

Millions of Tribals and Forest Dwellers Risk Eviction Orders After April 2nd

A crucial Supreme Court hearing is set for April 2nd. The last time this case was heard – in 2019 – **more than seventeen lakh families faced possible eviction** before the order was put on hold.

Why did this happen? A wildlife NGO wants the court to order eviction of people whose claims to rights under the Forest Rights Act, 2006 (FRA), were rejected – even though there is ample evidence that their claims were rejected illegally. On April 2nd they will be trying to do this again and more. They now want the court to restore the pre-FRA status of no forest rights for the forest dwellers who should live under the mercy of the Forest Department.

In Feb 2019, after putting its order on hold following nationwide protests, the court directed state governments to review the rejections of claims.

But this review has been plagued with the same illegalities again – neither the Central government nor most state governments have made good faith efforts to implement this law.

Background: What is the Forest Rights Act?

Until 2006, India's forest laws were inherited from the British. Those laws resulted in nearly a quarter of the country being considered "forest land" and declared government property, without consideration of the rights of crores of people (mostly but not only adivasis) who lived on, used, and protected these lands. This "historic injustice" was recognised by the Central government several times; but no action was taken until a nationwide protest movement in 2004-2006 led to the passage of the FRA. The Act recognises thirteen rights for Scheduled Tribes and "other traditional forest dwellers", covering rights over land, minor forest produce, grazing, etc as well as crucial rights to protect and manage forests as they have been doing for centuries.

But this law has not been to the liking of India's forest bureaucracy because it removes their power to evict and harass people as well as their power to hand over forest land to large projects or companies. As a result, in state after state and at the Central level, its implementation has been sabotaged.

A handful of wildlife NGOs became the face of this opposition to the Act (the vast majority of environmental organisations in India today support the law). They approached the Supreme Court and several high courts against it in 2008-2009, but were unable to get the court to stay the law. Periodically, however, they have revived this case – *Wildlife First and Ors. vs. Union of India and Ors.* - in an attempt to undermine the law.

Recent developments in the case – *Wildlife First and Ors. vs. Union of India and Ors.*

On 13th February 2019, the Supreme Court (SC) ordered the eviction of 17 lakh, or more than 70 lakh forest dwellers, whose individual forest rights claims were rejected. This sent a shock wave across the country. After protests from forest rights groups, the Ministry of Tribal Affairs (MoTA) intervened highlighting procedural lapses leading to wrongful rejection of claims, prompting the Court to put the eviction order on hold till further notice and directed

the states to review rejected claims. The SC directed the state governments to furnish detailed affidavits placing on record the rejection orders and the details of the procedure followed for the rejection of claims, including the grounds on which the claims were rejected, whether reasoned orders were passed while rejecting the claims, whether the forest dwellers were given an opportunity to appeal and adduce evidence.

The State governments were to review all rejected claims. However with no clear instructions or guideline from the MoTA regarding the procedure to be followed for review, the states followed their own mechanisms and processes violating the legal procedure for determining rights and some states even using technology that undermines the legal procedure especially the decision making authority of the Gram Sabhas.

What has happened during the review of rejections?

