

## THE GRAM SABHA AS A LEGAL FORUM FOR ENVIRONMENTAL JUSTICE: THE CASE OF COMMUNITY FOREST RIGHTS

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### **Abstract**

Decentralization through the Gram Sabha (village assembly) has been legalized on the basis of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA), creating community control over Community Forest Resources (CFR). The current report suggests that although the FRA is a well-developed legal framework to right the historical injustice of Victorian-era forest management, its transformative possibilities are harshly limited due to a structural and long-standing gap in implementation. This study offers an overview of the de facto performance of the Gram Sabha through the quantitative review of data on national implementation of the FRA program and qualitative case studies within Maharashtra, Odisha and Chhattisgarh based on a mixed-methods analysis. There is evidence that CFR governance approaches that have worked in states such as Maharashtra and Odisha, on the one hand, guarantee valuable socio-ecological and economic gains, which confirms the risk philosophy underlying the Act that rights-based conservation would result in sustainable livelihoods and enhanced local government. Conversely, these successes are an exception in a terrain that is characterised by large-scale obstacles.<sup>1</sup>

The institutionally entrenched bureaucratic resistance, especially of the state Forest Departments, dilutes the mandated executive (legal) authority of the Gram Sabha by circumventing the delegated legislative body by procedural sabotage and bureaucratic inertia. On the inside, issues of elite bourgeoisie and gender inequalities undermine the democratic and deliberative operation of the Gram Sabha. To achieve the envision of environmental justice as embodied in the FRA, it is not only necessary to incorporate the vision into legal frameworks but also to integrate a political will to eliminate the legacies of colonial power and, instead, implement community-based governance of the forests in India as the new dominant paradigm of forestry management.<sup>2</sup>

**Keywords:** Gram Sabha, Environmental Justice, Community Forest Rights (CFR), Forest Rights Act (FRA) 2006, Decentralised Governance, Indigenous Rights, Forest Department, Elite Capture.

### **I. Introduction: Environmental Justice at the Grassroots**

Environmental justice is no longer seen as the insular notion of distributive equity and equitable distribution of environmental risks and benefits but has gained a richer procedural hue in terms of rights; the right to take an active role in matters that impact around them, regardless of whether they are entitled to those matters or not. Within this framework of procedure is where the potentially transformative legal venue, the institution of the Gram Sabha (village assembly), in India arises. A landmark in environmental jurisprudence in India over the years came with the enactment of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter FRA).<sup>3</sup>

Its preamble directly aims at healing an historical wrong or injustice against the indigenous people of the nation (Adivasi), as well as other traditional forest-dwelling peoples (OTFDs). This injustice was the creation of a colonial then a post-colonial jurisprudence in which these

<sup>1</sup>*Report of the Fact-Finding Committee on Implementation of the Forest Rights Act, 2006* (Ministry of Tribal Affairs, March 2024).

<sup>2</sup>Sharachchandra Lele, 'An Uphill Struggle to Grow the Forest Rights Act' *The Hindu* (18 December 2023) (discussing political, bureaucratic resistance to FRA)

<sup>3</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*

peoples had been systematically made to lose not only their relationships to the forests that they had occupied and preserved across generations but also made to appear as invaders of the state ships.<sup>4</sup>

The FRA is not just a plan to redistribute land, but a serious reorganisation of the forest. At the heart of this reorganization lies: the Gram Sabha, legalized by the Act as the constituent element of a new model of governance, decentralized and democratic. The FRA has enabled the Gram Sabha to become the first and final decision-making body to start, discuss, check, and confirm claims on forest rights, thus transferring the seat of power to the grass root and not the state bureaucracy.

The radical ideological change in Indian environmental law represented by this legislative design is the state-centric, exclusionary model of fortress conservation giving way to the rights-based, community-centric model.<sup>5</sup> The previous system of law, the culmination of which was the Indian Forest Act of 1927, accorded forests as a leading source of the state budget or an untouched wilderness, in which the *homo sapiens* should not intrude. Instead, the FRA acknowledges that forest dwellers are “central to the very existence and sustenance of the forest ecosystem, and thus they need an entirely redefined role as right holders as opposed to mere subjects of state activities.

The Gram Sabha is the institutional exemplary of this paradigm shift, with its functional efficacy becoming the determining variable in the success of the whole rights-based conservation project in India.<sup>6</sup> In this report, the authors attempt to provide responses to one of the key research questions: How well has the Gram Sabha as embodied in its current legal understanding in the FRA operated as a productive environmental justice platform of the forest-dwelling communities? To counter this, the report moves between the *de jure* legal architecture that supports Gram Sabha and the *de facto* empirical realities of the operation of the Gram Sabha.

It starts by looking at the statutes of the FRA and the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) that jointly create such a compelling mandate in local self-commercialization. Then it also explores various powers and procedural functions of the Gram Sabha that are the part of the recognition of Community Forest Rights (CFR). The legal analysis is followed by a quantitative evaluation of the execution of the FRA at the national level showing general tendencies and systemic prejudice.<sup>7</sup>

After that, documentation of qualitative case-studies in Maharashtra, Odisha, and Chhattisgarh is conducted to exemplify not only the astounding success but also the continuing failure of CFR governance on the ground. It is a critically observed report that lists the overwhelming barriers to the operation of the Gram Sabha as; bureaucratic, social and economic barriers to the functioning of the Gram Sabha and the report ends with the recommendation of the policies that can give power to the existing powerful institution of the grass root democracy, the Gram Sabha.<sup>8</sup>

<sup>4</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, Preamble (acknowledging colonial and post-colonial injustice and aiming to recognise forest rights that had remained unrecorded and leading to historical injustice)

<sup>5</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6(1) (mandating Gram Sabha to pass resolution on claims), Grammar as foundational institution in forest rights process

<sup>6</sup>*The Law Institute: Forest Rights Act Implementing Authorities* (Gram Sabha's roles)

<sup>7</sup>*Rights on paper, powerlessness in practice, Lawyers at Ranchi* (lack of CFR recognition, infrastructural deficits)

<sup>8</sup>*Coerced Gram Sabhas in Sijimali: A Grave Travesty of Justice, GroundXero* (state-corporate coercion violating FRA and PESA).

## II. The Legal Architecture of Forest Governance: Interplay of the Forest Rights Act and PESA

The strength of the Gram Sabha as a space to establish environmental justice is not conditioned upon a single act but instead on the potent force of two monumental Acts: the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA). They both build an integrated legal framework of decentralized, rights-based management of natural resources in the tribal heartlands of India.<sup>9</sup>

### *The Forest Rights Act (FRA), 2006*

A law was introduced to compensate the pre-existing forest dwelling communities by providing them with vested rights privileges through the FRA. It has indicated two main categories of beneficiaries as members of Scheduled Tribes, who are Forest Dwelling Scheduled Tribes (FDST) mostly living in and depending on forests and Other Traditional Forest Dwellers (OTFD), who have also lived in forest-dwelling and depending on forest land at least three generations (75 years) before the date of establishment, December 13, 2005. In Section 3 of the Act; the implausible domain of individual and communal rights are recognized.

