

# Forest Conservation and Development in India: An Analysis of the Forest Rights Act, 2006 and Its Impact on the Forest System \*

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## Abstract

Development of any kind is seen as a destroyer of the environment. Development affects the environment, ecology and climate. However, it is necessary for the progress of human beings and, consequently, any country. This gave rise to the concept of sustainable development. Sustainable development is development which fulfils the needs of the present generation while protecting the environment for the needs of the future generation. In India, there are many laws protecting and safeguarding the environment. Many of those laws provide exceptional circumstances under which the environment can be harmed. Most of the time, it is for the public's development. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as the Forest Rights Act, 2006, recognises the rights of forest dwellers over forest land and forest resources for life, habitation and livelihood. These forest dwellers are required by the Act to conserve the forest. It provides for the management of forest and forest resources for the sustainable use of forest dwellers and, at the same time, the protection of the forest. The Act requires the Gram Sabha to conserve and protect biodiversity, wildlife, and forests. The Act also makes provisions for allocating forest land for development purposes. When the law recognises the right of forest dwellers to reside on forest land, it necessarily follows that development facilities like education, roads and others shall be made available. So, the Act recognises the right of forest dwellers over forests and provides for basic developmental facilities for the use of forest dwellers. This research paper analyses the long-standing conflict between environmental law providing for the conservation of the environment and development. It will critically analyse the Forest Rights Act 2006 provisions on the diversion of forest land and a few Supreme Court of India judgments.

**Keywords:** Forest Land; Forest Rights; Land Conversion; Sustainable Development; Gram Sabha

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## A. INTRODUCTION

Forest is the lifeline of a sustainable world. Without forests, life cannot exist. Human beings are dependent on forests for many things. Forests act as natural carbon sinks; they help maintain temperature, recycle air, and provide oxygen. Forests are full of natural resources that are useful to human beings. They are rich in flora and fauna, which completes the ecosystem. Humans utilise natural resources such as timber and different parts of plants for medicinal purposes and collect minor forest products like leaves, honey, wax, herbs, etc. The forests prevent soil erosion and help manage floods. "India has a forest cover of 7,12,249 sq. km. which is around 21.67% of the total geographical area." (Government of India, 2019) It has the 10<sup>th</sup> largest forest area in the whole world. ([World Bank, 2005](#)) There are forest dwellers who are dependent on the forest for their habitat and livelihood.

Even though forests are full of natural resources that humans can use, it is pertinent to understand that the uncontrolled exploitation of such resources will lead to their depletion. Future generations will be deprived of their benefits. With the rising population, more and more forests are being cut to accommodate this population and its needs. The incessant cutting of trees is leading to a rise in the global temperature. It leads to soil erosion and desertification which is becoming a global problem now. Forest dwellers are also exploiting its resources instead of using them sustainably. Inappropriate and unsustainable methods of agriculture in forest lands also make the forest land infertile. Uncontrolled grazing by the cattle also destroys the land. Hence, there is a need to control the usage of forests and for forest dwellers to be part of forest conservation management policies.

It is undeniable that human beings depend heavily on forests and its resources. It is an essential requirement for the development of human beings and society. So, it is nearly impossible to stop its usage completely. What is now required is to use the natural resources available more sustainably. The world recognises the need for sustainable development. It is the only way in which the needs of human beings can be fulfilled without annihilating the natural resources. The United Nations has defined Sustainable Development as "a development that meets the needs of the present without compromising the ability of the future generations to meet their own needs." It is now a recognised principle worldwide. Countries focus on implementing the various principles of sustainable development.

The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (the Forest Rights Act) was passed by the Parliament of India to undo historical injustices to the tribal people occupying the forest land.

It grants forest rights to other traditional forest dwellers and Scheduled Tribes who live in forests. The Act also states that the forest dwellers must conserve and protect the forest land. The Gram Sabha significantly functions in the whole proper recognition and claim process. It also has conferred duties on the Gram Sabha. The tribal people have used the Act to claim rights over forest land and stop developmental activities harmful to the forest.

