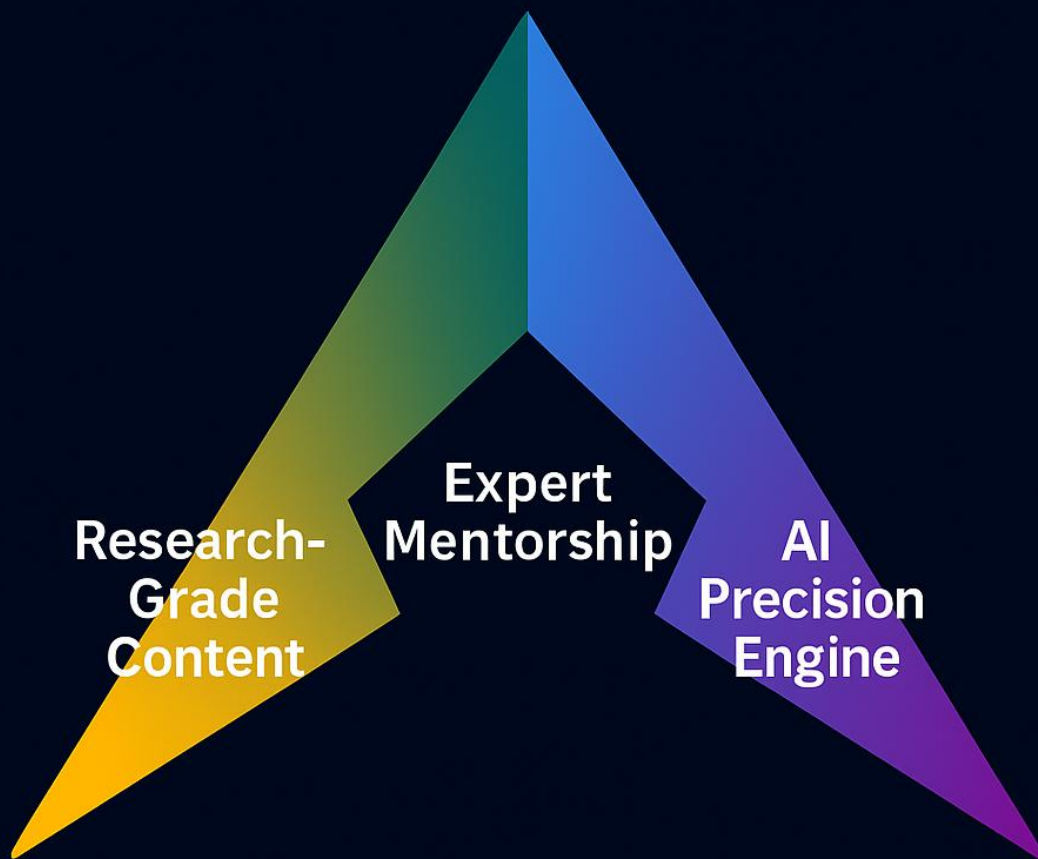


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DAILY CURRENT AFFAIRS DATED 05.05.2026

GS Paper III: Environment

1. Forest Rights Act (FRA), 2006 and the Latest High Court Ruling

a. Introduction

The recent ruling of the Allahabad High Court on the Forest Rights Act (FRA), 2006 has once again brought attention to one of India's most significant rights-based environmental legislations. The judgment arose from a dispute concerning the rejection of forest rights claims filed by members of the Tharu tribal community in Uttar Pradesh. In its decision, the Court reaffirmed an important constitutional and legal principle: when a later parliamentary law conflicts with older laws or earlier judicial directions, the later law prevails to the extent of inconsistency.

The ruling is important not merely because it concerns tribal land rights, but because it strengthens the broader framework of justice, participatory governance, and community-based conservation embedded in the FRA. It also highlights the continuing tension between traditional conservation models dominated by bureaucratic forest administration and a more democratic rights-oriented approach that recognises the historical relationship between forest communities and forests.

b. Historical Background of the Forest Rights Act

The Forest Rights Act, formally known as the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*, was enacted to address what Parliament described as the "historical injustice" committed against forest-dwelling communities.

During the colonial period, particularly after the Indian Forest Act of 1927, forests were increasingly brought under state control. Traditional forest users who had lived in these areas for generations were often treated as encroachers because their customary rights were not formally recorded. Even after Independence, the administrative structure of forest governance remained heavily centralised and conservation-centric. As a result, many tribal and forest-dependent communities continued to face displacement, denial of access, and livelihood insecurity.

The FRA represented a major shift in policy thinking. Instead of viewing forest dwellers as threats to forests, the law recognised them as legitimate stakeholders and potential custodians of forest ecosystems.

