



# Forests & Communities - Rights, Protection, & the Law.





# Credits

## Forests & Communities - Rights, Protection, & the Law

This training material is about forests and the rights connected to them. It explains what a forest is, the different types of forests (like reserved forests, protected forests, village forests, sanctuaries, and tiger reserves), and the rights of the people who live in and around them.

It also gives information about forest laws, wildlife protection, and the Forest Rights Act - including rights related to land, fodder, wood, water, employment, and rehabilitation. The material also explains how the Gram Sabha & local communities can work together to care for and protect forests.

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# Types of Forest

(Source: Indian Forest Act, 1927)

## What is called a forest, and how has its definition changed over time?

According to the Indian Forest Act, 1927 forests were largely demarcated into reserved, protected and village forests. Forest land with considerable amounts of flora and fauna along with their pristine ecosystems are considered to be regions that require conservation and are demarcated as Reserved or Protected Forests (which receive protection).

However, contentious issues existed within the rest of the forest land which was under varied ownership at the time and there were multiple native terminologies (such as nistar, bade jaad ki jungle, chote jhaad ke jungle, etc in Madhya Pradesh) used to identify these forests.

The Supreme Court in 1996 (TN Godavarman v. Union of India, (1997) 2 SCC 267) clarified that forests, under the Forest (Conservation) Act, 1980 includes the dictionary meaning of forests as well as all land classified as forest under Government records. Various expert committees were constituted since then to identify these areas.



The Forest (Conservation) Act was also amended in 2023 to clarify that forest land includes all forests notified under the Indian Forest Act, 1927 or other laws as well as all other land that has been recorded as forests under Government records, which includes the records of the Revenue Department, Forest Department or any other local authority. The States have been given one year to prepare a consolidated list of such forests under the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

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## Types of Forest

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According to the Indian Forest Act, 1927, forests are divided into different categories -

### 1. Reserved Forest

Forests with a natural habitat that receive a high degree of protection. Human activity is completely restricted, except for claims which are admitted at the time of notifying the reserved forest or a contract in writing with sanction of the State government. (Chapter II)

No activity is allowed unless specific claims of pre-existing rights are admitted. No fresh clearing is permitted.

### 2. Protected Forest

Forests other than reserved forests which are notified as protected by the State Government.

All activities are permissible except for those that are expressly prohibited (Under Indian Forest Act, 1927 or Wildlife Protection Act, 1972). However, the State Government may declare any tree or class of trees as reserved within the protected forest and prohibit activity with respect to that tree/class of trees. (Chapter IV).

Activities in protected forests may be regulated by Rules.

### **3. Village Forest**

Village forests are rights of governance vested to any village community over a reserved forest or in some states (like Orissa, through Orissa Forest Act, 1972, over a protected forest). Such rights may be assigned and cancelled by the State Government. (Chapter III)

As they are community managed forests, the administrative procedure and interference of the forest department varies from region to region. Legally there shall be minimal restrictions. However, assignments of village forests may be cancelled by the State government.

### **4. Sanctuaries or National Parks**

Any area other than a reserved forest or territorial water may be declared by the State/Central Government as a sanctuary if it has adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.

Similarly, an area within the sanctuary or otherwise may be declared a national park. [Wildlife (Protection) Act, Section 18, 35,38]

There is a high level of protection and entry/exit as well as various activities require the permission of the Chief Wild Life Warden.

No livestock is permitted in a national park.

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# Procedure for rights and claims

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## 1. Reserved Forest

The rights of the local communities are recognised and extinguished. Claims with respect to pre-existing rights are to be made at the time of notification of the reserved forest, which may be admitted or denied by the Forest Settlement Officer. In case a claim is admitted, the area may be excluded from the boundaries or rights may be acquired.

An alternative rehabilitation may be provided as decided by the State Government after consultation with the settlement officer.

## 2. Protected Forest

The nature and extent of private persons within the area are inquired into and recorded.

## 3. Village Forest

The Indian Forest Act provides that the State government may assign the rights of governance of any village within a reserved forest to any village-communities. Such rights may be assigned and cancelled by the State Government.

Section 3 of the Forest Rights Act provides for the right of settlement and conversion of forest villages into revenue villages.