Although the recognition of the community tenure is the most disruptive environmental justice effect of the Act, rights of individuals to occupy and sustain habitation in the forest land (Individual Forest Rights or IFR) holds great importance.<sup>10</sup> Such community rights are: nistar rights, ownership and disposal rights to all Minor Forest Produce (MFP), rights to traditional resources such as fish, water bodies, and grazing ground. MFP has been widely described as all plant related non-timber forest produce like bamboo, tendu leaves, honey, wax and medicinal plants that people who are million strong depend on them.

Nevertheless the most notable part is-3(1)(i)- recognizing the community forest resource which they traditionally protect and conserve or manage and which they protecting or conserving to sustainable use.<sup>11</sup> This right over a Community Forest Resource (CFR) (communal common forest land within the customary site of a village, such as set aside forests and the corresponding shields to which the community had hitherto been a resource permitting customer to traditional access) or not only transforms the community into a legally recognised administrative body, but also includes the reserved forests and the shields to which the community had, up to now, its traditional method of access.<sup>12</sup>

### *The Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)*

A decade prior to the FRA, PESA established the pillars of self-rule within the so-called Scheduled Areas outlined in Article 244(1) to the Constitution. PESA has often been referred to as a Constitution within the Constitution since it stipulates the continuation of state Panchayat legislations to be in consonance with the customary law, social practices and religious practices as well as traditional management practices of community resources. That provision appears to belong within the venue of state legislations to the practice there to which will appear a potent juridical basis to state recognition of customary ecological prudence and government.<sup>13</sup>

PESA explicitly gives the Gram Sabha several roles that are of importance in environmental justice. It is provided in section 4(d) that all Gram Sabah are competent to protect and

<sup>9</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.*

<sup>10</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 3.

<sup>11</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 3(1)(i).

<sup>12</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 2(a).

<sup>13</sup>*Panchayats (Extension to the Scheduled Areas) Act 1996*, s 4(a).

conserve traditions and cultural practices of the people, cultural identity, communal resources and the traditional system of dispute settlement.<sup>14</sup> Section 4(m) also invested certain powers in the Gram Sabha and Panchayats, such as the proprietorship of minor forest produce, the right to check alienation of the land and control of local plans and resources.<sup>15</sup>

Importantly, PESA provides that the recommendation of the Gram Sabha is now mandatory before prospecting licenses or mining leases are granted to minor miners, and consultation with the Gram Sabha is now mandatory before any land is acquired on development projects. The legal meaning of the word mandatory is important because it deprives the state executive of discretionary authority and creates a sort of community veto authority.<sup>16</sup>

These two laws interact to produce what could be rationalized as a sovereignty bubble of the Gram Sabha on the issue of forest governance. PESA gives the general constitutional and political basis of self-rule and defines the power of the Gram Sabha in the management of communal resources in Scheduled Areas. Subsequently the FRA works to operationalize this authority annually at the forest landscape level with the details of tenurial rights and procedural mechanisms by which the Gram Sabha can obtain, assert, and manage the Community Forest Resources.

In theory, this legal system will isolate the determinations of the Gram Sabha against the caprice of the state, and affirm its primacy over line departments such as the Forest Department, forming a radical legal foundation of environmental self-determination.<sup>17</sup>

### **III. The Gram Sabha: A Locus of Decentralised Power and Authority under the FRA**

Essentially it puts the Gram Sabha at the centre of forest governance—Denying the Gram Sabha an effective role as a consultative body on the one hand and recognizing its status as an effective institution with legal authority and decision-making, is a fundamental outcome of the Forest Rights Act. This section lays out the specific powers and functions which give rise to the Gram Sabha as being the main site of decentralised power under the Act:<sup>18</sup>

#### *Power to create and verify claims*

The primary authority that is vested with the Gram Sabha is that it alone is the body that can start the process to seek recognition of forest rights. Section 6(1) of the FRA is unequivocally stating that: “The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both.” This bottom-up approach is a conscious move away from past top-down (state-led) land settlement. Gram Sabha receives individual and community claims, compiles and verifies them through the elected Forest Rights Committee (FRC).<sup>19</sup>

Second, the verification process itself represents a paradigm shift in environmental governance because it results in a reframing of what logically constitutes the “real” as “evidence” and “expertise.” Colonial and post-colonial forest policymaking had based itself solely on the technical, cartographic, and textual archives of the state bureaucracy, which by definition had systemically excluded the recording of forest peoples’ rights.

The FRA process, on the other hand, reinforces several ways of knowing—they include oral testimonies, local maps, cultural knowledge, ancestral knowledge, traditional ecological knowledge, and more. This knowledge is guarded by the Gram Sabha, which consists of all

<sup>14</sup>*Panchayats (Extension to the Scheduled Areas) Act 1996*, s 4(d)

<sup>15</sup>*Panchayats (Extension to the Scheduled Areas) Act 1996*, s 4(m)

<sup>16</sup>*Panchayats (Extension to the Scheduled Areas) Act 1996*, s 4(k), s 4(l).

<sup>17</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*.

<sup>18</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6.

<sup>19</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6(1).

adult members of the village.<sup>20</sup> Its confirmation lies in shared history, folk memory and experience. This resolution adopted by the Gram Sabha, bearing the attestation of the truth of the facts, is itself the main legal instrument that is dispatched to the higher level. This is an epistemic challenge to the Forest Department's longstanding hegemony of "expert" knowledge by arguing for the community's cumulative, historical truth as a superior legal foundation upon which rights can be understood.<sup>21</sup>

#### *Governance and Managers' Management strength*

The role of the Gram Sabha goes way beyond the claims process. As CFR a person becomes an authority to replace the sovereign state. Section 5 of FRA empowers the Gram Sabha with sweeping powers and responsibilities of "preservation of wild life, forest and biodiversity," "proper protection of adjoining catchment area, water source and other ecologically sensitive areas" and "control access to community forest resources and prohibit any activity detrimental to wild animals, forest and the biodiversity." This already gives legal recognition to the community's right to make its own sustainable use, conservation and management rules and policies for its CFR-is really in effect, making them the statutory managers of their forest commons.<sup>22</sup>

#### *Power to veto development projects*

In this regard, one of the most important powers of the Gram Sabha is the power of granting or refusing consent for diversion of forest land as a means of providing environmental justice. Section 4(5) of the FRA envisages that no forest dweller shall be evicted or removed from forest land he/she is occupying till the process of recognition and verification has taken its course. Further to accepting and adopting the underlying principles of the FRA, M/o Environment, Forest and Climate Change (MoEFCC), has accepted approval from the affected Gram Sabha through formal resolution as a sine qua non for such diversion of forest for non-forest purposes such as mining, clearing forests for industrial undertakings, etc.<sup>23</sup>