1. *High Rejection Rates & Violation of Due Process:* Forest rights claims have been rejected without providing proper reasons to the claimants or the gram Sabhas, or the opportunity to the claimants to appeal or present additional evidence. This directly violated FRA mandated procedures. Rule 13 of Forest Rights Rules recognizes multiple forms of evidence, including testimonies of village elders and field verification reports by the Gram Sabha, but these have been systematically ignored. States continue to ask for specific evidences. In Gujarat, satellite imagery, which cannot determine occupation of forest which is what the law requires, was deemed as mandatory evidence leading to large scale rejections. Deeply flawed with human operators in remote offices marking plots without ground verification, errors in geo-referencing and incorrect mapping have resulted in large-scale wrongful rejections. Further, claims of Other Traditional Forest Dwellers (OTFDs)—have seen a high rate of rejection overall. As on 31.01.2025, as per MoTA records, 18,06,890 (Eighteen lakh six thousand eight ninety) claims have been rejected. However, MoTA reported monthly data on Individual Forest Rights (IFR) remain highly unreliable, and often hugely exaggerated.
2. *Continued Criminalization of Forest Dwellers & Unlawful Evictions:* Despite FRA explicitly protecting forest dwellers from evictions, large-scale displacement continues unabated. In several states, forest dwellers cultivating forest land before 2005, were forcibly evicted by the Forest Department even before their claims could be processed. These people now face difficulties in claiming their rights. Moreover, wrongful rejections have resulted in evictions in themselves. There have been numerous instances especially in Rewa and Burhanpur districts of Madhya Pradesh where the forest department has used force, destroyed standing crops, and imposed fines.
3. *Technological Barriers & Exclusionary Digital Systems:* The introduction of digital platforms such as Van Mitra in Madhya Pradesh has created additional barriers rather than facilitating the review process. Many forest dwellers lack access to smart phones, the internet, or digital literacy, making it impossible for them to navigate the claim submission and appeal processes online. These portals, intended to streamline and bring transparency, have instead led to procedural violations, mass re-rejections, and the side-lining of Gram Sabhas. These platforms frequently malfunction, lock claimants out of their accounts, and fail to upload correct documents. The exclusive reliance on digital submission has made it nearly impossible for the most marginalized communities to access their legal rights. Furthermore, the shift to digital platforms has enabled bureaucratic overreach, with decisions being made by panchayat officials and officials at district and state levels, illegally bypassing the

FRA-mandated authorities - Gram Sabha and Forest Rights Committee in verifying and approving claims. This has led to the centralization of power in the hands of a few officials, directly undermining the decentralised, democratic and participative approach of FRA. Many state governments are now planning to implement such technology and app-based portals promoted by MoTA under the new Pradhan Mantri-Janjatiya Unnat Gram Abhiyan (PM-JUGA) program. This would imperil FRA implementation in more States. The use of technology to bring transparency especially to keep a repository of records is warranted. However, replacing the decentralised democratic process of claim initiation and determination through technology goes against FRA. The MoTA has also raised serious concerns about the Van Mitra application, but it is not clear if they are going to inform these points to the Court on April 2nd.

4. *From non- recognition to displacement:* There has been an increase in dilution of forest and environmental laws, opening forests and resources to corporate and private exploitation and diversion in the name of development interventions, as well as promotion of exclusionary conservation interventions. All these state-corporate driven developments are being undertaken in violation of Panchayat (Extension to Schedule Areas) Act, 1996 (PESA), FRA and the 2006 tiger amendment to the Wildlife Protection Act, 1972, leading to non-recognition of rights and increased displacements. FRA acknowledges in its preamble the necessity to address the long-standing insecurity of tenurial and access rights of forest dwelling communities including those who were forced to relocate their dwelling due to state development interventions. The FRA provides explicit protection against eviction and displacement and establishes recognition and acquisition of rights as well as free informed consent of gram sabha as pre-requisites for any resettlement and rehabilitation. With ongoing rejections and delays in deciding pending claims, and pressures for relocation, the forest dwellers face increasing threats from evictions, displacement, relocations. Despite the FRA's legal mandate to recognize the customary forest rights of communities and secure Individual and community tenure, bureaucratic and political resistance continues to undermine its implementation. Over 1,00,000 people have already been displaced due to the creation of protected areas, and the National Tiger Conservation Authority (NTCA) has recently called for expediting relocation of 64,801 people from core tiger reserve areas. Simultaneously, large-scale land diversions for industrial and infrastructural projects continue unabated. In the past 15 years, more than 3 lakh hectares of forest land have been diverted for "development" purposes, with nearly 60,000 hectares allocated for mining alone. This pattern of forest diversion, often carried out without forest rights recognition and gram sabha consent, directly violates FRA provisions, which was upheld by the Supreme Court in Orissa Mining Corporation v. Ministry of Environment & Forest & Others [(2013) 6 SCC 476]. The Court observed that "forests have the best chance to survive if the people living in and around the forests are involved in the conservation and regeneration measures," and established that Gram Sabha consent is a mandatory precondition for forest land diversion under the FRA.