Past studies have shown that communities have used Community Forest Rights to stop developmental projects in various places like the POSCO Steel Plant at Niyamgiri of Odisha, the paper mill, the felling of bamboo in Vidarbha of Maharashtra, etc. ([Dash & Kothari, 2013](#)) It has also been shown that changes in forest areas, the country's forest policy and developmental projects have resulted in the vulnerability of the tribal people living in the forest. It affects the collection of food, fodder, fuel, and medicine, negatively affecting their livelihood. ([Bhattacharya & Pal, 2022](#)) Gram Sabha's role is also recognised. The execution of the Forest Rights Act of 2006 is majorly dependent on the capacity building of the Gram Sabha. Another challenge is the grant of forest rights scattered in the forest lands, which leads to habitat fragmentation and poses a serious threat to the long-term conservation of forests. Grazing, shifting cultivation, collection and selling of minor forest produce also creates pressure on forest resources. ([Tyagi, 2019](#)) The Forest Rights Act of 2006 provides the procedure for transferring forest land for infrastructure projects. However, a gap exists in how those are implemented in any project approval. The Act also clarifies that the right holders are responsible for maintaining and managing the forest. It also provides an opportunity for them to make their conservation strategies. ([Kohli, 2019](#))

The Forest Rights Act of 2006 has been brought in to restore the rights of forest dwellers over forest land. They are entitled to use this land for cultivation and habitat and, at the same time, to conserve the forest land. It also gives the Gram Sabha power to consent to land acquisition for developmental projects. ([Chandra, 2019](#)) Although the Act has facilitated the tribal communities' engagement in formulating forest policies without female participation, it is incomplete. So, there is a need for female participation in the whole process. ([Rout, 2020](#)) Following the recognition of the community forest rights under the Forest Rights Act, the rights holders and the Gram Sabha must manage the bio-resources. They must formulate community-based conservation and management plans based on traditional methods. ([Das, 2022](#))

At the same time, the Forest Rights Act of 2006 has been criticised. Some have claimed that it will ensure the destruction of India's forests and is legalising

encroachment over forest land. However, these criticisms are not well found. ([Majumder, 2020](#)) The Forest Rights Act provides a model of decentralised self-governance. However, there have been conflicts between the tribal communities and the State Government. Many development-induced displacements of tribal people can be seen. There is also a lack of will from the government to undertake developmental projects for the tribal communities occupying the forest land. ([Lalfakzuala, 2020](#)) The Act recognises forests as a source of livelihood for forest dwellers. There is a need for a post-claim management framework. It will ensure increased productivity and sustainability of forest produce. ([Sarangi, 2020](#))

The research paper analyses the many Articles under the Constitution of India and Sections under other legislations for safeguarding the forests and their conservation. It also analyses the various provisions under the Forest Rights Act of 2006 regarding the rights given to forest dwellers and the duties regarding the conservation of forest resources imposed on them. It focuses on the need to preserve forests and simultaneously recognises the need to maintain a balance with development. It also examines various Supreme Court of India judgments regarding the power conferred on the Gram Sabha by the Forest Rights Act of 2006.

## **B. METHODS**

This research paper adopts a doctrinal approach to analyse the subject matter comprehensively. The doctrinal method primarily studies legal principles, statutes, and judicial precedents to interpret and evaluate the law systematically. To achieve this, the study utilises both primary and secondary sources. The primary sources include statutes, judicial decisions, and policy documents that serve as the foundation for understanding the legal framework and its application. Additionally, secondary sources, such as scholarly research papers and articles published in academic journals, provide critical insights and diverse perspectives on the research topic. A special emphasis is placed on analysing a few significant judgments delivered by the Supreme Court of India, which play a pivotal role in shaping the legal discourse. By integrating these sources, the research offers an in-depth and balanced evaluation of the subject, shedding light on its theoretical and practical implications.

## **C. RESULTS AND DISCUSSION**

### **1. Forest Conservation in India**

The Constitution of India acts as the guardian of people's rights. It lays down many fundamental rights under Part III, which are essential for the overall

development of human beings. Under Article 21, the Supreme Court of India has acknowledged the right to the environment as a component of the right to life in various landmark judgments. Two Constitutional provisions were added through the Constitution (Forty-second Amendment) Act of 1976. Article 48-A added as a directive principle of state policy to Part IV, states, "The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country." It also added Article 51(A)(g) as a fundamental duty of the citizen, which states, "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures." It obligates the state and the people to protect and conserve the environment.