This transformation in policy orientation also shaped the broader objectives and institutional philosophy of the legislation.

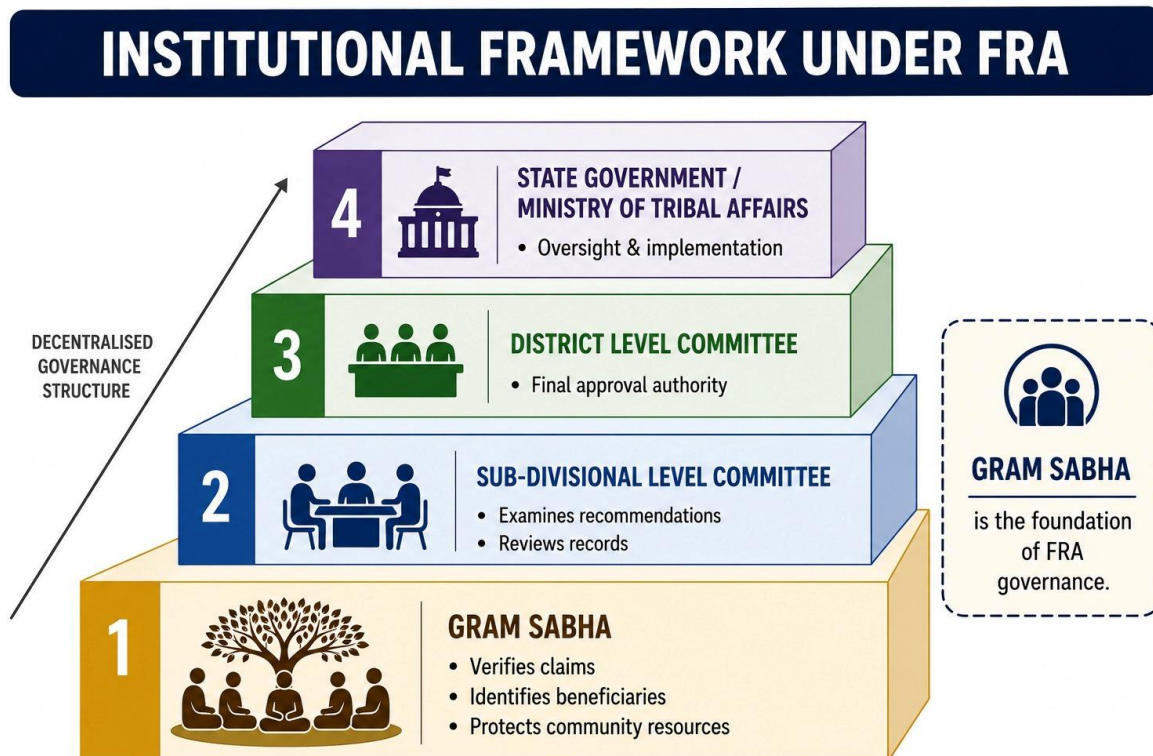
c. Nature and Objectives of the FRA

The FRA is fundamentally a rights-based legislation. Its objective is not merely welfare delivery, but legal recognition of pre-existing customary rights over forest land and resources.

The law seeks to achieve several interconnected goals:

Dimension	Purpose
Social Justice	Correct historical injustice against forest dwellers
Livelihood Security	Protect access to land, grazing and forest produce
Democratic Governance	Empower Gram Sabhas in forest management
Environmental Sustainability	Promote community-led conservation
Tribal Empowerment	Strengthen autonomy and participation

The Act is administered by the Ministry of Tribal Affairs, reflecting its emphasis on tribal welfare and rights protection rather than purely bureaucratic forest control.



d. Communities and Rights Recognised Under the FRA

i. Communities Recognised Under the FRA

The FRA recognises rights of two broad categories of people:

Scheduled Tribes (STs)

These are tribal communities officially recognised under the Constitution and traditionally residing in forest areas.

Other Traditional Forest Dwellers (OTFDs)

These include non-tribal forest-dependent communities who have lived in forests for generations and whose livelihoods are closely linked to forest resources.

The inclusion of both categories reflects the reality that dependence on forests in India extends beyond constitutionally recognised tribal groups.

Recognition of communities alone, however, is insufficient unless accompanied by recognition of substantive rights and entitlements.

ii. Types of Rights Recognised Under the FRA

The Act recognises a wide range of individual and community rights.

Individual Forest Rights (IFR)

These rights relate to forest land under cultivation by forest dwellers before 13 December 2005. The law recognises occupation and livelihood dependence rather than formal land titles.

Community Forest Rights (CFR)

Community rights are among the most transformative features of the FRA. They include rights over:

- Grazing grounds
- Water bodies
- Traditional access routes
- Minor forest produce
- Community forest resources
- Seasonal use areas

Community Forest Rights shift forest governance toward collective ownership and participatory management.

Habitat Rights

Special protections are granted to:

- Particularly Vulnerable Tribal Groups (PVTGs)
- Nomadic and pastoral communities

These rights recognise unique cultural and livelihood patterns that may not fit standard land ownership models.

The recognition of such rights required corresponding institutional reforms, particularly at the local governance level.

e. Role of the Gram Sabha

The FRA places the Gram Sabha at the centre of forest governance. This decentralised framework reflects the constitutional philosophy of local self-governance.

The Gram Sabha is empowered to:

- **Verify Forest Rights Claims:** The Gram Sabha examines and authenticates claims submitted by forest-dwelling communities.
- **Identify Genuine Forest Dwellers:** Local participation helps distinguish legitimate traditional users from fraudulent claimants.
- **Recommend Recognition of Rights:** The Gram Sabha forwards verified recommendations to higher authorities.
- **Protect Community Forest Resources:** Communities participate directly in protection and sustainable management.
- **Participate in Conservation and Management:** The framework promotes democratic participation in ecological governance.

This approach aligns closely with the Panchayats (Extension to Scheduled Areas) Act, 1996 and the broader principle of democratic decentralisation.

f. Allahabad High Court Ruling and Legal Significance

i. The Allahabad High Court Ruling

The recent judgment of the Allahabad High Court arose from the rejection of claims filed by members of the Tharu tribal community. The District Level Committee had relied upon an earlier Supreme Court interim order from 2000 concerning de-reservation of forests.

However, the Court observed that such reliance ignored the later enactment of the FRA in 2006.

The High Court held that:

- **FRA Rights Cannot Be Nullified by Older Laws:** Rights recognised under the FRA cannot be defeated through earlier statutes or restrictive administrative practices.

- **Statutory Protections Must Be Honoured:** Authorities cannot disregard legal protections granted under parliamentary legislation.
- **Evictions Cannot Occur Before Due Process:** Evictions or denial of rights cannot occur before completion of the recognition and verification process prescribed under the FRA.

The Court therefore struck down the decision rejecting the claims.

The judgment also reaffirmed a broader doctrine of statutory interpretation that carries significance beyond the FRA itself.

ii. Principle that “Later Law Prevails”

The judgment reaffirmed an important doctrine of statutory interpretation: where two laws conflict, the later law prevails over the earlier one to the extent of inconsistency.

This principle is often referred to as implied supersession or implied override.

In this context, the Court clarified that the FRA overrides inconsistent provisions or practices arising from:

- **Indian Forest Act, 1927:** Colonial forest governance laws cannot dilute rights granted under the FRA.
- **Older State Forest Laws:** State-level provisions inconsistent with the FRA must yield to parliamentary legislation.
- **Administrative Circulars:** Executive instructions cannot override statutory rights.
- **Earlier Restrictive Directions:** Older restrictive interpretations inconsistent with the FRA lose legal force.

This interpretation strengthens the legal status of the FRA as a transformative parliamentary legislation.

iii. FRA and Protection Against Eviction

One of the most significant safeguards under the FRA is protection from arbitrary eviction.

The Act clearly provides that no forest-dwelling community can be evicted until:

- **Claims are Filed:** Communities must first be given the opportunity to submit claims.
- **Verification is Completed:** Authorities must complete proper scrutiny and verification procedures.
- **Appeals are Exhausted:** Affected persons must receive access to appeal mechanisms.
- **Final Recognition Process is Concluded:** Only after final determination can any action be considered.

This safeguard is crucial because many traditional communities historically lacked documentary land records. Colonial forest administration often criminalised customary occupation without recognising traditional patterns of habitation and resource use.

The FRA therefore introduced procedural justice through community verification mechanisms led by Gram Sabhas.

Closely linked to livelihood security is the question of access to grazing and forest resources.

iv. Grazing Rights Under the FRA

The FRA explicitly recognises grazing and seasonal access rights.

These include:

- **Traditional Grazing Practices:** Communities retain customary access for livestock grazing.

- **Seasonal Movement of Pastoral Communities:** Migratory and semi-nomadic practices receive legal recognition.
- **Access to Forest Resources for Livelihood:** Livelihood dependence is treated as a legitimate basis for rights.

Importantly, these rights may continue even within:

- Wildlife sanctuaries
- National parks
- Tiger reserves

subject to reasonable conservation safeguards.

This provision reflects an attempt to reconcile conservation objectives with livelihood realities.