## 4. Sanctuary or National Parks

Under the Wildlife (Protection) Act, the Collector is required to determine the existence, nature and extent of the rights of any person in the land to be declared as a sanctuary.

Such a claim may be admitted or denied by the Collector. In case a claim is admitted, the land may be excluded from the limits of the proposed sanctuary, rights may be acquired or a right over land may be continued in consultation with the Chief Wild Life Warden.



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# Livestock and Grazing

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## 1. Reserved Forest

Entry prohibited for domesticated animals of any kind for grazing or allied activities, except in cases of pre-existing claims recorded in writing or with the permission of the Forest officer [Section 26, Section 15]

## 2. Protected Forest

These activities may be regulated by the State government.

## 3. Village Forest

There is no specific provision regulating the entry of livestock

## 4. Sanctuary or National Parks

The entry of animals/livestock for grazing requires the permission of the Chief Wild Life Warden

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# Notifying/Declaring Authority

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## 1. Reserved Forest

State Government may declare any area which is the property of Government as reserved forest ([Section 3 & 4](#))

Note: Some states either through state amendment to IFA (eg. Madhya Pradesh) or through state specific statutes (eg. Orissa Forest Act, 1972) have created an additional sub-classification known as 'Deemed Reserve Forest' where the law designates land as forest through a deeming clause or legal fiction

## 2. Protected Forest

State Government may declare any forest area, other than a reserved forest, which is the property of the Government as protected ([Section 29](#))

## 3. Village Forest

Under Indian Forest Act 1927, State Government may assign the rights of the Government to any village-community [[Section 28\(1\)](#)]

## 4. Sanctuary or National Parks

The State or Central Government may declare an area as a national park/sanctuary [[Wildlife \(Protection\) Act, Section 18, 35,38](#)]

# ACTS PROHIBITED UNDER WILDLIFE PROTECTION ACT 1972

<b>Sections</b>	<b>Provisions</b>
<b>Section 9</b>	Prohibits hunting of any wild animal specified in Schedule I, II, III, and IV except under specific circumstances, such as in self-defence or in cases of certain animals causing harm to human life or property.
<b>Section 11</b>	Certain circumstances under which hunting of wild animals is allowed  (a) Chief Wild Life warden may permit the killing of wildlife where it is a danger to human life or disabled/deceased beyond recovery  (b) Self defence
<b>Section 27 &amp; 28</b>	Restricts entry into the sanctuary without the prior permission of the Chief Wild Life Warden. Prohibits the defacement of the boundary-mark of the sanctuary. Prohibits the molestation or teasing of any wild animals or littering within the boundaries of the sanctuary.
<b>Section 51</b>	This section provides for various penalties listed under Wildlife Protection Act, 1972 for prohibited activities in protected areas
<b>Section 28</b>	The Chief Wild Life Warden may grant permission for entry for activities such as photography, tourism, etc. and impose conditions/fees

<b>Section 30</b>	Prohibits the causing of fire such that it endangers the sanctuary
<b>Section 31</b>	The permission of the Chief Wild Life Warden is required for entry into the sanctuary with a weapon.
<b>Section 32</b>	Prohibition on the use of chemicals, explosives, or substances that may endanger wildlife
<b>Section 33</b>	The Chief Wild Life Warden manages the sanctuary as per government-approved plans or, where forest rights exist, in consultation with the Gram Sabha. They may build roads and regulate or restrict livestock grazing and movement.
<b>Section 33 -A</b>	Prohibits grazing of any livestock without getting it immunized.
<b>Section 34</b>	All arms holders within 10 km of a sanctuary must register within 3 months of its declaration. New arms licenses need prior approval from the Chief Wild Life Warden, and renewals must be informed to them.
<b>Section 39</b>	Prohibits the possession, acquisition, or trade of specified wildlife and their products without a licence or permit issued by the competent authorities
<b>Section 44</b>	Prohibits any form of trade or exchange of wildlife or their products without a valid license
<b>Section 49</b>	Prohibits the possession, sale, or transfer of specified trophies and animal articles derived from certain wildlife without a license

# Conservation Reserve & Community Reserve

These areas primarily comprise forests where conservation efforts are spear-headed by local communities. They encompass traditional community forests that have been nurtured by tribal communities for generations. In Madhya Pradesh, conservation reserves encompass forests within protected areas and other nistar lands, where tribal communities hold traditional rights.

