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Protecting Tribal Livelihoods and Cultural Rights in Rajasthan with special reference to Meena Tribe

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ABSTRACT

Rajasthan has diverse landscapes ranging from arid deserts to lush forests with a vibrant culture. It is also the motherland of 32 notified Scheduled Tribes in Rajasthan. Some of these are the Meena, the Bhils, the Sahariya, the Garasia and many more tribes that have a renowned existence in the state and have spent centuries in the forest. Over the years, such communities have been going through oppression and injustice, which have impacted their livelihood. Thus, to safeguard their traditions and cultures,' the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as the Forest Rights Act, 2006, was enacted and considered one of the landmark legislations of Indian legal system that aims at empowering forest dweller communities, including tribals. This paper examines the implementation challenges of the act, specifically in Rajasthan, focusing mainly on the Meena tribe. The paper addresses such challenges in three folds, beginning with the legislative history of the act. The significance of the functioning of the act in Rajasthan, and lastly, the research also investigates the potential of the Forest Rights Act of 2006 to promote tribal livelihoods and cultural preservation while upholding constitutional rights.

Keywords: Rajasthan, Meena Tribe, Cultural rights, Other Tribal communities, The Forest Rights Act, 2006.

I. Introduction

Rajasthan is a famous state in India, renowned for its majestic architecture and royal history. The geographical tapestry is wonderous; the state's topography extends from the Thar Desert's golden dunes to the luscious greenery of the Aravalli Range, covering approximately 342,239 sq km. But it is just limited to architectural or topographical wonders. Rajasthan also has prosperous forests and lakes that create a beautiful ecosystem. The state has 9.6% of its geographical area covered by forests, which is 32,863 sq km (Kumar, Joshi, 2017).

For centuries, the indigenous communities of the state have had it's dominance over the forest.

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These communities have adapted themselves to each ecological aspect, which creates an internal element of the cultural lineage of the state (Singh, 2021).

As per the 2011 Census, Rajasthan has roughly 13.48% of the population belonging to tribals. Eight districts in the southeastern part of Rajasthan are designated as 'Schedule Areas' with a high concentration of tribal communities. The tribal communities of Rajasthan mostly rely on trees for their survival. They depend on the forests to hunt and gather roots, wild fruits, tubers, etc., including a considerable portion of their meals. In addition to that, they perform modest cultivation on tiny clearings within the forest to boost their food supply. The forests also provide them with a plentiful supply of wood for fire and construction, medicinal groves for healing, and materials like bamboo and leaves for basketry and other utilitarian purposes (Bhandari, 2011).

The tribals connect with the forest, which goes beyond material things. Many tribal ceremonies, rituals and celebrations have a deep connection to nature. For example, The Bhils, one of the indigenous tribes of Rajasthan, celebrates the harvest season with dances, offerings and sacrifices to forest deities. In the same way, the Saharias tribe celebrates their yearly celebrations to honour the honeybee and ensure a plentiful harvest of this precious resource. These ceremonies demonstrate these tribes' tremendous regard and appreciation for the trees that provide them (Bhandari, M., 2011).

There are, in total, 32 notified Scheduled Tribes in Rajasthan. Some of these are the Meena, the Bhils, the Sahariya, the Garasia, and many more tribes renowned in the state.

The Bhils, who live throughout Rajasthan, are known for their excellent hunting skills and comprehensive understanding and knowledge of the forest. They display their strong respect for nature by narrating folklore about ghosts, mythical creatures, etc (Rahman, S. 2012).

The Garasias are well-known for their remarkable workmanship. Skilled artisans make elaborate woodwork, metalwork, and vivid fabrics valued for their aesthetics and cultural importance. Another tribal community is the Saharias, who reside in the central Indian Aravalli Range. They are specialists in honey gathering and preparing traditional medicine, with an ample understanding of medicinal plants and groves (Indian Ministry of Tribal Affairs, 2010).

The Meena tribe are historically based near the Shekhawati area near Jaipur, and they have built various palaces and towns along the Aravalli hills. They are renowned for their exceptional military-martial skills, hunting mastery, and explicit culture, represented through their traditional dresses with embroidery and colourful headgear. The stories of their bravery and devotion are passed down through generations (Singh, J., 2019).

This paper mainly examines how the Forest Rights Act of 2006 affects the lifestyle and cultural practices of tribal tribes in Rajasthan.

While the Act is atremendous step forward, the document notes the problems its implementation will face, specifically in the State of Rajasthan. The research intends to explore the challenges impacting the rightful implementation of the act, including bureaucratic hurdles, limited awareness among communities, and potential conflicts with existing forest conservation policies. However, the paper underscores ongoing efforts to eradicate these hurdles and guarantee that the Act effectively protects the livelihoods and cultural rights of Rajasthan's tribal inhabitants.

(A) Research Problem

The Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, provides a guarantee for improving the conditions of tribal communities such as the Meena tribe in Rajasthan by recognizing their forest rights; the paper seeks to identify limitations in the act's implementation. To guarantee that the Forest Rights act adequately safeguards the rights of the tribals, and also promotes sustainable forest management, and maintains traditional knowledge and livelihoods, research is needed to investigate ways to overcome these constraints, such as bureaucratic impediments, a lack of awareness, and competing interests.

II. CHALLENGES IN IMPLEMENTING THE FOREST RIGHTS ACT, 2006

The official name of the statute is The Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The act is a landmark legislation aimed at addressing historical injustices and oppressions that forest-dwelling tribes are going through. Before the enactment of this Act, many populations, particularly tribals and traditional forest inhabitants, faced recurrent oppression. Before independence, forest rules prevented people from accessing the help that supported their livelihoods and traditions.

The act seeks to deconstruct this legacy of intimidation by recognising and bestowing forest rights on individuals who have long protected these places. The Act gives forest dwellers the right to live and cultivate, as well as the right to utilise small forest produce and protect forests from external threats. The act also establishes their right to collective forest resources, which include forest protection, regeneration, and conservation.

The implementation method of the act is intended to be participatory and democratic, with forest-dwelling communities at its heart. The Act lays down the provision for forest rights

committees (FRCs) at the village level, which are responsible for investigating and approving requests to recognise forest rights. The Act furthermore provides the formation of District Level Committees (DLSs) and State Level Monitoring Committees (SLMCs) to direct the effective implementation of the statute at both the district and state levels.

Overall, the Forest Rights Act of 2006 is a significant effort in addressing injustices encountered by indigenous communities in India. It accepts and acknowledges their lawful rights and seeks to empower them to maintain and conserve forests, an essential element of their traditions. (Singh & Bawa 2017)

The Act provides a comprehensive framework for understanding, respecting, and protecting the rights of forest-dwelling people. The legislation has specific significant provisions, which are listed below:

Land Rights: Section 3(1) of the Act recognises and protects the right of tribals and other traditional forest dwellers to own and live on forest land for habitation or self-cultivation. This provision enables these marginalised people to establish land tenure, an essential step toward rectifying past dispossession and acknowledging their rights to the land they have historically occupied.

Resource Access: This act grants tribal communities the right to acquire and use forest produce, including medicinal plants, groves, herbs, and non-timber forest products (NTFPs), in addition to the right to property ownership. This section of the act acknowledges the importance of traditional dose-based livelihoods and their relevance in the cultural and economic fabric of these tribal communities. Furthermore, recognising the rights of forest-dwelling indigenous populations to give them access to and use minor forest produce is an essential step toward sustainable forest management and conservation—section 3(1)(i) of the Forest Rights Act 2006. Section 3(1)(h) of the Act provides Community Forest Resource Rights (CFRs), which are necessary to the self-governing principles of the act. CFRs entrust forest-dwelling communities to conserve and manage their forest. This provision instils a sense of community ownership and responsibility and encourages sustainable forest management methods. CFRs are intended to acknowledge and preserve the customary rights of forest-dwelling people who have relied on

Therefore, the Commission of Forest Rights provides them with the right to manage and utilise forest resources, including the right to protect, regenerate, and conserve forests, as well as the right to use and trade minor forest produce.

forests for centuries to support themselves. The Act recognises that sustainable forest

management requires giving these communities the capacity to manage and maintain forests.

By extending these rights to forest-dwelling tribal communities, the act aims to promote forest protection while safeguarding the livelihoods of forest-dwelling populations. Thus, CFRs are essential for ensuring sustainable forest management and encouraging fair sharing of forest benefits (Forest Rights Act, 2006).

