

Allahabad High Court Reaffirms Supremacy of Forest Rights Act

May 5, 2026 • vajiramandravi.com



Forest Rights Act Latest News

- The Allahabad High Court has ruled that the **Forest Rights Act, 2006**, overrides all earlier conflicting laws and court orders, striking down a District Level Committee decision that had denied the **Tharu tribe's** forest rights in Uttar Pradesh.

About the Forest Rights Act, 2006

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly called the **Forest Rights Act** (FRA), was enacted to correct the historical injustice faced by forest-dwelling communities.
- The law recognises the rights of tribal and traditional forest dwellers to inhabit and use forest land for livelihood and cultural purposes.

Key Objectives

- **Recognition of Forest Rights:** To legally acknowledge individual and community rights of forest dwellers over forest land and resources.
- **Empowering Gram Sabhas:** To make the **Gram Sabha** the grassroots authority to initiate the process for determining forest rights.
- **Promoting Ecological Balance:** To integrate tribal rights with forest conservation.
- **Democratic Decentralisation:** To devolve decision-making to forest-dwelling communities.

Major Rights Under the FRA

- **Title Rights:** Ownership of land cultivated by forest dwellers, up to a maximum of 4 hectares per household.
- **Community Forest Rights:** Rights to collect, use, and dispose of non-timber forest produce such as honey, bamboo, and medicinal plants.
- **Habitat Rights:** Recognition of traditional habitats and settlement rights for **Particularly Vulnerable Tribal Groups** (PVTGs).
- **Grazing and Fishing Rights:** Rights to graze cattle and access water bodies for fishing within forest areas.
- **Conservation Rights:** Right to protect and conserve traditional forest and wildlife resources.
- **Protection Against Eviction:** Forest dwellers cannot be evicted until the recognition and verification process of claims is complete.
- The Act provides that its provisions apply *notwithstanding anything contained in any other law*, giving it overriding authority over older legislations like the Indian Forest Act, 1927, or various State forest laws.

News Summary

- On April 20, 2026, the Lucknow Bench of the Allahabad High Court issued an important judgment reinforcing the primacy of the Forest Rights Act.
- The court set aside a District Level Committee (DLC) decision from March 2021 that had rejected the forest rights claims of the Tharu tribal community in Palia Kalan Tehsil, Lakhimpur district, Uttar Pradesh.

Basis of the DLC Decision

- The DLC had relied on a 2000 Supreme Court interim order that prohibited the de-reservation or reclassification of forests, sanctuaries, or national parks.
- Citing this older order, the DLC denied the Tharus' claims, despite the FRA's later enactment in 2006 that explicitly recognised such rights.

Court's Reasoning

- The High Court reminded the DLC that any court order or legal provision inconsistent with a later law becomes null and void.
- Since the FRA came into effect after the Supreme Court's 2000 interim order, its provisions prevail.

- The judges further highlighted that Section 4 of the FRA specifically states that forest rights are vested in dwellers *“notwithstanding anything contained in any other law for the time being in force.”*
- In doing so, the court reaffirmed a core legal principle: **a later, special law supersedes earlier, conflicting laws or orders**, bringing relief to forest communities across India.

Procedural Irregularity

- While the FRA provides a mechanism to hold violating authorities accountable, the High Court stopped short of invoking it.
- Under the Act, the Gram Sabha must issue a 60-day notice to the State-Level Monitoring Committee to act against authorities that ignore FRA provisions.
- Instead, the court directed the same DLC, which had erred earlier, to reconsider its decision in light of the FRA, a step not explicitly provided for in the Act.

Broader Legal Context and Relevance

• Protection from Eviction

- The High Court also emphasised a legal safeguard under the FRA, no forest dweller can be evicted from their land until their claims are verified.
- Similar enforcement has been seen elsewhere; for instance, in January 2026, the Uttarakhand High Court instructed the forest department to refrain from coercive actions against forest dwellers until their claims were fully adjudicated.
- However, violations remain widespread. Several Madras High Court rulings over the past decade dismissed forest dwellers’ petitions, prioritising state forest laws such as the Tamil Nadu Forest Act (TNFA), 1882, even though the FRA should have prevailed.
- Authorities have continued issuing eviction and cattle-grazing bans contrary to the FRA’s protective clauses.

• Grazing Rights and FRA Supremacy

- A notable example came from the Madurai Bench of the Madras High Court, which in 2022 upheld prohibitions on cattle grazing inside forests under TNFA provisions, later limiting the ban to protected areas like tiger reserves and sanctuaries.
- Yet, the FRA explicitly recognises grazing rights even within such protected areas, as it is a central law overriding state legislation.
- Thus, the Allahabad High Court ruling marks a progressive departure from these earlier restrictive interpretations, reaffirming the sovereignty of the FRA over conflicting state laws and older judicial orders.

Source: **TH** | **Livelaw**

Source: <https://vajiramandravi.com/current-affairs/supremacy-of-forest-rights-act/>

© Vajiram & Ravi. For personal use only.