

Balancing Forest Rights and Conservation - FRA vs Forest Conservation Act Debate

April 13, 2026 • vajiramandravi.com



Forest Rights and Conservation Latest News

- A legal dispute before the Supreme Court of India (SC) has brought into focus the tension between tribal housing rights and forest conservation laws.
- The case concerns construction of **houses** under the Pradhan Mantri Awas Yojana-Gramin (PMAY-G) **on forest land** for the Sahariya tribe in Shivpuri, Madhya Pradesh (MP).
- This has raised critical questions about the interpretation of the Forest Rights Act (FRA), 2006 and the Forest (Conservation) Act, 1980.

Legal and Policy Framework

- **Forest Rights Act (FRA), 2006:**
 - It recognises individual and community forest rights of Scheduled Tribes (ST) and forest dwellers.
 - It empowers Gram Sabhas as the primary authority for claims verification.

- It also imposes duties on rights holders to conserve forests, biodiversity, and wildlife.
- **Forest (Conservation) Act, 1980:** The law regulates diversion of forest land for non-forest purposes, and requires prior approval from the Centre for such activities.
- **Government's stand:**
 - The Centre argues that once forest rights are recognised under FRA, prior approval under the Forest Conservation Act is not required.
 - This emphasises **harmonious interpretation** of both laws to ensure social justice and ecological protection.

FRA Implementation

- According to the Ministry of Tribal Affairs (monthly progress report for the period ending February 28, 2026), over 54 lakh claims have been filed under FRA across states, of which over 25.38 lakh titles have been distributed.
- Around 80.56% of all claims have been disposed of, while 18.12 lakh claims have been rejected.
- This indicates –
 - Large-scale implementation.
 - Significant **rejection rate** raising concerns over procedural gaps and exclusion.

Key Issue Before the Court

- Whether construction of houses under PMAY-G on forest land **violates** forest conservation norms.
- Whether recognition of rights under FRA **overrides** procedural requirements under the Forest Conservation Act.
- The apex court will also **examine** the National Green Tribunal's (NGT) order, which held the PMAY-G constructions as violative of the Forest Conservation Act.
 - A contempt petition was filed alleging non-compliance with NGT orders.
 - The Supreme Court sought clarity on regulatory safeguards and convergence of both laws.

Safeguards under FRA

- **Multi-tier verification process:** Three-tier system – Gram Sabha, Sub-divisional committee, and District-level committee, ensures checks and balances.
- **Role of Gram Sabha:** Initiates and verifies claims. Requires 50% quorum for proceedings. Decisions based on deliberation and voting – ensures transparency.
- **Evidence-based claim process:** Mandatory documentary and oral evidence – prevents fraudulent claims.
- **On-site physical verification:** Conducted by forest and revenue officials, and mandated under Rule 12A(1) of the Act.
- **Oversight by forest department:** Participation in verification, approval/rejection, and monitoring committees, ensures institutional accountability.
- **Non-transferability of land titles:** Prevents commercialisation and misuse of forest land.
- **Duties of rights holders:** Protect forests, wildlife, biodiversity, preventing ecological degradation.

Ground-Level Conflict – Binega Village Case

- 63 families of the Sahariya tribe granted housing under PMAY-G.
- **Dispute** over whether land is –
 - Individual forest land (eligible under FRA), or
 - Community Forest Resource (CFR) land (restricted use).
- Allegations of **encroachment** and misuse, including by non-tribal actors.

Key Challenges

- **Legal ambiguity:** Conflict between individual rights (FRA) and collective ecological safeguards (FCA).
- **Implementation deficits:** Variations across states in claim verification and approval. Risks of erroneous recognition or rejection.
- **Environmental concerns:** Potential fragmentation of forest ecosystems. Weak monitoring post-recognition of rights.
- **Institutional overlap:** Multiple authorities result in coordination challenges. There are also Centre vs State jurisdiction issues.
- **Misuse and encroachment:** Allegations of non-tribal encroachment on CFR lands. Weak enforcement against violations.

Way Forward

- **Harmonised legal framework:** Clear judicial guidelines on FRA-FCA convergence. Codify principles of “development with conservation”.
- **Strengthening Gram Sabhas:** Capacity building for evidence-based decision-making, ensuring genuine community participation.
- **Robust monitoring mechanisms:** Use of GIS mapping and satellite imagery. Periodic audits of forest land use.
- **Safeguarding community forest resources:** Clear demarcation of CFR vs individual rights land, preventing elite capture and misuse.
- **Inter-departmental coordination:** Better synergy between the Tribal Affairs Ministry, Environment Ministry, and the State governments.

Conclusion

- The ongoing case underscores a fundamental governance **dilemma**—how to reconcile tribal welfare with ecological sustainability.
- The Forest Rights Act represents a corrective justice framework for historically marginalised communities, while the Forest Conservation Act safeguards critical ecological assets.
- The solution lies not in prioritising one over the other, but in **institutionalising** a balanced, transparent, and accountable framework that ensures both livelihood security and environmental integrity.

Source: **IE**

Source: <https://vajiramandravi.com/current-affairs/balancing-forest-rights-and-conservation/>

© Vajiram & Ravi. For personal use only.