	<b>Conservation Reserve</b> (Under Section 36 A & B; Wildlife Protection Act, 1972)	<b>Community Reserve</b> (Under Section 36 C & D; Wildlife Protection Act, 1972)
<b>Definition</b>	State Government after consultation with the local communities-  (a) adjacent to National Parks or sanctuaries;  (b) land connecting one protected area with another	When an individual or community volunteers to conserve wildlife and its habitat it may be declared to be so by the State Government
<b>Elements of conservation</b>	Protecting landscapes, seascapes, flora, fauna and their habitat	Protecting flora, fauna and traditional or cultural values and practices

	<b>Conservation Reserve</b>	<b>Community Reserve</b>
<b>Level of Protection</b>	To maintain conservation principles	Minimal restrictions as long as no change in land use pattern has been made
<b>Authorities</b>	Chief Wild Life warden, Advisory committee, Conservation Management committee, State Government	Chief Wild Life warden, Advisory committee, Community reserve management committee, State Government
<b>Restrictions</b>	No specific restrictions other than causing fire, damage and other compoundable offences listed for Sanctuaries in Chapter IV of the act	No change in land pattern is allowed except when a resolution is passed by the management committee which is later approved by the state Government (Section 36 C (3))
<b>Grazing and livestock</b>	Allowed	Allowed
<b>Human Activity</b>	Under community reserve and conservation reserve local communities play a central role in protection and conservation practices	Under community reserve and conservation reserve local communities play a central role in protection and conservation practices

# PROVISIONS OF THE FOREST RIGHTS ACT, 2006

## Who is Eligible for claiming these rights?

### 1. Section 2(C)

Forest dwelling Scheduled Tribes' - means the members or community of Scheduled tribes who primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs & includes the Scheduled Tribes pastoralist communities

### 2. Section 2(O)

Other forest dwellers' - means any member or community who has for at least three generations prior to the 13th day of December 2005 primarily resided in and who depend of forest and forest land for bonafide livelihood needs.

Explanation- For the purpose of this clause, 'generation' means a period of 25 years

## Recognition and vesting of rights for the forest dwelling communities.

Section 3 provides for the recognition and vesting of individual as well as community forest rights,, including rights to land, water bodies, and access to forest resources for communities that are dependent on forests for bona fide livelihood needs. This helps in securing the tenure and livelihoods of forest-dependent communities.



# Why Forest Rights Act 2006?

## Section 3

Several forest rights are enumerated, including the right of individual or common occupation for habitation or self- cultivation.

Community rights such as nistar and right of conversion of pattas on forest land to titled or of forest villages into revenue villages is also recognized.

Other rights such as community entitlement to water bodies, grazing, traditional seasonal resource access of nomadic communities as well as the right to collect minor forest produce is also recognized.

The Act also recognizes the community's right to conserve or protect forest resources that they have been traditionally protecting, and gives access to biodiversity and traditional knowledge

Section 3(2) creates an exception to the Forest (Conservation) Act and permits the limited diversion of forest land to create facilities for such communities including schools, hospitals, anganwadis, irrigation canals, community centres etc.

## Section 4

Provides for the vesting and recognition of forest rights on scheduled tribes and traditional forest dwelling communities, who occupied forest land before 13th December, 2005

Significantly, forest rights recognized in critical wildlife habitats of National Parks and Sanctuaries may be modified or resettled. However, the following safeguards/guarantees are required to be complied with:

- a. The process of recognition and vesting of rights is complete
- b. It has been established by the concerned agencies of the State Government that the mere presence of the holders of rights may cause irreversible damage to the threatened species and their habitat
- c. The State Government concludes that other reasonable options for co-existence are not available
- d. A resettlement or alternatives package has to be prepared as per relevant laws and policies of the Central Government to secure the livelihood of affected individuals and communities
- e. A free informed consent of the Gram Sabha/s in the areas concerned is obtained in writing
- f. No resettlement shall take place until facilities and land allocation at the resettlement location are complete as proposed

There is also a guarantee against arbitrary eviction or removal until the recognition & verification process is complete. The forest right is conferred free of encumbrances & procedural requirements under Forest (Conservation)

Act including 'net present value' & Compensatory afforestation'

## Section 5

Empowers holders of forest rights, Gram Sabha and village level institutions to protect wildlife, water sources and other ecological sensitive areas. The provision also empowers them to ensure that the habitat is protected from destructive practices affecting their cultural and natural heritage as well as to ensure that the decisions taken by the Gram Sabha to regulate community forest resources are complied with.



GRAM  
SABHA



## Section 6

Gram Sabhas play a central role in the implementation of the Act. They are involved in the identification of beneficiaries, verification of claims, and overall decision-making related to forest rights. This strengthens local governance and ensures grassroots involvement.

The Act includes provisions for the appeal of decisions made by the competent authorities, ensuring that individuals and communities have a recourse mechanism in case of disputes

# Tiger Reserves

Tiger reserves are declared where there are adequate numbers of tigers. This demarcation was introduced under Project Tiger. Special features of the Tiger Reserves under the Wildlife (Protection) Act and guidelines issued from time to time are as under:

## 1. National Tiger Conservation Authority

There is no specific number for the tigers, State Governments may propose and National Tiger Conservation Authority approves the decision (Section 38 L)Tigers are the prime element of conservation, however other flora and fauna also become an important component of the Tiger ecosystem.

The Authority prepares annual plans, monitors the implementation of Project Tiger, audits the funds, etc



## 2. Notification of a Tiger Reserve

As per Section 38-V, the State Government notifies an area as a tiger reserve on the recommendation of the Tiger Conservation Authority.

The State Government prepares a Tiger Conservation Plan and notifies a core or critical tiger habitat area of National Parks and sanctuaries, and a buffer/peripheral area.

## 3. Process of Claims

The existing claims have to be decided in a manner similar to sanctuaries and national parks under Section 18, Section 27, Section 30, 32 and Section 33.



#### **4. Rights of Scheduled Tribes and other Forest Dwellers**

Except for voluntary relocation on mutually agreed terms, no Scheduled Tribes or forest dwellers shall have their rights adversely affected in terms of Section 38-V.

The following conditions must be met in order to adversely impact rights of Scheduled Tribes or other forest dwellers:

1. The process of recognition of forest rights must be complete
2. The concerned agencies of the State establish, with the consent of the Scheduled Tribes and forest dwellers and in consultation with an ecological and social scientist, that the activities of such forest dwellers or their presence will cause irreversible damage to and threaten the existence of tigers
3. In the same manner, the State government shall establish that co-existence or other reasonable options are not available
4. Resettlement or alternative package must be prepared in accordance with the National Relief and Rehabilitation policy
5. Informed consent of the Gram Sabha or persons concerned has been obtained to the resettlement programme
6. Facilities and land allocation at resettlement location are provided

## **5. Guidelines for Voluntary Village Relocation in Notified**

### **Core/Critical Areas**

The NCTA Guidelines state that in the case of tigers, a certain inviolate zone is required where co-existence is not possible (core/critical area). The limits of the buffer zone where co-existence is possible is to be determined in consultation with the Gram Sabha. Voluntary relocation needs to be done only in the identified core/critical tiger habitat. Under the Additional Guidelines for Centrally Sponsored Scheme of Project Tiger, two options are given in the core area: cash of Rs. 10 Lakhs for those who opt to establish themselves under mutually agreed terms and conditions; or relocation/rehabilitation. Relocation is voluntary and done only if people are willing to move.

