



FOREST RIGHTS AND TRIBAL JUSTICE: EVALUATING IMPLEMENTATION CHALLENGES IN CHHATTISGARH

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Abstracts: *The Forest Rights Act (FRA) of 2006 was enacted to redress historical injustices faced by India's forest-dwelling Scheduled Tribes and other traditional forest communities. Despite its progressive intent, the implementation of FRA in Chhattisgarh has encountered multiple institutional, administrative, and socio-political challenges. This research examines the extent to which the recognition of individual and community forest rights has contributed to tribal justice and empowerment in the state. It explores the procedural bottlenecks in claim verification, bureaucratic delays, inadequate awareness among beneficiaries, and conflicts between forest departments and Gram Sabhas. Through qualitative analysis and case studies from selected districts, the study highlights discrepancies between legal provisions and ground realities. The findings reveal that while FRA has enhanced local participation and self-governance under the Gram Sabha framework, persistent issues—such as overlapping jurisdiction, lack of capacity-building, and political interference—continue to impede its effective realization. The paper concludes with policy recommendations for strengthening institutional mechanisms, ensuring transparency in claim settlement, and reinforcing the role of community-based forest governance for achieving substantive tribal justice in Chhattisgarh.*

Keywords: Forest Rights Act (FRA), Tribal Justice, Chhattisgarh, Implementation Challenges, Gram Sabha, Community Forest Resource (CFR), Forest Governance, Tribal Empowerment, Policy Gaps, Decentralization.

1. Introduction

Surguja, located in the northern region of Chhattisgarh, is one of the most densely forested, rural, and predominantly tribal areas of the state. The region is endowed with abundant natural resources, including minerals such as coal and bauxite, which have attracted extensive mining operations. However, continuous mining activities—both underground and open-cast—have significantly impacted the natural environment, leading to a range of health issues among the local population, largely comprising tribal communities. The district is home to a diverse range of tribes, extending from traditional hunting groups to those engaged in settled agriculture. The prominent tribes of Surguja include the Oraon, Kanwar, Gond, Nagwanshi, Sawara, Kharia, Korba, and Baiga. Among these, the Korba and Baiga tribes have been identified by the Government of India as Particularly Vulnerable Tribal Groups (PVTGs), owing to their socio-economic marginalization and distinct cultural identity. These communities require focused attention and targeted interventions through government welfare and development programs.

The implementation of the Forest Rights Act (FRA), 2006, which was effectively withdrawn from the region on January 8, 2016, and its subsequent supersession over the existing Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, has had far-reaching implications for the tribal population. Despite widespread opposition and protests from various social groups and civil society organizations, the state authorities proceeded to grant approval to the Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) for mining operations. The project, undertaken through Parsa Kente Collieries Ltd—a joint venture with Adani Mining Ltd.—was officially sanctioned for forest land diversion by the Ministry of Environment, Forest and Climate Change (MoEFCC) on March 15, 2012, and subsequently endorsed by the Government of Chhattisgarh on March 28. These decisions have raised significant concerns regarding the erosion of tribal rights, environmental degradation, and the undermining of democratic forest governance in the Scheduled Areas.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act is being implemented to ensure that the individual and community forest rights of the people residing in forest areas that “could not be recorded” are both recognised and “vested”. At the same time the Forest Conservation Act, 1980 lays out a regulatory process where existing forest land can be diverted for non-forest use, such as mining, after following a due procedure of site inspections, cost benefit analysis and expert appraisal.



2. Overview of Forest Right Act 2006

The FRA, 2006 has been hailed as the landmark legislation as it accepts the symbiotic relationship between the forest dwellers and forest. It recognizes that the Scheduled Tribes and other forest dwelling communities, who are dwelling in the forest for generations, were deprived from their forest rights and occupation in forest land on the basis of their inability to provide any recorded evidence. FRA also recognizes the responsibility and authority of the forest dwellers in the sustainable use of natural resources and in the conservation of biodiversity and maintenance of the ecological balance. Further, it acknowledges the 'historical injustice' committed on the forest dwellers, both during the colonial times and in the independent India, by not adequately recognizing their forest rights on their ancestral lands and habitat. It further stresses on the necessity to address the long standing issues relating to the insecurity of tenure and access rights to forest. In addition, it further recognizes the rights of forest dwelling communities who were forced to relocate their dwelling due to State development interventions. Through FRA, forest dwellers have recognized rights which include right to hold and live in forest lands, right to ownership and access to collect, use and dispose of the Minor forest produce (MFP) which has been traditionally collected within or outside the village boundaries. By enacting FRA, Indian Parliament has finally overturned the colonial framework of the forest bureaucracy's exclusive territorial control and management of the enclosed forested landscapes.²⁵ And replaced it with the community management and participation, whereby strengthening the conservation framework of the forests by laying down the foundations for the democratic-decentralization of forest governance.

