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Litmus test for govt as NAC gets specific on forest rights

Nitin Sethi, TNN, Dec 24, 2010, 03.59am IST

It has been the most contentious of UPA's flagship schemes for the **aam admi**. The government has never been sure if it wants the Forest Rights Act to really work, and Congress can't make up its mind on whether it will gain anything from the act meant to return forestlands taken away illegally from tribals and others by the government.

It has been a handy tool to make some pro-tribal noise as in the case of Vedanta but the government remains careful of implementing it without exception – for instance, giving gram sabhas the right to decide on allowing industrialists to use forests for private projects.

In this milieu of political ambiguity, the environment ministry set up a committee under N C Saxena to review the implementation of FRA and changes in the forestry sector. The committee was purportedly a joint one, with the tribal affairs ministry, but only so in name. The committee has recently submitted a report, which is representative of the confusion in the government over how far to go with the act.

On the other hand, the National Advisory Council, headed by **Sonia Gandhi**, too is close to finalizing a set of recommendations on how to implement the act better.

The one thing the two – **NAC** and the Saxena panel – seem to agree on is that FRA has not been implemented even half as well as it could have been. The NAC sums it up the failure of the government:

Extensive rejections (more than 70% in most states, more than 90% in some states), as officials are insisting on documentary evidence, overriding gram sabha decisions

Non-recognition of community forest resource rights and other non-land rights

Imposition of deadlines preventing people from filing claims

Harassment, forced relocation and evictions from protected areas and other forests

Continuing diversion of forest land for large projects even where people have rights

But the N C Saxena Committee, half-packed with forest officials and half with NGOs and academics, seems to have ended up being ambiguous on how to rectify the situation. Part of the confusion emanating from the panel was expected, with forest officials naturally expected not to agree with dramatic changes in their role – as forest advisors instead of forest governors.

The NAC has played it slightly more cautiously. Even as it is aware of the larger challenges of overhauling the forest bureaucracy itself (which a part of the government is now seriously keen to address) it has stuck to the simple – what to do to get the act implemented without waiting for revolution to arrive.

It has asked for reinforcing the primacy of the gram sabha as the quasi-judicial body that makes real decisions – the act provides for it but the states and Centre have been so far trying to diminish the role for the village council.

While it has asked for change in the forest department's role as owners policing their lands to a facilitative and supportive one, they have suggested concrete ways of making community forestry the primary way the forestry sector works in future under FRA.

They have asked for the ambiguity over recognition of rights in national parks and sanctuaries to be sorted out and proposed to reintroduce rules that were dropped when the act was adopted.

The NAC is recommending that the MFP regime be overhauled to provide rights to villagers instead of the forest department as well.

Some would say the recommendations are not new or different from the Saxena panel's and that the forest department's opposition will not be new either. The difference lies in the NAC having taken a single-minded approach of asking for specific changes to the law and the attendant rules to get this agenda moving.

The Congress leadership might be keen to reform the forestry sector to address the rising violence in central Indian tribal belts but its seriousness will only be measured by how fast it can move on the recommendations by the NAC and the critique by the Saxena panel.

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