was withdrawn on July 21.

Peddling false data

The forest dwellers transited from being 'encroachers' on their own homelands to 'eligible encroachers' in 1990 when MoEFCC ordered for the regularisation of all pre-1980 encroachments.

With FRA getting operationalised in 2008, [the 'eligible encroachers' became lawful 'right holders'](#). Who the lawful right holders are and how much forest land they are legally entitled to occupy, is yet to be finalised through the implementation of FRA.

Section 4(5) of FRA unequivocally states that 'no forest dweller shall be evicted or removed from forest land under his occupation'. Recognising that FRA implementation has a long way to go, MoTA launched the programme on 'saturation of rights recognition process under FRA' in September 2024.

Even while this is unfolding, MoEFCC, instead of stating facts, both legal and grounded, filed an affidavit on March 28, 2025 complying with the National Green Tribunal order of April 19, 2024 in OA No.129/2024. It stated that about 1.3 million hectares of forest land was under encroachment as of March 2024.

This data is a compilation of the legally untenable data that the State Forest Departments supplied to the ministry. Yet, such data remains unchallenged, and is widely bandied about in the media and the courts, leading to demands for immediate evictions of the 'encroachers' to save the forests.

Added to this, MoEFCC's Forest Survey of India in their 'India State of Forest Report 2023' indicted FRA titles as a factor, amongst others, causing forest decline. MoTA, in a rare act of bravado, asked MoEFCC on July 2, 2025 'to provide a detailed scientific analysis to support this claim with valid instances through ground truthing' when the FRA does not regularise encroachment but merely recognise existing rights.

C.R. Bijoy examines natural resource conflicts and governance issues.