FRA is divided into VI Chapters, containing in total 14 sections. Section 3 of Chapter II of Act, provides for the Forest Rights to the Scheduled tribes and Other traditional forest dwellers (OTFDs) on all the forest land. This right includes both the individual and community rights which are briefly:

- Right to hold and live in the forest land under individual or common occupation for habitation or for self-cultivation for livelihood.
- Community rights such as nistar (could be understood as the usufruct rights for meeting the domestic needs), including those used in erstwhile Princely States, Zamindari or such intermediary regimes.
- Right of ownership, access to collect use and dispose of Minor Forest Produce.
- Other community rights to use or entitlements like fish or other products of water bodies, grazing and traditional seasonal resource access of nomadic or pastoralist communities.
- Rights of habitat and habitation for primitive tribal groups and pre-agricultural communities.
- Rights over disputed lands in any States where claims are disputed.
- Rights of conversion of leases or grants issued by the local authority or State government on forest lands to titles.
- Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages or other villages in forest into revenue villages.
- Right to protect, regenerate, conserve and manage community forest resources which were traditionally protected and conserved for sustainable use.
- Right to be recognized under any State law or laws of Autonomous Regional Council as rights of tribal under traditional or customary law of the concerned tribes of any State.
- Right to access biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity.
- Any other traditional rights customarily enjoyed by forest dwellers, which shall not include right of hunting or trapping or extracting any part of body of the wild animal.
- Right to in situ rehabilitation including alternative land in cases where Scheduled Tribes or other traditional dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th February, 2005

Under the provisions of the FRA, two eligibility conditions are needed to be fulfilled for being governed under this Act. Firstly, claimants should primarily reside in the forest and secondly, he should be dependent on the



forest land for his bonafide livelihood needs. According to this Act, the land rights are conferred to the claimants who are in the possession of the land up to 13th February 2005 and to OTFDs who are in the possession of the forest land for the three generation which is of 75, wherein it is assumed that one generation is of 25 years.

Further, it is also provided under the Act that to be a Forest Dwelling Scheduled Tribe, one has to be a member of Scheduled Tribes and the forest must fall under the Scheduled Areas which are governed under Schedule V or Schedule VI of the Indian Constitution.

Rights provided under Chapter II of the Act clearly indicates that the FRA in verbatim has been successful in restoring the democratic rights of the Scheduled Tribes and other forest dwellers over the resources of the forest, as an individual rights as well as community rights, which they had been enjoying as customarily, over the time immemorial. After delving into section 3 it is quite evident that the FRA has no implication in the land distribution, rather it deals exclusively with the recognition of pre-existing rights of the Scheduled Tribes and Other Forest Dwellers.

In other words, objectively, FRA has linked the forest tribal dwellers rights with the authority for the conservation and sustainable use of forest land resources, whereby it has radically shifted the approach of the State from centralization of access to the forest land and forest resources to the decentralization of the forest resources. And the decentralization of the forest land and resources has helped the forest tribal dwellers by restoring the democratic control over the forest governance to statutorily empowered village assemblies⁴³. It provides individuals rights like right of self-cultivation and habitation and community rights like grazing, fishing, habitat rights for Particularly Vulnerable Tribal Groups (PVTGs), access to biodiversity, Community rights to intellectual property and traditional knowledge etc

3. Objectives

- To study the sufferings of the affected tribal population in surguja district of Chhattisgarh

4. Methodology

The present research is based on secondary data collected from various sources, including research articles, academic journals, and online materials. Relevant information available on the internet has been extensively utilized to support the study.

5. Results and Discussion

Suffering of the tribal communities:

It is an undeniable truth that the struggle for tribal rights has been long and arduous, championed by various environmental justice organizations and grassroots movements such as the Chhattisgarh Bachao Andolan (Save Chhattisgarh Movement), Jana Abhivyaakti (People's Voice), Janhit (People's Welfare), the all India Forum of Forest Movements, and the Hasdeo Arand Bachao Sangharsh Samiti. Historically, during the pre-colonial era, tribal communities lived freely in harmony with nature, sustaining their livelihoods within forest ecosystems. However, the advent of British colonial rule marked a turning point, as these indigenous people were unjustly labeled as "encroachers" on their ancestral lands. This systematic dispossession and marginalization initiated during colonial times has persisted into the modern era, symbolizing a continuing struggle—a silent war against the most vulnerable sections of society.

The Forest Rights Act (FRA) has been in force for over seven years and is widely regarded as a progressive step toward addressing the historical injustices suffered by tribal communities. Despite its transformative intent, the implementation process remains shrouded in ambiguity, as reflected in official data, media reports, and various research findings. A major hindrance to its effective execution is the pervasive lack of awareness—both among the intended beneficiaries and the administrative officials responsible for carrying out the Act at the grassroots level. The frequent rejection of claims filed by tribals and other forest dwellers, often due to inadequate documentary evidence, has been a significant obstacle to realizing the Act's objectives. Additionally, local political influences and power imbalances have further constrained the equitable distribution of its benefits, limiting the Act's potential to bring meaningful change to the lives of forest-dependent communities.

It is observed, however, that in many regions the forest department's idea of whom to grant forest rights and the provisions of the act are not in tandem or are in conflict. The implementation of FRA has not been effective or



delayed, for instance,

- When the claims made by the “other forest dwellers” are numerous.
- Where the number of claims with the evidence of occupation of land in forest are either recent or after 25 October 1980.
- Where the demand for claims on the forestland is more than two and half hectares per nuclear family.
- If the claims happen to be in the proximity of wildlife sanctuaries or parks.

The above observations reveal a consistent pattern in the approach of the Forest Department, reflecting its resistance to several key provisions of the Forest Rights Act. The department has persistently opposed the inclusion of “other forest dwellers” as eligible beneficiaries alongside Scheduled Tribes, mirroring its earlier objections to extending the cut-off date to 13 December 2005 and to expanding the permissible landholding limit for each nuclear family to four hectares. Furthermore, it has resisted the inclusion of protected areas within the purview of land distribution under the FRA. Despite the notification of the FRA Rules on 6 September 2012, which were intended to limit the department’s authority in the implementation process, the Forest Department continues to wield significant influence, often undermining the spirit and objectives of the Act.

Livelihood and social:

The tribal population constitutes a significant portion of the inhabitants in the region. The major tribes include the Nagesiya, Oraon, Baiga, Kanwar, Panika, and Dand Korwa, most of whom depend primarily on agriculture for their livelihood. In the hilly regions, crops such as maize, barley, kodo, mahua, kutki, bajra, and gondli are cultivated. Among the primitive tribal groups are the Pando and Korwa, who still reside within forest areas. Traditionally, the Pando community traces its lineage to the “Pandavas” of the epic Mahabharata, while the Korwa people believe themselves to be descendants of the “Kauravas.”

These tribal groups rely heavily on forest resources such as fruits, edible roots, lac, and honey for sustenance. They also collect tendu leaves, chironji, amla, harra, and sal leaves, which they sell to government agencies, cooperatives, and local markets to earn a living. The illegal withdrawal of the Forest Rights Act has deeply disrupted their natural way of life. Denied access to forest resources, they can no longer collect or trade forest produce freely. Once the rightful custodians of their land, many have now been rendered landless and economically vulnerable, struggling to survive in an increasingly industrialized and competitive modern world. The forests that once nurtured and sustained them have become inaccessible, turning their homeland into an inhospitable space for their traditional existence.

According to Census data from 1991, 2001, and 2011, the tribal population has shown a consistent decline—from 26.68% to 24.67% and further to 19.66%. Experts attribute this downward trend to extensive deforestation and counter-insurgency operations in the region. While the tribal-dominated areas are witnessing population decline, urban centers such as the state capital have experienced population growth due to inward migration. The Comptroller and Auditor General (CAG) Report of 2013 highlights that large-scale industrialization, resulting in the diversion of forest land, has forced many tribal families to migrate to cities in search of livelihood opportunities.