'Forest' as a subject matter was initially listed in the State List. However, considering the growing importance of conserving and protecting the forest, it was shifted to the Concurrent List. It was realised that laws on forests need to be made by the Parliament to implement them uniformly throughout the country. The State Legislatures also retained control over the subject matter and can make laws according to the local needs. So, the State Legislature makes laws for the forest administration that agree with the laws made by the Parliament. In this way, both the Union and the States work out the forest policy for preserving forests and utilising their resources.

One of the earlier laws dealing with Forests was the pre-independence law, the Indian Forest Act of 1927. It dealt primarily with the different types of forests and the use and control of timber and forest produce. It lays down acts which are prohibited in reserve forests. The management and preservation of forests are also covered under the Act. There are various penalties for breach of the provisions given therein. The Indian Forest Act of 1927, for the first time, put forests into different categories. It restricts activities that can be done inside a reserved forest. It was a time when rampant cutting down of trees was happening to help the country's economic development under British rule. Hence, it helped protect and conserve forests. It also allowed the use of certain forest produce, recognising the forest as a livelihood resource. The Act made provisions for preserving forests, and breach of any provision was punishable.

The next landmark piece of legislation in the conservation of forests is the Wildlife Protection Act passed in 1972 by the Parliament. Along with the protection of wildlife, it also provides for the protection and preservation of forests. The Act makes provisions for protected areas, sanctuaries, national parks, and conservation areas. The Act makes provisions for restricting entry and prohibiting activities in the sanctuary and national parks. Declining an area as a

conservation area aims to protect landscapes, seascapes, flora and fauna and their habitat. The Act also recognises the role of people living in and around the reserved forest in conservation and protection. It empowers the State Government to declare an area as a Community Reserve. These are private areas which do not form part of any reserved forest. The people living in that area are responsible for conserving and managing this Community Reserve. These people are dependent on natural resources for their livelihood. So, they need to conserve it for their benefit. It has helped protect the areas on the periphery of the reserved forest.

The most significant statute for forest conservation in India is the Forest (Conservation) Act of 1980. Section 2 of the Act provides for the dereservation of forests with the prior permission of the Central Government. The Act allows any forest land to be used for non-forest purposes. The State Government, with the prior approval of the Central Government, can assign by way of lease to any private person, authority, or corporation. Any forest land can be cleared of trees for reforestation.

The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as the Forest Rights Act, 2006 has been brought to acknowledge and grant the Scheduled Tribes and other traditional forest dwellers the right to occupy forest land and turn, undoing the historical injustices done to them. According to Section 2(c) of the Forest Rights Act, 2006, “forest dwelling Scheduled Tribes means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribes pastoralist communities”. Section 2(o) defines “other traditional forest dwellers as any member or community who has for at least three generations prior to the 13<sup>th</sup> day of December 2005 primarily resided in and who depend on the forest or forest land for bona fide livelihood needs”. According to the explanation provided in the Act, twenty-five years make up a generation. So, a person declared as the other traditional forest dweller must show occupation or dependence for seventy-five years on forest land before the cutoff date set under the Act.

The Preamble of the Forest Rights Act elucidates the basic objectives underlying the Act. “The Act states that the recognised rights of the forest dwellers shall include the responsibilities and authority for sustainable use of the forest resources. It also confers a duty to conserve biodiversity and maintain the ecology. The Act aims to strengthen and help with forest conservation with the assistance of these forest dwellers. Such conservation efforts will, in turn, ensure

the livelihood and food security of the forest-dwelling Scheduled Tribes and other traditional forest dwellers. The Act has recognised the important role these forest dwellers play in the survival and sustainability of the forest ecosystem.”

Section 3 of the Forest Rights Act, 2006, defines forest rights. The Act recognises individual forest rights and community forest rights. The Act makes provision for converting all sorts of villages into revenue villages. The revenue villages are the smallest administrative unit in the country. The advantage of being a revenue village is that all the Government facilities and schemes are readily available and implemented compared to the forest villages and hamlets. It is crucial to note that Section 3(1)(i) of the Forest Rights Act, 2006 recognises “the right to protect, regenerate or conserve or manage any community forest resource. Such community forest resources must have been traditionally protected and conserved by the community for sustainable use.”

These forest dwellers have lived in the forest for a very long time. They are dependent on the forest for their day-to-day sustenance. That is why they understand the importance of protecting and conserving the forest. The Act also acknowledges the rights of Scheduled Tribes who live in forests and other Traditional Forest Dwellers to access biodiversity. It also recognises the community's right to intellectual property related to biodiversity. They also have the right to access traditional cultural diversity and biodiversity knowledge. The Act recognises the rights of the displaced stakeholders. They have to establish that they occupied such land and were consequently displaced due to developmental activities without getting any compensation in return. Another important condition that needs to be satisfied is that within five years of acquisition, such land shall be utilised for the intended developmental activities.

The Forest Rights Act, 2006, under Section 5, confers specific duties on the different stakeholders, namely the right holders and Gram Sabha. A Gram Sabha, as defined under Section 2(g) of the Act, means “a village assembly which consists of all adult members of a village with full and unrestricted participation of women.” These categories of people are empowered to protect wildlife, forests and biodiversity. They must ensure adequate protection for all the water bodies in and around the forest land and ecologically sensitive areas. They must protect the habitat from destructive practices. These are of such nature, which will hurt the cultural and natural heritage of the forest dwellers. The Act has also conferred the duty of guaranteeing that all the decisions taken by the Gram Sabha on community forest resources are followed. The Gram Sabha can decide whether to stop any activity that badly impacts biodiversity, forests, or wild animals.

The Central Government issued the Rules under the Forest Rights Act of 2006 through a notification in the Official Gazette under Section 14 of the Act. The Gram Sabha is authorised to form Committees responsible for safeguarding biodiversity, forests, and wildlife, as outlined in Section 5. These Committees develop plans to sustainably and equitably manage forest resources, ensuring the benefits reach Scheduled Tribes and Traditional Forest Dwellers. Additionally, the Act addresses the resettlement of forest dwellers from critical wildlife habitats to protect these areas from human interference. Resettlement includes obtaining Gram Sabha's informed consent and providing a suitable package, promoting grassroots involvement, accountability, and inclusivity. Through these measures, the Act ensures conservation while balancing the rights and welfare of forest-dependent communities.

The Forest Rights Act of 2006 is an important statute that dramatically impacts the forest sector in India. It provided rights to the Scheduled Tribes and other Traditional Forest Dwellers to reside on forest land and use the land and its resources for their livelihood. It recognises the right of these people over the forest land and their dependence on it. It confers rights and makes them responsible for using, protecting, and conserving the forest resources. The sustainable use of the resources will ensure their livelihood and food security in the long run.

## **2. Diversion of Forest Land for Developmental Activities**

The Forest (Conservation) Act of 1980 provides for the dereservation of forests. It makes taking the prior approval of the Central Government mandatory before the State Government can take any steps to dereservation the forest. Approval from the central government is also required if the forest land is to be used for non-forest purposes. The list of activities which will not constitute non-forest purposes is increasing. It includes work related to the conservation, development and management of forests and the construction of basic facilities like communication lines, bridges, and pipelines, among other things. The Act also provides the leasing of forest land to any private person or corporation. The same shall require permission from the Central Government. The Act permits the clearing of trees from any forest for using the land for reforestation with the prior consent of the Central Government.

The Forest (Conservation) Amendment Act of 2023 has brought many changes. It added Section 1A to the primary Act, which provides for the land covered under the Act. The Amendment Act further excludes several categories of land from the purview of the Act. Some examples of such categories of land



are forest land near railways, land where security or defence-related projects would be undertaken, and land near international borders. For all the developmental activities undertaken on the forest land, provision has been made to plant trees to compensate for the cutting of trees undertaken on that land. The Central Government may issue guidelines on the same matter.

The effect of these changes will be that they confer the statutory protection of the Act to only these categories of forest. It will pave the path to using the land not notified as a forest for non-forest use. It will not require the prior permission of the Central Government. Since it will not be a reserved forest, it will not have the same restrictions and regulations of activities as provided in the Wildlife Protection Act. The State Government will be free to use the land for any purpose. The amendment has also increased the number of activities that can be undertaken on forest land, which poses a serious risk to forest conservation.

The Forest Rights Act, 2006, under Section 3(2), permits the diversion of forest land. The Act allows the Central Government to allocate forest land to build infrastructures. The Act recognises and vesting the right of the forest-dwelling Scheduled Tribes and other Traditional Forest Dwellers to occupy the forest land. This right necessarily follows that people are residing in and around the forest. India is a welfare state. Therefore, basic developmental facilities need to be provided to them. The Act provides for diversifying forest land to build essential facilities for forest dwellers. The Act lists such facilities as those to be managed by the government. These facilities include schools, dispensaries or hospitals, water supply, roads, and electric and telecommunication lines. Such diversion of forest land may also involve cutting of trees. However, such felling of trees must not exceed 75 trees per hectare. The Act restricts the area of forest land that can be diverted to construct these facilities. Only if the forest land to be diverted is less than one hectare will it be allowed. The Gram Sabha plays a significant role in this whole process. All the developmental projects need to be recommended by the Gram Sabha before they receive clearance.

### **3. Role of Gram Sabha**

The Gram Sabha plays a crucial role in implementing the Forest Rights Act. It is the first authority under the Act to receive claims from Scheduled Tribes and other Traditional Forest Dwellers over forest land. They constitute the Forest Rights Committee, which assists the Gram Sabha in the verification of rights process. The Gram Sabha determines the nature and extent of the rights claimed. They prepare a list of claimants and pass resolutions on the claims after verification. The Gram Sabha is empowered to constitute various committees

under the Act to conserve and manage the forest and its various resources. These Committees shall function together with the Forest Department. Hence, all the conservation and management plans need to agree with the conservation and management plans of the Forest Department. The Gram Sabha will act as a supervisor and monitor and control the working of the Committees. The Gram Sabha also has the authority to approve any decisions made by the Committees on the issuing of transit permits, the use of produce sales proceeds or the revision of management plans.

The Act acknowledges the importance of Gram Sabha and has bestowed many rights and duties upon them. It is a true example of self-governance at work. All the developmental activities require the prior permission of the Gram Sabha. The Gram Sabha must protect the forest from any destructive practices. The Act is particular about which developmental activities are allowed, how much area can be utilised, and how many trees can be cut for them. If this Act is implemented efficiently, it will help forest dwellers get their rights recognised and also help conserve forests and natural resources.

This Act is a unique blend of conservation and protection of forests and development. It is an example of how these things can go hand in hand. The role of Gram Sabha in the whole process showcases the decentralisation of power and governance. The informed consent of Gram Sabha is an important aspect of the Act. The Gram Sabha can stop any destructive developmental project without their consent. So, the forest dwellers are responsible for protecting and conserving the forest. The Gram Sabha also shows that there are no destructive agricultural practices. There is sustainable use of forest and forest produce. There is an equitable distribution of resources amongst the forest dwellers. All these have to be ensured by the Gram Sabha. The prior informed consent of the Gram Sabha is also required for any resettlement package proposed.

#### **4. Supreme Court of India Judgments**

The Supreme Court of India, with the help of the Constitution, has played an active role in the conservation of forests. Making the right to the environment a part of Article 21 ensures that this right is justifiable. The conservation of forests is a right as well as a duty now. The welfare of the people makes it imperative that the forests are protected and conserved. Forest conservation policies are now prepared at the Union level to maintain uniformity, and the states have been given the power to administer them. These provisions in the Constitution of India are beneficial for the conservation of the environment. The Constitution has helped protect and conserve the forest and environment. Since the right to the

environment is recognised as a fundamental right, state actions cannot be derogatory of them. Keeping in mind the welfare of the people, any activity conducted by the State that conflicts with this right shall be declared illegal and void by the Supreme Court.

In 'The Centre for Environmental Law, World Wide Fund India v/s. Union of India & ors' (2011), the Supreme Court of India passed an order on an interim application in 2000. This interim order restrained the respondents from collecting minor forest produce. Different stakeholders filed many applications over the years to modify this interim order. The tribals from Kerala sought modification concerning the extraction of shikakai, honey and wild turmeric (minor forest produce) from the wildlife sanctuary. This matter came up before the Forest Bench. The Amicus Curiae (friend of the Court) argued that under Section 3(1)(c) of the Forest Rights Act, 2006, the tribals have a vested right to extract minor forest produce. Since this is a right recognised under the Act, the tribals need not approach the Court repeatedly to seek its permission for its enforcement. The Supreme Court of India granted relief. It also stated that the tribals can access the services of the State Legal Services Authority in case they need to approach the Court. This case is a classic example of how the Supreme Court of India used the principle of harmonious construction to give effect to the various orders passed by them previously with the Forest Rights Act of 2006.

In 'Ajay Dubey v/s. National Tiger Conservation Authority & ors (2012) initially filed a writ petition in the Madhya Pradesh High Court to give directions for control of tourism in the State's Tiger Reserve's core and surrounding areas. The petitioner went to the Supreme Court. The Supreme Court of India directed the States to notify the buffer and the peripheral regions around the Reserved Forests. Some states complied with the Supreme Court's directions without complying with the Wildlife Protection Act of 1972 and the Forest Rights Act of 2006 provisions. Both acts provide for informing forest dwellers and obtaining their permission before declaring any area for wildlife protection. Even though this case did not talk about the rights of forest dwellers under the Forest Rights Act of 2006, the importance of the case lies in the acknowledgement of the Supreme Court of India of the enabling provisions under the Act. Consequently, the Ministry of Environment and Forest stated that the rights of forest dwellers under the Forest Rights Act, 2006 should be protected.

In 'Orissa Mining Corporation v/s. Ministry of Environment and Forests & ors.' (2013), the Orissa Mining Corporation (OMC) filed a writ petition to quash an order from the Ministry of Environment and Forests that denied forest clearance for the diversion of forest land. This land was sought for mining bauxite

ore in the Niyamgiri Hills, Lanjigarh, Orissa. The petitioners were challenging the findings of the Ministry of Environment and Forest that the Forest Rights Act, 2006 was violated. They challenged their action of rejecting the forest clearance as violating previous Supreme Court of India judgments. The case involved the Constitutional provisions to the Fifth Schedule areas and the Forest Rights Act, 2006. The Supreme Court of India examined Article 244, the Fifth Schedule and different Supreme Court of India judgments. It also looked into the Panchayat Extension to Scheduled Areas (PESA) Act, 1996 and the Forest Rights Act, 2006, in respect of the power of Gram Sabha. The Gram Sabha is empowered under these two Acts to defend and preserve the indigenous rights of the tribes and forest dwellers. The Constitution of India also protects the tribal population's religious and cultural rights.

The Supreme Court of India said that the forest and forest dwellers cannot be separated. People play the most important role in the conservation of forests. The authority to safeguard the community's forest resources rests with the Gram Sabha. The Supreme Court of India stated that the provisions empowering the Gram Sabha to conserve forest and its resources have not been complied with. It also directed that all the issues be raised before the Gram Sabha in a meeting convened. The Court also directed that a judicial officer shall also attend this meeting. Whatever decision the Gram Sabha makes in such a meeting shall then be forwarded to the Ministry of Environment and Forest. The final say on stage II forest clearance approval for mining will rest with the Ministry. Twelve Gram Sabhas held meetings and passed a resolution favouring the conservation of Niyamgiri hills. Thereafter, the Ministry of Environment and Forest rejected the grant of forest clearance for the project.

Hence, it can be seen that the Forest Rights Act of 2006 has been a perfect blend of forest conservation and development. Forest dwellers have been given the right to forest land and the duty to protect, conserve, and manage the forest and its resources. The Supreme Court of India has acknowledged the Act's and Gram Sabha's roles. The main stakeholders now have the right over the forest land. Forest land is significant for them as they depend on the forest for their habitat and livelihood. Therefore, the Act has taken the right step in including them in forest protection.