The FRA, 2006, is a landmark legislative statute that aims to rectify injustices and oppression against forest-dwelling communities. By recognising their historic rights to forest land and resources, the Act supports the tribal communities by creating regulations for a more equitable future.

In the case of *Samatha vs. Union of India (1997)*, the court laid down the inherent rights of forest dwellers. This established the regulation for the Act, and its implementation has had substantial results. Bhide et al. (2018) researched Gadchiroli district, Maharashtra, finding that getting forest rights titles (pattas) enhanced income levels and improved living conditions among Particularly Vulnerable Tribal Groups. One of the essential components of the act is Community Forest Rights (CFRs), which allow tribal communities to supervise their forests (Laird et al., 2010).

The Act protects forest inhabitants from displacement due to development projects or conservation efforts, as shown in the case of *Orissa Mining Corporation v. Ministry of Environment and Forests & Others* (2013), which is a good illustration. The court contends that the mining cannot be conducted without the agreement of the impacted people (Supreme Court of India, 2013). This court verdict states the critical significance of the act in protecting forest dwellers' rights.

(A) Challenges in Implementing the FRA, 2006

The Forest Rights Act's implementation aims to recognise and safeguard forest-dwelling groups' rights to the land they have historically inhabited and cultivated. Despite its lofty aims, the Act's execution creates several obstacles that must be addressed.

One of the most significant issues is the bureaucratic barriers that communities confront when filing and validating claims. The intricate procedure can cause substantial delays, and administrative bottlenecks impede early acknowledgement of their rights. According to a paper by (Sarin et al. 2015), bureaucratic barriers and delays are essential problems for forest-dwelling groups.

Another issue is that these tribal groups are not fully aware of the provisions of the act and their rights under it. As a result, they frequently need help to correctly state their rights and navigate the legal intricacies. The critical issue for forest-dwelling people is the need for proper

information about the provisions mentioned under the act. Poverty and illiteracy are two socioeconomic variables that exacerbate the problem.

Another challenge in implementing the Forest Rights Act 2006 is the possibility of exceptions to the Act and measures of contemporary forest conservation. While the Act seeks to preserve the rights of forest-dwelling populations, officials must also prioritise forest conservation. Policymakers struggle to balance maintaining community rights and guaranteeing forest protection. According to Sarin et al. (2015), one of the significant problems in implementing the Act is conservation considerations.

III. THE MEENA TRIBE AND THE FOREST RIGHTS ACT, 2006

The Meena tribe constitutes a sizable proportion of Rajasthan's tribal population, strongly bonding with the woods where they dwell. These woodlands supply crucial materials for their cultural traditions and way of life. However, historical injustices and legal barriers have frequently disadvantaged the Meena tribe, limiting their access to and ownership of their ancestral territories (Singh & Bawa 2017).

The Meenas have lived in the Aravalli highlands and central Indian plateaus for generations. They are historically classed as a Scheduled Tribe and revolve around the forests. They use shifting farming, harvest non-timber forest produce (NTFP) for subsistence and revenue, and see the forest as a holy environment linked to their cultural identity. The forest is the foundation of the Meena way of life, from harvesting medicinal plants for ancient medical methods to creating handicrafts with forest products (Agarwal, 2001).

(A) Challenges Faced by the Meena Tribe under the Act

The Meena tribe, like many other indigenous people in India, has always relied on forest resources for survival and cultural rituals. However, this reliance has been jeopardised due to various issues, including forest department rules, mining operations, and wildlife conservation efforts. To counter such challenges, the Indian government enacted the Forest Rights Act in 2006 to establish and protect forest rights and occupation in forest-dwelling communities.

While the Act was a good step toward preserving the rights of forest-dwelling people, the Meena tribe faces numerous hurdles in achieving proper recognition under the Act.

The Act claims process may be complex, with detailed paperwork and legal procedures that the Meena community may find frightening. Limited literacy and unfamiliarity with bureaucratic processes might result in delays, mistakes, and claim rejections (Sarin et al., 2015).

Second, many Meena communities require more understanding of the Act's provisions and

corresponding rights. This lack of understanding exposes individuals to middlemen's exploitation or ignorance of the timetable and processes for filing claims. The government and civil society groups have launched various programs to promote awareness among forest-dwelling people about their rights under the Act. However, these efforts have been unequal and have not reached every community (Bhide et al., 2018).