The issue of balancing conservation with community rights remains one of the most debated dimensions of the FRA.

g. Conservation, Governance and Constitutional Dimensions

Implementation of the FRA has often produced tensions between two competing approaches to forest governance.

Conservation-Centric Model	Rights-Based Model
State control over forests	Community participation
Strict exclusionary protection	Inclusive conservation
Forest dwellers viewed as pressure on ecology	Forest dwellers viewed as stakeholders
Bureaucratic management	Democratic decentralisation

Forest departments frequently impose restrictions on grazing or forest access citing wildlife protection, habitat preservation, or disease concerns. Critics argue that such restrictions sometimes ignore statutory protections under the FRA.

The broader debate is therefore not simply legal, but philosophical: whether environmental protection should rely primarily on exclusionary state control or on community stewardship.

h. Significance of the Judgment

Strengthening Tribal Justice

The ruling reinforces constitutional commitments toward protection of vulnerable tribal communities and recognition of their historical relationship with forests.

Reaffirming Parliamentary Sovereignty

Administrative bodies cannot selectively ignore legislation enacted by Parliament. The judgment strengthens rule of law and statutory accountability.

Advancing Participatory Governance

By recognising the authority of Gram Sabhas and community verification processes, the judgment supports decentralised democratic governance.

Protecting Livelihood Security

Millions of forest dwellers depend on:

- Grazing

- Minor forest produce
- Forest-based agriculture
- Traditional mobility routes

Recognition of these rights is essential for livelihood stability and food security.

Promoting Inclusive Conservation

The ruling indirectly supports the growing global understanding that indigenous and local communities often play a crucial role in sustainable forest management.

i. Major Challenges in FRA Implementation

Challenge	Explanation
High Rejection Rates	Claims often rejected on technical or documentary grounds
Bureaucratic Resistance	Forest departments reluctant to devolve authority
Poor Awareness	Communities unaware of legal entitlements
Continuing Evictions	Illegal eviction attempts continue despite protections
Weak Recognition of CFRs	Community rights implemented slowly compared to individual claims
Conservation Conflicts	Protected area policies sometimes clash with FRA provisions

These challenges reveal that legal recognition alone is insufficient without institutional commitment and administrative reform.

j. Global Perspective

Many countries increasingly recognise that indigenous communities are critical partners in conservation.

Country	Approach
Brazil	Indigenous territorial rights in Amazon forests
Nepal	Community forestry governance model
Australia	Native title recognition
Canada	Indigenous co-management frameworks

International experience suggests that decentralised and community-oriented forest governance often produces better ecological outcomes than purely centralised bureaucratic control.

k. Constitutional and Legal Linkages

The FRA draws legitimacy from several constitutional principles.

Provision	Relevance
Article 21	Right to life and livelihood
Article 46	Protection of weaker sections

Provision	Relevance
Fifth Schedule	Administration and protection of tribal areas
PESA Act, 1996	Tribal self-governance
Directive Principles	Social and economic justice

Thus, the FRA must be viewed not merely as a sectoral law, but as part of India's broader constitutional commitment to justice and inclusion.

The success of this constitutional vision, however, depends upon effective implementation and institutional reform.

1. Way Forward

- **Ensure Effective Implementation:** Pending claims must be processed fairly and transparently. Arbitrary rejections should be minimised.
- **Strengthen Gram Sabhas:** Local institutions require greater administrative support, legal awareness, and capacity-building to effectively exercise their powers.
- **Harmonise Conservation and Rights:** Wildlife conservation policies should be aligned with FRA provisions and community participation models rather than exclusionary practices.
- **Improve Administrative Accountability:** Officials violating statutory protections under the FRA should face clear accountability mechanisms.
- **Promote Community-Led Conservation:** Evidence from India and abroad shows that communities with secure rights often become long-term custodians of ecological resources.

These reforms are essential for transforming the FRA from a formally recognised legal framework into an effectively implemented instrument of social and ecological justice.

Conclusion

The Allahabad High Court ruling is significant because it reaffirms the transformative nature of the Forest Rights Act, 2006. The judgment clarifies that the FRA is not merely a welfare-oriented statute, but a rights-based corrective measure intended to address deep historical injustice suffered by forest-dwelling communities.

By holding that the FRA overrides inconsistent older laws and administrative practices, the Court strengthens constitutional principles of justice, participation, dignity, and democratic governance. At a broader level, the ruling also reflects the evolving understanding that environmental conservation and tribal rights are not necessarily opposing goals. Sustainable forest governance increasingly depends upon recognising indigenous communities not as intruders, but as partners in ecological stewardship.

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