#### **D. CONCLUSION**

Development is a necessity in today's world. However, it is also important to protect the environment and forests simultaneously. A balance must be made between the two. The Forest Rights Act of 2006 is a good example of an Act that

focuses on the overall development of forest dwellers while conserving the forest. The Act acknowledges and confers different forest rights on the forest-dwelling Scheduled Tribes and other traditional forest dwellers. It also imposes various duties on the different stakeholders to conserve the forest. It showcases how the protection of forests and development can happen at the grassroots level with the help of the people residing there.

Forest dwellers, especially the Gram Sabha, can take a proactive part in the conservation and protection of forests. These people understand the forest and its importance. They are dependent on it for their life and livelihood. Their agricultural practices are very environmentally friendly. They survive on the forest produce and have a very sustainable way of life. There is a vast knowledge of the forest dwellers and many things to learn about their way of life and livelihood. So, conservation and development can be done with proper forest management policies with the help of Gram Sabha and the Forest Department.

The Forest Rights Act of 2006 can be a compelling piece of legislation that will have a far-reaching effect on the forest sector in India. If implemented effectively, it can be an important tool in forest conservation. Despite facing various constraints in its implementation, the Forest Rights Act has been able to undo the injustices suffered by many forest dwellers in the past. The duties imposed on the right holders will ensure the conservation of forests in the long run. With the help of this Act, India could achieve its various national targets for enhancing and maintaining forests. It will help increase the total forest cover and the carbon sink. Sustainable development can be achieved through the Forest Rights Act of 2006 on forest land. The forest shall be conserved and protected, its resources utilised sustainably, and developmental activities undertaken according to the procedures.

## REFERENCES

- Ajay Dubey v/s. National Tiger Conservation Authority & ors, 2012 SCC Online SC 875
- Bhattacharya, S., & Pal, S. (2022). Forest and the First Nation in Post-Colonial India. *AGPE The Royal Gondwana Research Journal of History, Science, Economic, Political and Social Science*, 3(3), 01- 09.
- Centre for Environmental Law, World Wide Fund India v/s. Union of India & Ors, (2011) 14 SCC 297
- Chandra, R. (2019). Forest Rights Act of India: Putting Indigeneity in Place. *Indian Law Review*, 3(2), 159-179.

- Das, B. K. (2022). Resisting Forestry Sector Reform: Institutional Work during India's Forest Rights Act Implementation Process. *Journal of Environmental Planning and Management*, 65(9), 1637-1659.
- Dash, T., & Kothari, A. (2013). *Forest Rights and Conservation in India*. Malaysia: Natural Justice and United Nations University, Institute of Advanced Studies.
- Government of India. (2019). *India State of Forest Report*. Ministry of Environment, Forest and Climate Change.
- Kohli, K. (2019). Historical Injustice and "Bogus" Claims: Large Infrastructure, Conservation and Forest Rights in India.
- Lalfakzuala, B. (2020). The Forest Rights Act: A Comparative Study of Mizoram and Odisha. *IOSR Journal of Humanities and Social Sciences*, 25(3).
- Majumder, T. B. (2020). The Forest Legislations with Special Reference to Forest Rights Act (2006) and Its Impact on the Condition of the Indigenous Forest Villagers in North Bengal: A Study. *Indian Journal of Law and Justice*, 11, 188.
- Orissa Mining Corporation v/s. Ministry of Environment and Forests & ors., (2013) 6 SCC 476
- Rout, S. (2020). Gendered Participation in Community Forest Governance in India. *Sustaining Natural Resources in a Changing Environment*, 72-84.
- Sarangi, T. K. (2020). Reform in Forest Tenure and Livelihood Impact: Implementation of Forest Rights Act 2006 in Odisha and Jharkhand. *Journal of Land and Rural Studies*, 8(1), 77-95.
- T.N. Godavarman v. Union of India, (1997) 2 SCC 267
- The Centre for Environmental Law, World Wide Fund India v/s. Union of India & Ors., (2011) 12 SCC 757
- The Constitution of India, 1950 (India)
- The Forest (Conservation) Act, 1980 (India)
- The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (India)
- The Wildlife Protection Act, 1972 (India)
- Tyagi, I. (2019). *Forest Rights Act, 2006: Past, Present and Future*.
- World Bank. (2005). *India: Unlocking Opportunities for Forest Dependent People in India*. Agricultural and Rural Development Sector Unit, South Asia Region.