Third, demonstrating their historical occupancy and reliance on the forest for their lands might be difficult for the Meena tribe, particularly in the lack of recorded evidence. The Act acknowledges individual and communal forest rights and occupation, although demonstrating such rights can be challenging. Meena communities frequently lack the appropriate paperwork or proof to support their assertions, making it challenging to explain their historical reliance on the forest (Fisher, Sunder, 2007).

Fourth, the Act occasionally overlaps with current forest conservation rules, causing disputes and delays in the claims process. The aim mandates that forest officials prioritise forest conservation by recognising traditional forest rights, which can lead to disagreements and delays. The government has sought to resolve such issues by issuing clear rules to forest officers and holding frequent training sessions. However, such conflicts continue, particularly in places with high conservation priority (Kothari, Jha 2016).

Finally, negotiating the legal complexity of the Act can be costly. The Meena tribe, which is frequently impoverished, may be unable to afford legal counsel or travel fees connected with claim filing and hearings. The government has sought to solve this issue by offering legal assistance to forest-dwelling groups. However, the provision of legal aid has been uneven, leaving many communities without legal representation (Wright et al., 2005).

The Act can protect the rights of forest dwellers, such as the Meena tribe. However, resolving the abovementioned issues is critical to ensuring the Act is administered equitably and effectively. The government and civil society organisations must collaborate to increase awareness, streamline the claims procedure, offer legal assistance, and settle issues between conservation and traditional forest rights.

(B) Benefits of the act for the Meena Tribe

Regardless of the problems that may arise, the Forest Rights Act has the potential to tremendously benefit the Meena tribe. The Act acknowledges the Meena tribe's land rights, giving them the much-needed security of tenure to manage their lands sustainably, use traditional farming practices, and access resources for improved livelihoods (Wiersum et al., 2005).

Furthermore, the Act enables CFRs, permitting the Meena tribe to have a say in forest management decisions. This promotes a sense of ownership and supports sustainable forest practices, benefiting the ecosystem and the tribe's long-term well-being. (Chandrasekharan, 1998).

The Act also acknowledges the cultural relevance of forests for tribal people, recognising the Meena tribe's traditional forest practices and beliefs, fostering cultural preservation and intergenerational knowledge transfer (Fernandes et al., 2008).

The Act empowers the Meena tribe by establishing Forest Rights Committees (FRCs), which allow them to participate in decision-making processes involving their land and resources, developing a feeling of agency and self-government. Awareness programs in local languages are required to inform Meena communities about their rights under the Act and the claims procedure (Sarin et al., 2015).

Capacity building in Meena communities through training seminars and legal aid is critical for empowering people to manage the legal difficulties of submitting and defending their claims. Simplifying claims processes, delivering translations in local languages, and establishing mobile claim-filing clinics in villages can dramatically increase Meena tribal accessibility (Bhide et al., 2018).

Better cooperation among forest agencies, tribal welfare departments, and tax departments is required to reconcile contradictory rules and speed up the claims process (Wright et al., 2005). The government may help the Meena tribe establish sustainable livelihood alternatives based on their traditional skills and expertise, such as value-added NTFPs or eco-tourism companies. Investing in education, particularly for girls, in the Meena community will enable them to understand their rights, actively engage in decision-making processes, and become advocates for themselves and their communities (Kumar 2007).

Regular monitoring and assessment of the Act's implementation are critical for identifying and addressing difficulties experienced by the Meena tribe. Independent and open monitoring procedures, including Meena communities, are essential to ensuring that the Act fulfils its promises of empowerment and better well-being (Agrawal, 2001).

The Forest Rights Act provides the Meena tribe with a historic chance to regain their rightful status as forest caretakers. Recognising their traditional knowledge and traditions and resolving current problems are critical to the Act's successful implementation (Singh, Bawa 2017). By assuring a fair and inclusive process, the Act can allow the Meena tribe to improve their lives and become active participants in maintaining the ecological riches of their ancestral territories.

This, in turn, will help to ensure a more fair and sustainable future for the Meena people and the woods they inhabit.