Mining activities in particular have severely disrupted the traditional lifestyles and socio-economic fabric of indigenous communities. As observed by J. Marianus Kujur, Head of the Department of Tribal Studies at the Indian Social Institute, “The impoverished tribals, whose forests—once their primary source of livelihood and shelter—are being taken over for industrial projects, are left with no choice but to move to urban areas and work as low-paid laborers.” The persistent marginalization and exploitation of tribal people are often the outcomes of exploitative alliances between corporate entities and state authorities, leading to the erosion of tribal identity, autonomy, and cultural integrity.

The UN Guiding Principles on Internally Displaced Persons (IDPs), 1998, defines IDPs as “persons or groups of persons who have been forced or obliged to flee or leave their homes or habitual places of residence, particularly as a result of or to avoid the effects of armed conflict, generalized violence, human rights violations, or natural or human-made disasters, and who have not crossed an internationally recognized state border.” In this context, the Adivasi communities of Chhattisgarh and Odisha can rightfully be identified as internally displaced persons in every sense of the term. Although there exists considerable documentation on conflict-induced displacement in regions such as Dantewada and Bijapur, as well as on communal violence-induced displacement in Kandhamal (as noted in the IDMC report on IDPs in India), there remains a glaring absence of detailed studies on



Maoist conflict-induced displacement in Malkangiri, Sundargarh, and Keonjhar (Odisha) or on industrialization-driven displacement in Jashpur, Raigarh, and Surguja (Chhattisgarh). These districts, largely inhabited by tribal populations, have endured multiple forms of violence, militarization, and human rights violations. Consequently, many tribal families have been compelled to abandon their ancestral homes—either temporarily or permanently—due to the compounded effects of armed conflict, industrial expansion, and socio-political unrest, fitting squarely within the UN's definition of internal displacement.

Environmental Challenges:

The Parsa East and Kanta Basan (PEKB) Open Cast Coal Mine Project (10 MTPA) along with the associated Pit Head Coal Washery (10 MTPA) are situated within the ecologically sensitive Hasdeo Arand coalfields in Udaipur tehsil of Surguja district, Chhattisgarh. This region, once classified as a 'no-go' zone for mining to preserve its dense forest cover, biodiversity, and wildlife habitats, has undergone large-scale diversion of forest land for industrial purposes. A total of 2,711.034 hectares has been allocated to the Rajasthan Rajya Vidyut Utpadan Nigam Limited (RVUNL) for a 30-year lease, with Adani Mining Private Limited serving as the Mine Developer and Operator (MDO). Additionally, a 135 MW thermal power plant utilizing reject coal from the mine has been proposed within the same lease area. Despite the Forest Advisory Committee's (FAC) recommendation dated June 22, 2011, which rejected the diversion proposals for both Tara and PEBK coal blocks citing their high ecological value and the massive loss of tree cover involved, the Ministry of Environment and Forests granted Stage-I (in-principle) approval the very next day, on June 23, 2011. Subsequently, the Ministry of Environment, Forest and Climate Change (MoEFCC) provided formal forest clearance to RVUNL (vide F. No. 8-31/2010-FC dated July 6, 2011) under Section 2 of the Forest Conservation Act, 1980. The project also received environmental clearance on December 21, 2011, under the provisions of the EIA Notification, 2006, followed by Stage-II approval for diversion of 1,898.328 hectares on March 15, 2012. These approvals, granted contrary to the Ministry's own advisory body's recommendations, raised serious concerns regarding environmental governance and forest conservation priorities in the region.

In May 2015, Janabhivayakti, a non-governmental organisation (NGO) along with the Centre for Policy Research (CPR)-Namati Environmental Justice Program, and affected village representatives from the Hasdeo Arand Bachao Sangharsh Samiti (HABSS) initiated a community-led ground truthing process in the area impacted by mining operations. Once operations started, however, people in the area began facing severe impacts such as:

- An increased rate of road accidents caused by speeding trucks involved in the transportation of coal,
- Dust pollution, not only from the increased vehicular traffic, but also the unchecked burning of coal
- Contamination of common water sources, e.g. rivers and streams, due to the discharge of mine waste from the project site.