This clause gives the Gram Sabha de facto veto powers, famously confirmed by the Supreme Court in the case against the erection of a bauxite ore mining project by Vedanta Resources in the Niyamgiri Hills, because all Gram Sabhas of the Dongria Kondh tribe unanimously opposed it in their sacred territories. At the same, it gives communities the power to formally reject development projects that would adversely impact their ecosystems, livelihoods, and culture.<sup>24</sup>

#### *Grievance Redressal Forum*

Finally, the Gram Sabha is also seen as the main forum for internal community disputes concerning the rights to forest. Within this function PESA strengthens the competence of the Gram Sabha to utilise what is labelled the "customary mode of dispute resolution." The Act aims to empower communities to resolve conflict through dialogue and on a basis of consensus through traditional mechanisms thus providing an appropriate, culturally appropriate and non-adversarial window of justice while also reducing recourse of dispute resolution to external and often inaccessible formal justice mechanisms.<sup>25</sup>

### **IV. Procedural Realities: The Gram Sabha's Functioning in the CFR Claims Process**

Although the FRA invests the Gram Sabha with broad powers, implementation of its powers is coupled with a multi-layered procedural framework. The story of a claim from conception

<sup>20</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 13.

<sup>21</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6(1).

<sup>22</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 5.

<sup>23</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 4(5).

<sup>24</sup>*Orissa Mining Corporation Ltd v Ministry of Environment and Forest* (2013) 6 SCC 476.

<sup>25</sup>*Panchayats (Extension to the Scheduled Areas) Act 1996*, s 4(d).

to resolution tells us, on the one hand, of the promise that can lie in grassroots democracy, on the other of the many temptations to nullify the Act's purpose.<sup>26</sup>

#### *The Three Level Verification Model*

The FRA provides for three levels of institutional mechanism for verification and confirmation of claims on forest rights under a bottom-up approach:

Gram Sabha and Forest Rights Committee (FRC): The process of selection begins from the Gram Sabha where in a quorum of the meeting a Forest Rights Committee (FRC) comprising 10-15 members is constituted by election from amongst those present in the gathering. To support the Gram Sabha, all the FRC has to do is listen to the claims and record stories about the land, create a map of claimed areas and verify the claims with their eyes on the ground. The FRC then proceeds thereof and a list of all claims are then laid down before the full Gram Sabha for it to consider. The Gram Sabha takes up these conclusions and passes a resolution approving, amending or rejecting the claims and sends the resolution to the next level.<sup>27</sup>

Sub-Divisional Level Committee (SDLC): The committee is chaired by SDO and consists of the officers of Forest, Revenue and Tribal Welfare Department, followed by three members from Panchayati Raj Institutions. The purpose of the SDLC is to review the resolutions and records transmitted by the Gram Sabhas, ensure that they are of the same substance as the official records and to draft a forest rights record. It can also listen to appeals from people who feel aggrieved by the decision of a Gram Sabha.<sup>28</sup>

District Level Committee (DLC): A committee similar in composition to SDLC at district level with the District Collector as the chairperson. Unfortunately, it holds ultimate responsibility in the process. The DLC reviews work produced by the SDLC in the form of a draft record and approves the final record of rights. The decision of DLC regarding the record of forest rights is considered to be "final and binding" under law.<sup>29</sup>

#### *Ethnographic evidence of Effective Functioning*

The case study of a rice dhanya development on a limited land area in Podochuanpadar village in Odisha gives us a granular, ethnographic description of how this process can work as designed when encircled with community mobilisation and civil society facilitation. It all started when an NGO named, Nirman sensitized about the FRA. So a special Gram Sabha was called by the villagers in April 2012 to officially form their FRC.

In the following months, a series of Gram Sabha meetings were held to review claim forms, authenticate the traditional community ownership and collective use by the community of the forest for over 25 years, and adopt resolutions accepting all 29 claims for Individual Forest Rights (IFR) and the tropical-forest based CFR claim for the village.<sup>30</sup> The FRC with active participation of community prepared written mapping, and the same is then handed over formally by the Gram Sabha to SDLC.

Finally, after their CFR over 200 acres was recognized, the Gram Sabha (GSC) in 2016 again met to reconstitute a Forest Protection Committee to create a detailed forest management plan with the community, completing the cycle from the assertion of rights to the exercise of governance.<sup>31</sup>

<sup>26</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6.

<sup>27</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, r 3, *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007*.

<sup>28</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6(3).

<sup>29</sup>*The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, s 6(5).

<sup>30</sup> Nirman, *Community Forest Rights in Odisha: A Case Study of Podochuanpadar Village* (Nirman 2012).

<sup>31</sup> Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007, r 4.

### *Bureaucratic Thieves and Murderous Bottlenecks*

In the Podochuanpadar case this is often not the case. The multi-tiered structure designed as part of a system of checks and balances often acts as a bureaucratic funnel: the authority of the Gram Sabha is steadily watered down. Research has found a plethora of procedural failures that destroy the process. For example, Gram Sabha meetings are conducted at the larger Gram Panchayat level, and not at hamlet level: this excludes smaller and more inaccessible settlements, and the spirit of direct democracy is violated. Quorum rules are often not followed and minutes of meetings are either not kept or edited.<sup>32</sup>

Most importantly, the SDLCs and DLCs, run mainly by officials from Forest and Revenue Department, and indeed the agencies whose recruitment the FRA seeks to curtail, are very often a check point rather than a facilitator. Instead of merely confirming the procedural validity of a Gram Sabha resolution, these committees typically re-decide the claims on their own terms, based on bureaucratic standards of proof that run contrary to the Act's inclusionary intent.<sup>33</sup>

Within the FRA Rules, it is mentioned that if the higher level committee concludes that a Gram Sabha's decision is incomplete or there are certain aspects which need to be reviewed further, it may direct the claim back to the Gram Sabha for reconsideration. But, in reality, claims are often summarily dismissed at these higher levels, on technical and procedural grounds, without reasons being given to the claimants, and without room for the Gram Sabha to correct flaws. This virtually converts a process legally mandated from the bottom up into a discretionary top-down approval mechanism in which the claim duly certified by the community is subjected to the veto of the old power structure, thus creating a systematic disempowerment of the Gram Sabha.<sup>34</sup>

### **IV. National Implementation Landscape: A Quantitative Analysis of FRA Progress**

In order to frame the field-level realities of Gram Sabha operation, the macro-level information on the enforcement of the Forest Rights Act throughout India will have to be considered. Statistics published by the Ministry of Tribal Affairs (MoTA) give a bleak quantitative view of the development of the Act, indicating structural issues, serious inter-state imbalances, and a strong tendency toward the non-recognition of community rights.<sup>35</sup>

By May 31, 2025, 5,123,104 claims (individual and community) were registered at the Gram Sabha level throughout the country. Out of these only 2,511,375 titles were issued, or an average rate of success of only 49.02. One point eight six hundred and fifty-two thousand three hundred and fifty two claims (36.35) were dismissed and 749,673 claims (14.63) were pending and usually years old. This fact throws into immediate relief a critical point of injustice: of all the cases that have been brought forward by forest-living communities, more than half have been dismissed, or are in a state of bureaucratized indecision.<sup>36</sup>

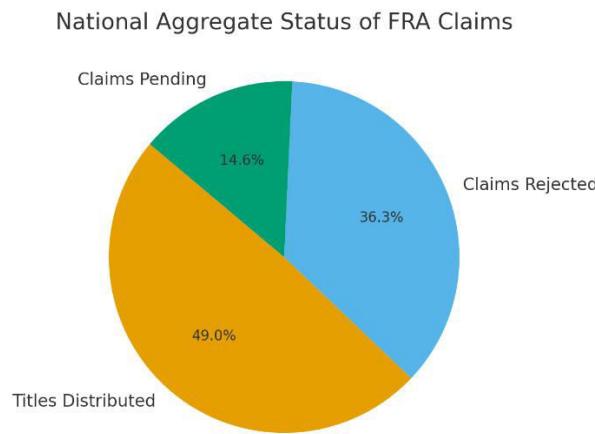
<sup>32</sup>Ministry of Tribal Affairs, Government of India, *Report on the Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (MoTA 2016).

<sup>33</sup> Upendra Baxi, 'The Forest Rights Act: Forest Bureaucracy Reinvented?' (2011) 46(10) *Economic and Political Weekly* 67.

<sup>34</sup> Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2007, r 12A.

<sup>35</sup> Ministry of Tribal Affairs, *Status Report on the Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (MoTA 2019).

<sup>36</sup>Forest Rights Act is failing tribals: Will Govt of India act before it's too late? CounterView (21 August 2025)



A more detailed review of the data shows that there is a critical gap between the awareness of Individual Forest Rights (IFR) and Community Forest Rights (CFR). Among 5.12 million claims lodged, 4.91 million (95.8) of claims were against IFR and only 211, 609 (4.2) against CFR. This massive disparity in filing is in itself suggestive of an insensitivity and administrative bias of the more complicated CFR process. The imbalance is even greater in the assigning of titles.

Whereas 2,389,670 IFR titles have been issued, there have only been 121,705 CFR titles issued. Such a systemic disregard towards community rights is one of the fundamental flaws in the implementation of the Act since CFR is the main mechanism through which the greater objectives of democratic forest governance, conservation and sustainable livelihoods are fulfilled.<sup>37</sup>

There are also enormous inter-state differences that define the implementation landscape, as shown in Table 1. Other states like Odisha and Chhattisgarh have already offered the highest level of IFR title distribution with Odisha leading the country. But even in these states the appreciation of CFR is even further behind. As an example, Chhattisgarh has issued more than 481,000 IFR titles and less than 52,000 community titles. On the contrary, states that have high numbers of forest-dwelling citizens, like Karnataka and Jharkhand, have very poor performance. Karnataka has rejected more than 253,000 claims and distributed only 16324 titles, and Jharkhand has more than 20,000 claims pending.

We cannot attribute the differences to the varying demographic or geographic factors alone but they indicate different levels of political will, administrative capacity and civil society pressure levels within states.<sup>38</sup>

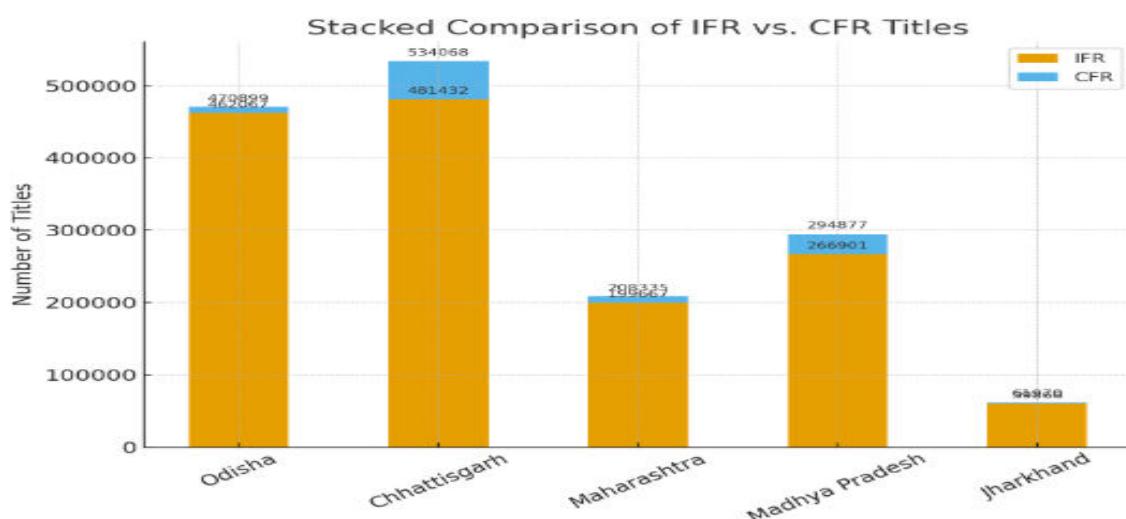
<sup>37</sup> Ministry of Tribal Affairs, *Monthly Progress Report on Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as on 31 May 2025* (MoTA 2025).

<sup>38</sup> Ministry of Tribal Affairs, *State-wise Status Report on Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as on 31 May 2025* (MoTA 2025).

Table 1: State-wise Status of Claims under the Forest Rights Act, 2006

S. No.	State	Individual Claims Filed	Community Claims Filed	Total Claims Filed	Individual Titles Distributed	Community Titles Distributed	Total Titles Distributed	Total Rejected	Total Claims Pending	% Titles Distributed
1	Andhra Pradesh	285,098	3,294	288,392	226,651	1,822	228,473	58,410	1,509	79.22%
2	Assam	148,965	6,046	155,011	57,325	1,477	58,802	N/A	96,209	37.93%
3	Bihar	4,696	0	4,696	191	0	191	4,496	9	4.07%
4	Chhattisgarh	890,220	57,259	947,479	481,432	52,636	534,068	406,787	6,624	56.37%
5	Gujarat	183,055	7,187	190,242	98,732	4,792	103,524	2,331	84,387	54.42%
6	Jharkhand	107,032	3,724	110,756	59,866	2,104	61,970	28,107	20,679	55.95%
7	Karnataka	288,549	5,940	294,489	14,981	1,345	16,326	253,269	24,894	5.54%
8	Madhya Pradesh	585,326	42,187	627,513	266,901	27,976	294,877	322,407	10,229	47.00%
9	Maharashtra	397,897	11,259	409,156	199,667	8,668	208,335	172,631	28,190	50.94%
10	Odisha	701,148	35,024	736,172	462,067	8,832	470,899	144,636	120,637	63.96%
11	Rajasthan	113,162	5,213	118,375	49,215	2,551	51,766	65,921	688	43.73%
12	Tripura	200,557	164	200,721	127,931	101	128,032	68,848	3,841	63.79%
13	Uttar Pradesh	92,972	1,194	94,166	22,537	893	23,430	70,736	0	24.88%
<b>Total (All India)</b>		<b>4,911,495</b>	<b>211,609</b>	<b>5,123,104</b>	<b>2,389,670</b>	<b>121,705</b>	<b>2,511,375</b>	<b>1,862,056</b>	<b>749,673</b>	<b>49.02%</b>

