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NAC fixes roles of green, tribal ministries on FRA

Sonia Gandhi headed National Advisory Council has recommended sweeping changes in Forest Rights Act rules to ensure that the law is implemented in right earnest and said policy directive on wildlife habitats is not the domain of the environment ministry.

“The Environment ministry is responsible only for administrative task of determining wildlife habitats; framing of policy and procedure is the responsibility of the Tribal Affairs ministry,” the NAC said in a communication to the government on Tuesday.

It is for first time, such a differentiation between roles of Tribal Affairs and Environment ministry in implementing the Forest Rights Act of 2006 has been stated. The environment ministry had notified rules for identification of critical wildlife habitats, which it had to withdraw following protest from forest right activists.

The changes include more access to minor forest produce, right of tribal to decide whose rights should be recognized, field evidence to claim right instead of documentary evidence and allowing gram sabhas to identify the forest areas for identification of community rights.

The NAC sent its recommendations to Tribal Affairs ministry and asked it to modify rules to ensure that rights of tribals, who are among the poorest in India, are “properly” recognized. A joint committee of tribal affairs and environment ministry also had made similar recommendations but the government is yet to fully act on it.

The NAC has attempted to undo many wrongs in the existing rules by asking that atleast two-third members of the forest right committees at the gram sabha level should be scheduled tribes. The earlier condition was half, which the NAC found had resulted in non-forest dwellers dominating the meetings, which meant that genuine tribals voice remained unheard.

The council has also recommended scrapping of a clause in the existing rules that allowed only primitive ways of carrying away minor forest produce such as carrying them on head or handcarts or a bicycle.

Instead, it wants that forest dwellers or their cooperative society should be allowed to transport forest produce through locally appropriate for sale to sustain themselves and their families. Even value addition to minor forest produce, which is said to be business of over Rs 5,000 crore per year, has also been recommended.

The NAC has also said that no forest dweller can be evicted, including those in wildlife areas, without identification of their rights and had asked state government to record all forest diversion till July 2009 and put it in public domain. In July 2009, the environment ministry had issued an order saying no forest dweller can be evicted without their consent.

The NAC also said that deadline to file claims were not as per Forest Rights Act and needs to be lifted. It had asked the government to prescribe a minimum support price for all minor forest produce such as bamboo and tendu leaves and asked Environment ministry to review its policy regarding bamboo. The ministry is working on new policy for bamboo.

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