IV. THE POTENTIAL OF THE FOREST RIGHTS ACT, 2006 FOR PROTECTING TRIBAL LIVELIHOODS AND CULTURE

Rajasthan is home to a diverse range of tribal civilisations, as discussed earlier in the paper. The Meena tribe is one of the most prominent of all. Their lives have been inextricably linked to the nutrition offered by the trees. However, injustices and oppression often threaten their traditional way of life (Singh 2019). They depend on Non-Timber Forest Products (NTFPs), which include forest products like honey, medicinal plants, and edible leaves for food and revenue (Bhandari 2011). However, colonial-era forest regulations frequently saw them as encroachers, resulting in conflict and unsustainable behaviours.

The Act empowers the Meenas by acknowledging their ancestral rights to forest land. Individual Forest Rights (IFR) cover property that was farmed or lived on before December 2005, whereas Community Forest Resource Rights (CFR) cover regions that were historically utilised for grazing, hunting, and gathering (Fernandes & Gupta, 2007).

(A) Preserving Tradition, Protecting Knowledge

The Meenas have an extensive history of traditional ecological knowledge (TEK). Their techniques are passed down through generations and show a deep awareness of the local nature. They use certain plants as markers of soil health and utilise local water-saving strategies. Kumar (2004; Sharma et al., 2018).

The Act acknowledges the value of TEK by recognising the traditional wisdom of forest people. It calls for developing Forest Rights Committees (FRCs) with considerable tribal involvement. These committees may include TEK in forest management plans, ensuring that methods are environmentally sound and culturally respectful (Vasundhara, 2018).

Furthermore, the Act permits the Meenas to maintain their forest-based traditional traditions. Rituals, celebrations, and traditional remedies frequently need specialised forest materials. Secure land rights ensure these resources' continuous availability, preserving the Meena tribe's traditional history (Dangi 2012).

(B) Land Rights, Livelihoods Uplifted

Historically, unstable land tenure has kept the Meenas stuck in a cycle of poverty. Without clear ownership, they could not get loans or invest in upgrades. The Act ends the cycle by providing them legal ownership of their property (Bhandari, 2011).

With solid land rights, the Meenas may now benefit from government projects for agriculture, animal husbandry, and NTFP value addition. This enables people to increase their revenue and gain economic stability (Tribal Cooperative Marketing Development Federation of India Ltd., 2020).

Additionally, the Act promotes collective action through CFRs. Tribal groups may sustainably manage these resources, producing cash through eco-tourism or cooperative NTFP sales. This empowers women, who frequently play an important role in NTFP collecting while promoting community social development (Ahluwalia, 1998).

The Forest Rights Act can potentially strengthen the Meena tribe of Rajasthan. However, bureaucratic barriers, a lack of information, and opposition from vested interests can stymic asserting rights. To address these difficulties, capacity building, simplifying procedures, and collaboration are required. Adequate implementation of the act and advocacy are critical for protecting rights, promoting sustainable forest management, and conserving traditional knowledge and tribal lives.

V. Conclusion

The Forest Rights Act can potentially empower Rajasthan's tribal tribes, notably the Meena tribe, to manage their ancestral lands and resources sustainably. The Act acknowledges their natural rights to the forest, instilling a sense of ownership and responsibility. This can enhance forest health and biodiversity, strengthening the Meena tribe's cultural identity. Their rituals and traditions are strongly related to the forest ecology.

The legislation has the potential to significantly improve the lives of the Meena tribe and other forest-dwelling groups in Rajasthan. By allowing them to actively maintain the natural bounty of their ancestral lands, the Act can assure a more fair and sustainable future for both the people and the woods they live in. The successful execution of the Act may be used as a model for empowering indigenous people throughout India. It can potentially produce a future in which environmental conservation and cultural preservation are inextricably linked.

(A) Suggestion and Recommendation

To properly execute the act and eradicate the obstacles and challenges it provides, the following proposals are proposed:

1. Government institutions and non-governmental organisations (NGOs) should collaborate to launch awareness campaigns in local languages. These advertisements should help communities understand their rights and the claims procedure.

- 2. Workshops and legal aid can help communities explore the legalities of submitting and defending their claims.
- 3. The process may become more inclusive by streamlining paperwork, providing translations, and establishing mobile claim filing clinics.
- 4. Improved collaboration among forest authorities, tribal welfare offices, and revenue departments is critical for addressing contradictory regulations and expediting claims.
- 5. Observing and examining act implementation through independent and open processes, including communities, is critical.

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