Figure 2: Comparison of IFR vs. CFR Titles Distributed in Key States (as of May 31, 2025)



This quantitative description provides the scope of the implementation problem. While the FRA has led to the largest land tenure recognition programme in recent Indian history, the data tells the story of a process of rejection and delay, and of systematically privileging individual rights over community rights. The macro-level data provides the necessary background for recognizing the significance of the local successes and the systemic nature of the local failures studied in the subsequent portions.<sup>39</sup>

## **V. Case Studies in CFR Governance: Successes from Maharashtra and Odisha**

Amidst the fraught national scene of FRA implementation, there are pockets of regions that have become shine spots for the transformative potential of a well-recognized and exercised Community Forest Rights. The experiences in Vidarbha, Maharashtra and parts of Odisha provide a practical vision of environmental justice by showing how empowered Gram Sabhas can develop a virtuous cycle of economic prosperity, ecological conservation and strengthened local democracy.<sup>40</sup>

### *The Vidarbha example: Community Control as a Strategy for Economic Empowerment*

The Vidarbha region in eastern Maharashtra has perhaps the most interesting case of CFR triumph in India. The convergence here is, on the one hand, the presence of a highly mobilized local community with a large support base in the proportion of mobilized civil society; and on the other, the relatively receptive attitude of the state administration system which allowed CFR to be recognized for over 1,500 villages. Vidarbha contributes to a whopping 92% of all the CFR claims recognised in Maharashtra, with an average area recognised per claim which is its average size being far larger than the national average.<sup>41</sup>

The effect on society and measured worth has been revolutionary. Until the FRA, the trade in high-value MFP such as tendu leaves (used to roll bidis) and bamboo was a state monopoly run by the Forest Department. Communities only worked as wage earners and in many cases were exploited and not paid wages immediately from contractors. This trade became directly under the control of Gram Sabhas after they acquired CFR titles.

They started to issue their own tenders, making direct arrangements with traders and organizing the collecting and selling process. In villages like Dhamditola this led to a change in cash earnings per collector from an average of 100-150 INR a day to over 500 INR per day. In 2021, revenues from tendu leaf sales, including labor costs and bonuses distributable directly to collectors, came in well above 2.5 million INR at the Dhamditola cluster Gram Sabha (GSC).<sup>42</sup>

This has had a knock on effect in terms of economic empowerment. Increased and stable earnings have pushed distress migration for work to cities to a minimum. Families have been able to use their income to invest in agriculture, buying equipment such as solar powered borewells, diversifying their crops and increasing productivity on their land. The success has also achieved institutional innovation, with Gram Sabhas coming together in taluka-level

<sup>39</sup> Arpita Bisht, 'Forest Rights Act and the Politics of Implementation in India' (2020) 55(50) *Economic and Political Weekly* 45.

<sup>40</sup> Shruti Agarwal and Ashish Kothari, 'Community Forest Rights and the Future of Conservation in India: A Study from Maharashtra and Odisha' (2019) 54(24) *Economic and Political Weekly* 36.

<sup>41</sup> Neema Pathak Broome, Ashish Kothari and Shruti Agarwal, *Promise and Performance: Ten Years of the Forest Rights Act in Maharashtra* (Kalpavriksh 2016).

<sup>42</sup> Neema Pathak Broome, *Community Forest Rights and Non-Timber Forest Produce Management in Maharashtra: Case Study of Vidarbha* (Kalpavriksh 2021).

federations to enhance their bargaining power with state and market agents and further consolidate their economic and political position.<sup>43</sup>

#### *The Odisha Forest story: Tenure and Forest*

In Odisha, alongside the good IFR performance of the state, there have been strong performances on CFR as well due to the grassroots levels. This is the case of Nayagarh district where villagers protecting and regenerating their community forests for decades were threatened by illegal logging, including sometimes by the Forest Department itself.

In reply, they set up a Community Forest Resources Management Committee (CFRMC) and used the FRA to apply for legal ownership of the forests they had protected. For them rights over CFRs meant drafting rules for sustainable usage, boundaries to limit entry by outside interests and safeguarding the forest from fire and illegal felling, both for their sustenance and for the ecosystem upon which their livelihoods depend.<sup>44</sup>

As discussed above, Podochuanpadar village in Rayagada district is a classic example of rights being secured in a model process. Victims of regular threats of eviction and destruction of their crops by the Forest Department, the community with the support from the NGO Nirman closely followed the processes required under the FRA.

Thus, through a series of well-organized Gram Sabha meetings, they formed their FRC, tested claims, issued IFR titles for 25 households and a CFR title over 200 acres of community forest.<sup>45</sup> Eviction risk was replaced straight away by the certainty of tenure: families planted trees on their land, structured it, diversified their agriculture and ultimately, achieved greater food security.

In order to develop a comprehensive, community-driven forest management plan which will support the sustainable utilization of their newly established CFR, the Gram Sabha (the consensus-point of roughly 1000 community members liable for the sustainable use of the forest) proved itself a capable governing architecture.<sup>46</sup>