## 6. Core v/s Buffer zones

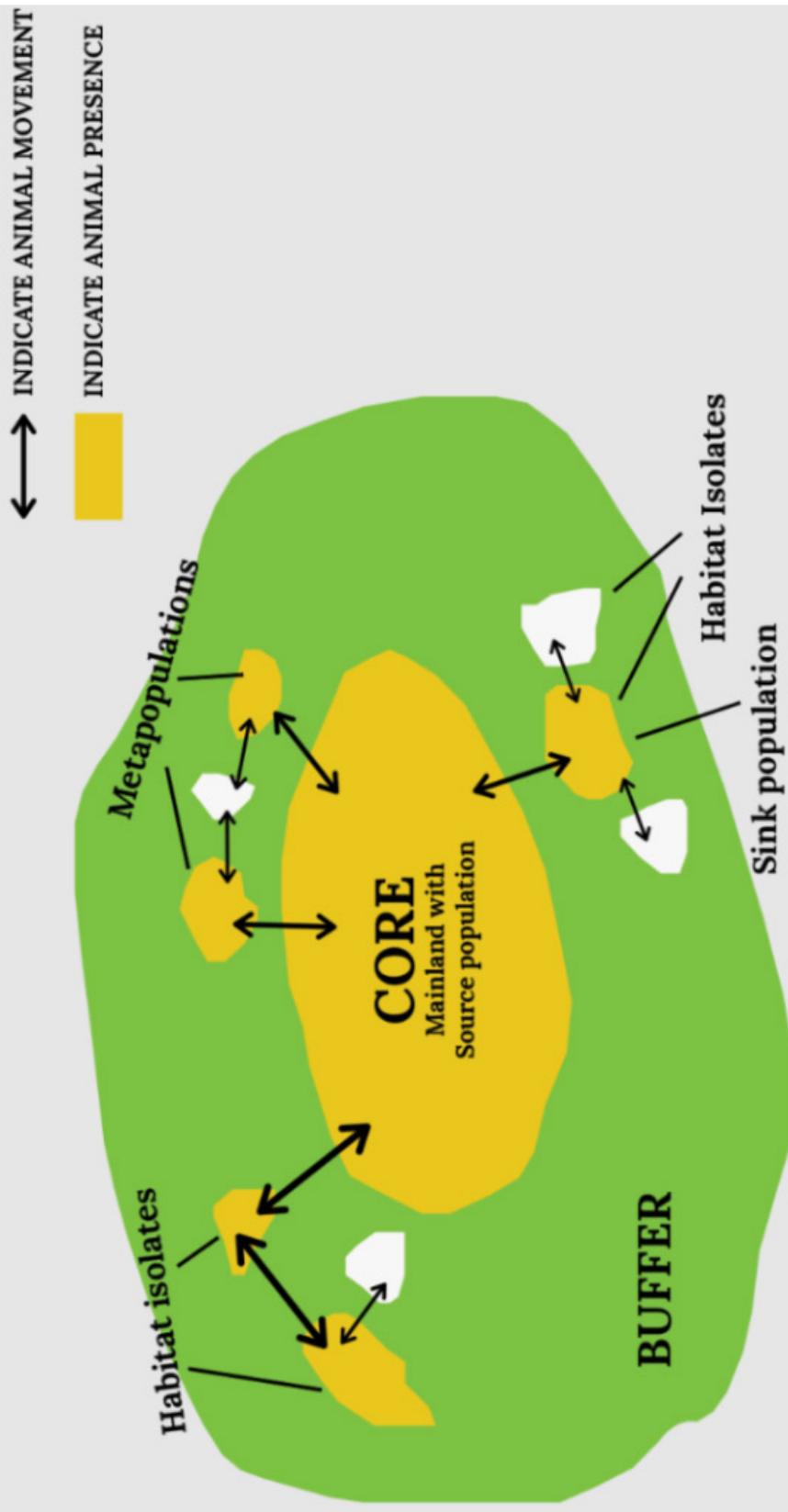
Core zone, Buffer zone and transition/manipulation zone are three distinct demarcations made in tiger reserves. These zones are used to manage and conserve the forest ecosystem for the ideal survival of its key species, tigers.

	<b>Core Zone</b>	<b>Buffer Zone</b>
<b>Description</b>	Actually a forest with abundant wildlife. It acts as a reference point for the surrounding ecosystem to persist	Buffer zones consists of fewer wild animals alongside co-existing villages
<b>Human Settlements</b>	There are no human settlements in this zone, certain activities are allowed with special permission/licence	Traditional settlements along with the management to take collective conservation measures in consultation with traditional practices

	<b>Core Zone</b>	<b>Buffer Zone</b>
<b>Tourism</b>	<p>To be allowed at a controlled degree.</p> <p>Safari, wildlife sightings (at designated times only).</p> <p>These activities are to be accompanied by a license holder who obtains such permission from the Forest Department</p>	<p>Tourism rest houses on allotted lands may be permitted.</p> <p>This will act as a central zone for tourist activities for the tiger reserve</p>
<b>Hunting/Fishing</b>	<p>Any form of poaching/hunting of wild animals is completely banned</p>	<p>At certain regions traditional hunting practices may be allowed for Schedule IV animals if they are recognised by law (FRA, 2006)</p> <p>Hunting of protected animals (wild animals mentioned in Schedule I and II of WLPA, 1972) is prohibited</p>