The continuous generation of ash has affected all the villages in the periphery of the plant, spilling into the rice fields, polluting sources of drinking water, with no practical solution in sight. The Atem river also got polluted.

Challenge to Local Self-Governance:

The residents of Surguja district have raised serious concerns regarding the relevance and authority of the Gram Sabha in the eyes of the administration. Both the PESA Act, 1996, and the Forest Rights Act, 2006, clearly mandate that no policy or project can be implemented in a village without the prior consent of the Gram Sabha. Despite these legal provisions, the authorities have repeatedly disregarded this fundamental requirement, thereby undermining the very essence of local self-governance and democratic participation at the grassroots level.

In an unexpected turn of events, the Gram Panchayat of Premnagar was declared a Nagar Panchayat (urban council) in March 2010, effectively stripping its residents of their village status. This reclassification meant that the broad and constitutionally guaranteed powers of the Gram Sabha—enshrined in the PESA Act—no longer applied to them. Although such a transformation legally requires the prior consent of the Gram Sabha, the notification was issued unilaterally, leaving the villagers with no choice but to challenge the decision.

When the community protested against the conversion, the Additional Collector claimed that the official notification had been published in the *Chhattisgarh Rajpatra* (State Gazette) on July 30, 2009, and that objections should have been filed within a month. The sequence of events suggests a clear connection between the Gram Sabha's opposition to proposed power plant and mining projects in the region and the government's sudden decision to change the administrative status of Premnagar. During a public meeting in Ambikapur on July 8, 2009, the Chief Minister announced the upgrade of Premnagar to a Nagar Panchayat as a so-called "gift" to the people—an act widely



criticized as unconstitutional.

This announcement, first made through local newspapers, was the villagers' initial notice of their altered status, effectively removing the Gram Sabha's legal protection and decision-making authority. The case of Premnagar is not isolated—across Chhattisgarh, 67 Gram Panchayats have been converted into Nagar Panchayats, with several merged with neighboring panchayats to meet the minimum population requirement of 5,500. This administrative reclassification has impacted around 150 Gram Panchayats covering nearly 300 villages, most of them situated in PESA-designated areas, undermining local self-governance and tribal autonomy.

The village of Ghatbarra had submitted claims for community forest rights over eight forest compartments. However, the tribal residents were granted title deeds for only three of these, while the remaining five fell within the Parsa East and Kete Basen coal block areas allocated to the Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) and operated by Adani Minerals Private Limited. In response, the Ghatbarra Gram Panchayat lodged an appeal with the State Level Monitoring Committee (SLMC) challenging the exclusion of these five compartments from their recognized forest rights. Despite the formal complaint, the committee failed to take any action, leaving the villagers' concerns unaddressed and their community rights unacknowledged.

6. Conclusion

The Forest Rights Act, 2006 was hailed as a landmark legislation in India's legal and social history, envisioned to redress the long-standing injustices faced by tribal communities who had been deprived of their rightful entitlements. Enacted by Parliament, the Act sought to restore the dignity and rights of the tribals, often described as the "poorest among the poor." However, the intended objectives of this legislation have not been fully realized, particularly in the Surguja region. Tribal residents continue to face deprivation and exclusion, as exemplified by the cancellation of recognized forest rights in Ghatbarra village by the Chhattisgarh government. The effective implementation of the Act has been hindered by multiple factors—political interference, bureaucratic apathy, and external pressures from non-state actors. Among these, political influence has emerged as a dominant obstacle, undermining the essence of the Act and perpetuating the marginalization of tribal communities.

The violation of the provisions of the various acts such as the FRA, 2006 and PESA, 1996 has severely affected the tribals and so following suggestions can be taken into consideration for restoring the rights of the tribals over their land: -

- The provisions of the FRA and PESA should be carried out in the strictest sense.
- The lands which were illegally taken away from them should be returned.
- A better rehabilitation policy should be framed for the affected families. Political elites should refrain from interfering in the implementation of the Act and at the same time tribal friendly bureaucrats should be posted to the area for better management of the public affairs.

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