*Table 2: Comparative Analysis of Successful CFR Implementation Models*

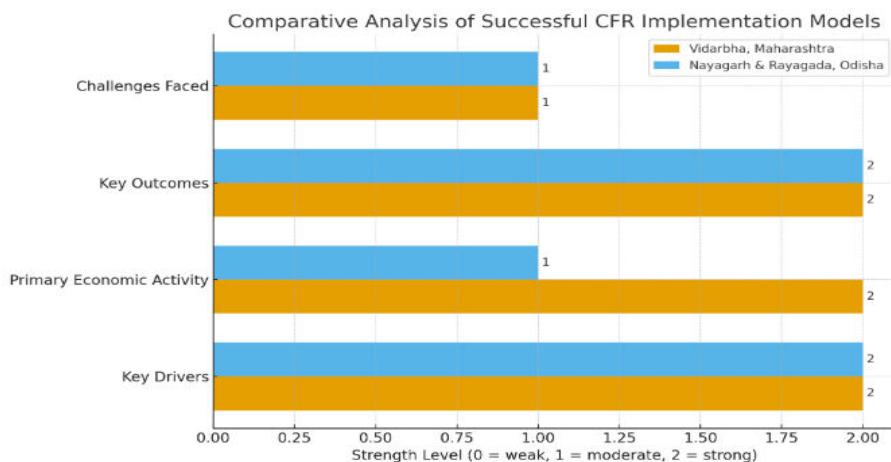
Parameter	Vidarbha Region, Maharashtra	Nayagarh & Rayagada, Odisha
<b>Key Drivers</b>	Strong community mobilization; proactive NGO support; formation of Gram Sabha federations.	Decades of community-led forest protection; targeted NGO facilitation (e.g., Nirman).
<b>Primary Economic Activity</b>	Community-controlled trade of high-value MFP (Tendu leaves, Bamboo).	Sustainable harvesting of MFP for subsistence and local sale; securing land for agriculture.
<b>Key Outcomes</b>	Significant increase in household income; drastic reduction in distress migration; reinvestment in agriculture; enhanced collective bargaining power.	Legal tenure security; protection of regenerated forests from illegal logging; improved food security; community-led forest management plans.
<b>Challenges Faced</b>	Initial resistance from Forest Dept.; market exploitation by traders; ongoing need to protect resources from encroachment by neighboring villages.	Historical conflict with Forest Dept.; threats from illegal logging; legal battles against industrial interests.

<sup>43</sup> Neema Pathak Broome and Ashish Kothari, *Empowering Communities through Community Forest Rights: Economic and Institutional Impacts in Vidarbha, Maharashtra* (Kalpavriksh 2022).

<sup>44</sup> Shruti Agarwal, *Community Forest Rights and Forest Governance in Odisha: The Case of Nayagarh District* (Centre for Environmental Studies 2018).

<sup>45</sup> Nirman, *Securing Community Forest Rights in Podochuanpadar Village, Rayagada District* (Nirman 2016).

<sup>46</sup> Nirman, *Community-Driven Forest Management and Tenure Security in Podochuanpadar Village* (Nirman 2017).



These are examples that lead us to empirically prove the main philosophy of FRA. The vesting of secure tenure rights on the gram sabha is a powerful force, acting as a win-win catalyst where the identification of rights leads to economic gains which then generate strong local incentives for sustainable conservation. This process simultaneously builds the capacity of the Gram Sabha as an effective institution of local governance and augers its confidence. These successes demonstrate that the goals of environmental justice and sustainable development need not conflict; rather, as governance is truly decentralized to the grassroots, the two approaches can reinforce each other.<sup>47</sup>

## VI. Persistent Barriers to Justice: Bureaucratic Resistance and Institutional Inertia

Even against this backdrop of clearly expressed potential the fundamental narrative presented all across all FRA implementation is one of a tortuous battle against formidable institutional barriers. The biggest and the most consistent of these has been the systemic opposition by the state bureaucracy, particularly the Forest Department (FD). Its resistance is not mere questions of administrative inefficiency or “red tape”: it captures an institutionalized and ideological resistance to the centralizing ethos of decentralization represented by the Act.<sup>48</sup>

The institutional culture of the Forest Department is a direct legacy of colonial era when it was founded as the sole custodian and manager of the forests of India. This heritage has embedded a worldview of forests as belonging to the state, and forest dwellers as, at best, dependent and, at worst, as illicit encroachers. The FRA, with the recognition of people’s community forest rights to govern and manage the forest, poses an existential threat to this century old monopoly of power, control and resources. The FD’s resistance can therefore be seen as a rational, though thoroughly illegal defense of its institutional authority, budget, and *raison d’être*. Obstruction is thus structured in a number of concrete mechanisms.<sup>49</sup>

### How Bureaucratic Resistance Works

**Procedural Sabotage and Obstruction:** At a grassroots level, it is well documented that FD officials are the main source of obstruction in the claims process. They deliberately introduce bureaucratic impediments including demanding evidence not called for by the Act (e.g. satellite imagery on a specific date), willfully denying claims without reasons in writing and not cooperating with Gram Sabhas and FRCs during the joint verification. This continues to

<sup>47</sup> Neema Pathak Broome and Ashish Kothari, *Forest Rights, Local Governance, and Environmental Justice: Evidence from India* (Kalpavriksh 2020).

<sup>48</sup> Upendra Baxi, ‘The Forest Rights Act and the Forest Bureaucracy: An Institutional Challenge’ (2011) 46(50) *Economic and Political Weekly* 41.

<sup>49</sup> Madhav Gadgil and Ramachandra Guha, *This Fissured Land: An Ecological History of India* (University of California Press 1993) 210–15.

create a culture of frustration and powerlessness that discourages communities making claims.<sup>50</sup>

**Misinformation and Suppressing Knowledge:** Another common kitten hack involves manipulating the flow of information. Often officials fail in their responsibility to raise awareness of the provisions of the Act, so communities are left unaware of their rights and the steps to achieve them. Villagers from many communities do not even know FRA exists and many are misled into thinking that it is meant only for STs and not OTFDs or that it provides only very small individual plots, not large community forests.<sup>51</sup>

**Control over Verification Committees:** Despite the bottom-up nature of the FRA, the fact that FD officials are also the ones making the machinery available in the Sub-Divisional and District Level Committees (SDLC and DLC), enables them to reassert their top-down control over the process. According to our sources of information, these officers tend to have large share of power in the committee meetings and abuse the same by overriding the decisions of the Gram Sabha and putting forth their own interpretation of the laws and thus effectively making the verification the bureaucratic veto-point for the process.<sup>52</sup>

**Rationale of the JFM Committees:** One of the most insidious of these is the effort to make the Joint Forest Management (JFM) committees as competitive institutions in place of the Gram Sabha. As for JFM committees that were set up during earlier government programmes, they are co-managed by and as such subordinated to the Forest Department. In some states such as Andhra Pradesh and Telangana, there have been cases where CFR claims have been factually claimed by or vested in these JFM committees (rather than the grammatically entitled Gram Sabha) and so de facto power continues to vest in the hands of the FD.<sup>53</sup>

This institutional inertia is compounded by a failure in coordination and often competing agendas agreed upon by government departments. Ministry of Tribal Affairs is the nodal agency for implementing FRA but does not have the field administrative machinery like the Forest & Revenue departments. This creates a dynamic whereby the implementing agency is institutionally weak while those with the most power at the lowest administrative levels are the most opposed to the provisions of the Act which makes for continued gridlock within the administrative sphere.<sup>54</sup>

## **VII. The Challenge of Elite Capture and Gender Inequity in Gram Sabha Deliberations**

While bureaucratic resistance can be legitimately considered one major external constraint on the effectiveness of the Gram Sabha, it is equally true that significant obstacles are raised by suppressed democratisation within the community itself. The FRA invests in the Gram Sabha as a collective institution, but the “community” is usually neither homogenous nor egalitarian. Whilst the Gram Sabha offers a relatively democratic and just forum, existing social divisions of class, caste and gender are institutionalized within the forum. This does

<sup>50</sup> Upendra Baxi, ‘Bureaucratic Resistance to Forest Rights: Procedural Sabotage in India’ (2012) 47(7) *Economic and Political Weekly* 35.