Case study of Gujarat

As in Madhya Pradesh, the FRA implementation in Gujarat is also marked by high rejection rates, delays, and selective enforcement. The review process in Gujarat began in 2013 following a Gujarat High Court order, yet, as of April 2024, 46% of claims remain either pending or rejected. From 2008-2013, 1.13 lakh claims were wrongfully rejected solely on the

basis of satellite imagery prepared by BISAG (Bhaskaracharya Institute for Space Applications and Geoinformatics), a method not prescribed by the FRA, and against Rule 13 of the Forest Rights Rules 2008. This flawed approach disproportionately impacted Other Traditional Forest Dwellers (OTFDs), with an alarmingly low approval rate of just 14.4%. Claims from non-scheduled areas have also been completely ignored, restricting implementation to only 14 districts in Gujarat, leaving regions like Kutch, Junagadh, and Gir Somnath. Despite Gram Sabhas approving 98% of claims, the Sub-Divisional Level Committees (SDLCs) accepted only 62%, reflecting a misuse and arbitrary exercise of power at the SDLC and District Level Committee (DLC) levels. These authorities have often approved reduced claim areas—even when GPS data supported larger claims—without providing any justification. This directly contravenes FRA, which vests the sole authority to initiate, verify, and determine the nature and extent of claims with the Gram Sabha. The SDLC and DLC have no legal mandate under FRA to alter or dilute the extent of claims approved by the Gram Sabha arbitrarily. Delays at all three levels remain persistent, with only 6,000 claims processed in the last two years, leaving thousands unresolved. Alarmingly, eviction orders are being issued even during this prolonged period of pending approvals, further undermining the rights of claimants and violating the due process mandated under FRA. Meanwhile, the GEER (Gujarat Ecological Education and Research) Foundation's non-transparent mapping process has fuelled further rejections. The excessive reliance on satellite imagery, without abiding by the list of evidences provided in FRA, has led to wrongful denials of rightful claims. Additionally, implementation has been inconsistent, with the better enforcement in areas with active forest rights groups, while others remain marginalized.

Key Points

- The Central government and state governments must clearly inform the Supreme Court on April 2nd that the Forest Rights Act is constitutional in its entirety and the process of review of claims as well as recognition of rights must be allowed to run its course. The case should be dismissed.
- The Ministry of Tribal Affairs (MoTA) must ensure the review of rejected claims follows clear guidelines that uphold the authority and role of the Gram Sabha as the primary decision-making body and as per the procedures for verification process under FRA. The Ministry should issue binding directives preventing arbitrary rejections, requiring reasoned orders, and mandating the use of multiple forms of evidence, including oral testimonies and local verification.
- Technology should be used only to supplement and support the FRA implementation process —such as maintaining a repository of documents, allowing claimants to track claim status, and ensuring public access to records.
- No eviction and relocation from Tiger Reserves and other Protected Areas should take place until all claims—including those under review—have been processed in compliance with FRA. The Ministry must issue strict directives prohibiting forced evictions until the claimants have exhausted all avenues of appeal. Additionally, authorities found violating this directive should be held accountable under the FRA and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- No relocation from Tiger Reserves and other Protected Areas should take place until all claims—including those under review—have been processed in compliance with FRA, their consent obtained for relocation and relocation package ensuring due compensation and secure livelihood.
- The Gram Sabha's statutory authority and role in claim initiation, verification and decision-making should be reaffirmed, preventing bureaucratic and technological overreach. Any rejection of a claim must be justified in writing with an opportunity of appeal.
- Forest land diversion for mining, infrastructure, and conservation must strictly adhere to FRA provisions, particularly the requirement of free and prior informed Gram Sabha consent.

Issued by: