



**The Historical Injustice to the
Forest Dwelling Community
Continued: The process,
performance and major
violations in the one decade
of implementation of the
Forest Rights Act 2006 in**

Kerala

**Dr.K.H. Amitha Bachan
Western Ghats Hornbill Foundation**

**Supported by Vasundhara, Natural
Justice & MES Asmabi College**

**Promise and Performance of Forest Rights Act, 2006:
KERALA STATE REPORT**



**Produced as part of
COMMUNITY FOREST RIGHTS
LEARNING & ADVOCACY PROCESS
CFRLA, RRI**

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ABBREVIATION

FRA : Forest Right Act
PESA Act : Panchayats Extension to Scheduled Area Act
ST : Scheduled Tribe
OTFD : Other Traditional Forest Dwellers
CFR : Community Forest Resources Rights
CR : Community Right
IFR : Individuals Forest Rights
PA : Protected Area
PVTG : Particularly Vulnerable Tribe Group
NTFP : Non Timber Forest Produce
FRC : Forest Right Committee
FPIC : Free Prior Informed Constant
SLMC : State Level Monitoring Committee
SDLC : Sub – Divisional Level Committee
DLC : District Level Committee
ITDA : Integrated Tribal Development Agency
JFM : Joint Forest Management
LWE : Left Wing Extremism
CFR – LA : Community Forest Rights Learning and Advocacy
FSI : Forest Survey Of India
FD : Forest Department
FCA : Forest Conservation Act
MoTA : Ministry Of Tribal Affairs
MoEFCC: Ministry Of Environment Forest and Climate Change
CAMPA: Compensatory Afforestation Management and Planning Authority
MGNREGA : Mahathma Gandhi National Rural Employment Guarantee Act
IAY: Indira Awas Yojna
CAF : Compensatory Afforestation Fund
VFR : Village Forest Rule
VSS: Vana Samrakshana Samithi
FDCM : Forest Development Corporation
NFP: National Forest Policy
Oorukoottam - Hamlet /Cluster of Hamlet level Grams Sabha

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Historical Injustice to the Forest Dwelling Communities Continued

The process, performance and violations in the first decade of implementation of the Forest Rights Act 2006 in Kerala

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Chapter I: Introduction

In 2006, the Indian Parliament enacted The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hitherto referred as Forest Rights Act (FRA)), a unique emancipatory law with the potential to transform the lives and livelihoods of hundreds of millions of forest-dependent people. The law vests a number of rights over forest lands to forest dependent Scheduled tribes and other forest dwellers, including individual rights over occupied forest lands, community rights over Non Timber Forest Products (NTFP) and other forest produce and the rights to protect and manage Community Forest Resource Rights within traditional village boundaries. The most important right which has a bearing on forest governance and the welfare of tribals and forest dwellers is that of Community Forest Resource Rights.

FRA 2006, its rules 2008 as amended in 2012, is one of the best legal instruments ensuring sustainable livelihood, inclusive conservation and progressive democracy in the grassroot level with the upliftment of the forest dependent community especially Adivasis, Particularly Vulnerable Tribal Groups (PVTG) and women. The various Community Rights (CRs) including full right of the Gramasabha (GS) on Minor Forest Produces including Bamboo and Individual Forest Right (IFR), Record of Right on land of habitation and agriculture can play a great role ensuring the sustainable livelihood of forest dwelling community leading to more sustainability to the land and forest resources if implemented properly. The role of Adivasi community on forest, wildlife and biodiversity is well understood and the paradox of expelling indigenous communities out of the forest areas and increased plantation and development activities within the forest has been a centre stage of discourse for the last few decades. The CFR right is a new conservation area which empowers local communities and their heterogenic traditional practices to support conservation and forest management. The FRA visualise the Tribal Grama Sabha or (Oorukootam) village assembly with the leadership of elected 10-15 membered Forest Right Committees (FRCs) and the Community Forest Resource Management Committees (CFRMCs) as the grassroots level decision making bodies in the matters of Forest Diversion, Forest, Wildlife and Biodiversity protection and management and also the sustainable use and marketing of MFPs. This is indeed a progressive democratic step towards democratisation of the colonial forest legislation first time for independent India.

The FRA 2006 has completed ten years of its enactment and its progress in national and the local Level reflects issues of placement of actual participatory democracy, inclusive conservation and justice to the Adivasis. According to the status report on implementation of Forest Rights Act, by MoTA, GoI, till 31st January, 2017, 41,71,788 claims (40,35,513 individual and 1,36,275 community claims) have been filed and 17,83,262 titles (17,20,742 individual and 62,520 community claims) have been distributed (CFR-LA 2016). The provisions for community rights and community forest resource rights form a key component of the Forest Rights Act and recognition of these rights remain a major area of challenge in the process of implementation even after a lapse of 10 years of enactment.

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A website
(<http://fra.org.in>)
and a list serve based discussion group
(<http://groups.google.com/forum/#!forum/CFR-la>)
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