	<b>Core Zone</b>	<b>Buffer Zone</b>
<b>Collection of Minor Forest Produce - MFP)</b>	Banned	Allowed for bonafide personal use for Schedule tribes and other forest dwelling communities
<b>(Domestication/ Livestock/ Grazing)</b>	Banned	Immunization of cattle/ livestock is mandatory for domesticated animals. Grazing is allowed on those lands that are designated for the purpose (as per the management plan)

**TIGER LAND TENURE DYNAMICS**  
SOURCE - SINK/ METAPOPOPULATION



# CONVERSION OF SANCTUARY INTO A TIGER RESERVE (Checklist)

<b>Notification</b>	<ol style="list-style-type: none"> <li>1. Has the village been notified by the Forest Department or other Government Authorities about the tiger reserve?</li> <li>2. Prior to the notification was there a consultation to which a member of the Gram Panchayat was called upon to discuss the proposed tiger reserve?</li> </ol>
<b>Settlement of Rights</b>	<ol style="list-style-type: none"> <li>1. Has the village received Community Forest titles?</li> <li>2. Has the village claimed CFR titles?</li> <li>3. How many households received individual claims?</li> <li>4. Have the Gram Sabhas initiated the procedure for mapping Nistar/Community forest land that are traditionally accessed?</li> </ol>

<p><b>Community Forest Rights</b></p>	<ol style="list-style-type: none"> <li>1. Does the village have a map of its CFR area?</li> <li>2. Which forest compartments are used for Nistar collection?</li> <li>3. Are there any traditional boundaries?</li> <li>4. How are the boundaries identified?</li> <li>5. Other symbolic marks? Religious?</li> </ol>
<p><b>On Gram Sabha</b></p>	<ol style="list-style-type: none"> <li>1. How frequent are the Gram Sabhas happening?</li> <li>2. What are the issues discussed in Gram Sabha?</li> <li>3. Has the village elected the Forest Rights Committee?</li> <li>4. Has the issue of the Sanctuary being converted into Tiger reserve discussed?</li> </ol>
<p><b>Land Rights – individual survey</b></p>	<ol style="list-style-type: none"> <li>1. How much land is being used for cultivation around the village?</li> <li>2. How many households are landless or are not cultivating?</li> <li>3. How many households migrated completely out of the village in the last few years</li> </ol>

<p><b>Rehabilitation</b></p>	<ol style="list-style-type: none"> <li>1. How many villages fall under the core area as per the new demarcation?</li> <li>2. Has the procedure for taking the consent of Gram Sabha begun?</li> <li>3. Those who are in favour of relocation and those who are not? (Individual poll)</li> </ol>
<p><b>Note</b></p>	<ol style="list-style-type: none"> <li>1. The above checklist may help build evidence that the process of settlement of rights is yet to be complete</li> <li>2. NTCA guidelines and other judgements support the argument</li> <li>3. And any process of relocation cannot be conducted involuntarily without this</li> </ol>

# Notes



Part III: Action Research & Resource Centre works to ensure that everyone can access and exercise their fundamental rights.

Our work focuses on identity-based discrimination and violence. We believe that every act of personal violence or discrimination is rooted in the social structures and systems we live in — and that when individuals and communities affected by systemic oppression lead the process of change, the Constitution itself becomes a space for transformative justice.

We use an interdisciplinary approach rooted in ground realities — where action informs research, and research guides action. Through legal interventions, trainings, research, and advocacy, we work with community-based organizations and with survivors of systemic and identity-based violence to strengthen justice, dignity, and accountability. This handbook draws on the work of several organizations that have, over the decades, worked tirelessly on the implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

We especially thank the National Campaign on Dalit Human Rights (NCDHR), the Alternative Law Forum (ALF), and the Citizens Vigilance and Monitoring Committee (CVMC), whose publicly available training materials and work inspired this publication.

Part III has offices in New Delhi and Patna.

To know more about our work, please visit our website: [www.part-three.org](http://www.part-three.org)