<sup>51</sup> F. K. Tiwari, *Awareness and Implementation of the Forest Rights Act in India: Issues of Information and Miscommunication* (Centre for Policy Research 2015).

<sup>52</sup> Upendra Baxi, ‘Forest Bureaucracy and the Forest Rights Act: Control over Verification Committees’ (2013) 48(12) *Economic and Political Weekly* 28.

<sup>53</sup> K. S. Reddy, *Joint Forest Management in India: Challenges and Conflicts with the Forest Rights Act* (Centre for Science and Environment 2014).

<sup>54</sup> Upendra Baxi, ‘Implementation Challenges of the Forest Rights Act: Institutional Inertia and Inter-Departmental Conflicts’ (2015) 50(22) *Economic and Political Weekly* 40.

not mean that when the institution enjoys legal autonomy it will automatically mean justice for the most marginalized people and groups within the institution.<sup>55</sup>

#### *The elite seizure of democratic space*

One of the most disheartening continuities between these different worlds has been the reality of elite capture after the great vision of the Gram Sabha as an arena of open and equal deliberation. Traditional forms of power which have dominated the decision-making processes in many villages can be oppressive and controlled by strong families, larger land holders or politically connected elites. But there is a possibility of these elites appropriating the FRA process so that the benefits gained from it, like control over the Minor Forest Produce (MFP) of value, decision-making authority in the Forest Rights Committee, accrue predominantly to them.

Furthermore, the rhetoric and practice of “consensus” in village politics, which is pushing as one of the most important values of village governance in circus and at both formal meetings at village council, can be utilized as a political tool for maintaining existing power relations, where your dissenting opinion received solely if you are without representation.<sup>56</sup>

Since the FRA is a legislation aimed at empowering the marginalized, this rather contractive relationship can result in a perverse dynamic where, under the rubric of “community governance,” local elites can legitimize and formalize galleries of control. Such a narrow interpretation of entitlements might lead to generating new forms of injustice on the social unit level, excluding from the benefits of newly-recognized rights the landless, lower caste families, or other marginalized groups, based on race, caste, creed, political affiliation, language, etc. This complicates a simple “community” serving against an oppressive “state” by painting a picture of a lot more going on with power at many levels.<sup>57</sup>

#### *Capitalizing on the Bullying Challenge of Gender Injustice*

Gender imbalance is one of the oldest problems faced for making the Gram Sabha a truly democratic body. Despite the constitutional provisions for reservation of women in local government as well as the FRA’s progressive directive of joint land-titles to be granted in the name of both spouses to women, women’s involvement in Gram Sabha deliberations is tokenistic or suppressed altogether.<sup>58</sup>

Ethnographic accounts of meetings of the Gram Sabhas have shown the exclusion and/or non-use of the voices of women. Women who try to speak about community issues that may have been important to them, such as resource access or personal trauma, are instructed to confine their comments to “area problems,” muzzling their voices. Patriarchal norms about women’s place in society exclude them from certain domains, limiting their freedom of movement, not giving them confidence for speaking out in public forums dominated by men, and limiting their power of decision even in their own house. Thus, even where women are members of the FRC or jointly own land, there can be little actuality or intentionality to their agency over the resources and decision-making for governance matters.<sup>59</sup>

<sup>55</sup> P. Chandrasekhar and K. S. Reddy, *Social Inequalities and Forest Governance: Challenges within the Gram Sabha under the Forest Rights Act* (Centre for Policy Research 2017).

<sup>56</sup> K. S. Reddy and P. Chandrasekhar, *Elite Capture and Power Dynamics in Gram Sabha Decision-Making under the Forest Rights Act* (Centre for Policy Research 2018).

<sup>57</sup> P. Chandrasekhar, K. S. Reddy and Shruti Agarwal, *Marginalization and Power Asymmetries in Forest Rights Governance: Social Justice Challenges under the FRA* (Centre for Policy Research 2019).

<sup>58</sup> Nandini Sundar, *Gender and Forest Rights in India: Women’s Participation in Gram Sabha under the FRA* (2016) 51(34) *Economic and Political Weekly* 45.

<sup>59</sup> Nandini Sundar and Shruti Agarwal, *Women’s Agency and Participation in Gram Sabha under the Forest Rights Act: Ethnographic Insights from Odisha and Maharashtra* (Centre for Policy Research 2018).

Understanding this difficulty many States and civil society organizations have advocated the convening of Mahila Sabhas (women's meetings) as a preparatory session before the actual Gram Sabha meeting. Furthermore, the women alone forums provide a safe space where women get to talk about what has been their priorities, to reach a consensus and plan how best to bring their demands to the assembly at a village level.

Such efforts are also necessary counter-mechanisms to ensure that the Gram Sabha doesn't merely reflect patriarchal arrangements but act toward de-structuring them. Without such geographically targeted support, Gram Sabha faces failure in one of its ultimate tests of environmental justice: providing a fair distribution of decentralized governance gains to all members of the community and particularly to its marginal half.<sup>60</sup>

### **VIII. External Pressures: Corporate Interests, Mining, and the Dilution of Forest Rights**

The contest over the soul of forest governance in India is not merely an intra-village or panchayat level contest; it is part of the wider struggle over the model of development of the country—that is, the political-economy contest over what to do with India's forests. The autonomy of the Gram Sabha and its statutory right to its consent is the only legal barrier to a resource-intensive, extractive mode of growth. Thus with strong vested interests from corporatists and industries, it is putting tremendous pressure on the state to weaken, derail, and defeat the Forest Rights Act.<sup>61</sup>

The richest mineral-bearing areas in India - coal, iron ore, bauxite - run beneath the forests in states such as Chongai, Chhattisgarh and Jharkhand, which also house the largest number of tribal (forest dwelling) populations in the country. This broadening of both types of interests, on the same land, inevitably leads to an unbridgeable tension between the corporate interest in resource exploitation and the rights of the local communities to their ancestral lands and living spaces. The FRA, by affording the Gram Sabha the right to accord or to withhold Free, Prior and Informed Consent (FPIC) for any project entailing diversion of their forest land, puts the decision-making authority of a small village assembly directly in the way of multi-billion-dollar mining and infrastructure projects.<sup>62</sup>

But, as some states are at best impartial towards and at worst encouraging of development, this system has in practice resulted in a concerted effort by the corporate lobbies and state governments to offset the legal hurdle to restructuring. The channels of influence are diverse and work on several levels:

1. Dilution of Law and Policy: At the highest level there is a deliberate attempt to undermine the system of law. An extreme example of this is the directive issued by the office of the Prime Minister—and to this day, it remains under public resistance—in the year 2012 to weaken the mandatory nature of Gram Sabha consent.
2. More recently the Forest (Conservation) Amendment Act, 2023, has come under general criticism for diluting the FRA. By exempting large categories of forest land from the need to obtain central government clearance for diversion, what the amendment did, was effectively decrease the size of forests on which the provisions of the FRA to obtain consent would be applicable, thereby paving the way for commercial projects to avoid consultation of the community.<sup>63</sup>

<sup>60</sup> Nandini Sundar, Shruti Agarwal and Neema Pathak Broome, *Mahila Sabhas and Women's Participation in Forest Governance under the FRA* (Kalpavriksh 2019).

<sup>61</sup> Ashish Kothari, *Forests, Development and Resistance: The Struggle over India's Natural Resources* (Oxford University Press 2017).

<sup>62</sup> Centre for Science and Environment, *Mining, Forests and Tribal Rights in India: Conflicts and the Role of the Forest Rights Act* (CSE 2018).

<sup>63</sup> Forest (Conservation) Amendment Act 2023 (India)

3. State Collusion and Coercion: The collusion between government officials and project proponents, so as to defeat or frustrate the FRA process at the level of the state (often also at district level), is empirically present. This can mean state governments denying recognition to adverse decisions made by Gram Sabhas, which was the situation at the start of the Niyamgiri struggle.
4. It also includes using an environment of intimidation and harassment to force people into a position of acquiescence. In a lot of mining-affected communities, the process of recognizing forest rights is purposely dragged out or left in a suspended state, so that at the time that a project proposal comes before it for clearance, the communities lack the legal rights to be in a position to assert their rights appropriately.<sup>64</sup>
5. Undermining Conservation Through Market-Based Strategies: Market-style conservation approaches have weakened this tension further, for a second reason. Money extracted by project developers through the so-called “Compensatory Afforestation” (CAMPA) laws, are being used for plantation developments on community forest lands without the approval or participation of the Gram Sabha. This leads to a perverse cycle in which money from the jungle cut by one forest is used to pursue activities that could further dispossess communities from another, without the Gram Sabha exercising the mandated control over them mandated by law.<sup>65</sup>

Thus, every local conflict over a mining project where a Gram Sabha is claiming rights under FRA is really a microcosm of a national debate on development. This pressure to dilute the Act and the decision-making powers of the Gram Sabha is not localized around single initiatives, but a systemic push to keep the model of development extractive. The prospect of the Gram Sabha saying no as a veto power on development is therefore intrinsically bound with the future trajectory of the Indian economy and environment or whether or not environmental justice exists as a desirable end, a cut-off point.<sup>66</sup>

## **IX. Conclusion and Recommendations for Strengthening the Gram Sabha as a Forum for Environmental Justice**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, marks an environmental governance paradigm shift in India in which the Gram Sabha is at the heart of environmental justice for forest-dwelling communities. It offers a solid foundation to redress erroneous wrongs from the past, and to free communities to be sovereign owners/numerous managers of their ancestral countries.

However, this report concludes nearly twenty years after its enactment that the revolutionary fullness of the Act is largely withheld. A powerful nexus of structural challenges-including entrenched bureaucratic resistance of the Forest Department, internal social inequalities causing elite capture and gender exclusion, and prevailing pressure from an extractive development model-have produced a fatal and long-lasting gap between the law's promise and reality.<sup>67</sup>

We should not assume that what is seen in places like Vidarbha is what is the rule, but rather an indication that given the right circumstances there is much more that can be achieved. The

<sup>64</sup> The Amended Green Law Is Full of Red Flags: Forests Amendment Act 2023' SC Observer

<https://www.scobserver.in/journal/the-amended-green-law-is-full-of-red-flags-forests-amendment-act-2023/>  
accessed 2 September 2025.

<sup>65</sup> Compensatory Afforestation Fund Act 2016 (India)

<https://legislative.gov.in/actsofparliamentfromtheyear/compensatory-afforestation-fund-act-2016> accessed 2 September 2025.

<sup>66</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (India)

<sup>67</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (India)

national data screams systemic failure in high rates of claim rejection and systemic ignorance about Community Forest Rights.

The fight for the implementation of the FRA is thus, really, a fight for the soul of forest governance in India. It represents a choice between a democratic, rights-based and just future recognising communities as stewards of the environment, and the perpetuation of a colonial, exclusionary and bureaucratic past seeing forests simply as resources to be controlled and exploited. The Gram Sabha is exactly where this option lies, and it must therefore be strengthened, if we are to genuinely pursue environmental justice.<sup>68</sup>

#### *Recommendations*

Given this devastating state of affairs, a multi-pronged, cohesive approach is needed to bridge this gap of implementation, while allowing the Gram Sabha to be empowered to take on its legally designated role. The following recommendations are aimed towards principal stakeholders:

1. Institute a Time-Bound Mission to Clear and Review Claims: Launch a mission mode program at the national level to clear the backlog of all pending FRA claims within a stipulated time period (e.g. two years) More critically, this mission must include a required review of all previously denied claims, with a particular emphasis on Community Forest Rights, to ensure that denials based on weak procedural grounds are overturned.<sup>69</sup>
2. Invest in Large Scale Capacity Building We need to invest in large scale, state-sponsored capacity building programs for the members of the Gram Sabha and Forest Rights Committees. Pilot projects must be designed and implemented in close cooperation with experienced civil society organisations, and must be culturally suitable in order to be efficient in demystifying legal processes.<sup>70</sup>
3. Make Deliberative Processes Binding and Enforceable: Create legally binding standards to be followed in all states to compel and actively foster the conduct of hamlet-level meetings and the Mahila Sabhas (women's assemblies) before the main Gram Sabha meeting is held. This will help to ensure that the voices of the most remote and marginalized sectors of the population can be heard and included in the final decision-making process.<sup>71</sup>
4. Monitor Implementation and Provide Assistance: Continue to serve as a key observer of FRA implementation both in terms of obtaining and documenting our successes and limitations, and supporting communities with continued legal, technical, and advocacy assistance. Building and strengthening federations of Gram Sabhas should be an important strategic goal to enhance their collective power.<sup>72</sup>

<sup>68</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (India)

<sup>69</sup> Ministry of Tribal Affairs, 'Forest Rights Act: Implementation Guidelines' (Government of India, 2023) <https://tribal.nic.in/FRA> accessed 2 September 2025.

<sup>70</sup> Ministry of Tribal Affairs, 'Forest Rights Act: Implementation Guidelines' (Government of India, 2023) <https://tribal.nic.in/FRA> accessed 2 September 2025.

<sup>71</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (India)

<sup>72</sup> Ministry of Tribal Affairs, 'Forest Rights Act: Implementation Guidelines' (Government of India, 2023) <https://tribal.nic.in/FRA> accessed 2 September 2025.