

NFFPFW Condemns the MoEF Move to form a FRA Assessment Committee

In an arbitrary and brazen move, the Ministry of Environment and Forests (MoEF) has set up a committee “to study and assess the impacts of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, with regards to the sustainable Management of Forest Resources.” Is it an oversight that this committee is chaired by an ex-forest official, and eight out of its ten members are from the forest department? How can the MoEF facilitate a process that is laden with conflict of interests from its inception?

Besides the fact that the Ministry of Tribal Affairs (MoTA) is the nodal agency in the FRA implementation process, and hence any committee formed by MoEF to assess the implementation of FRA lacks due legal standing, any monitoring done by forest officials is bound to derail the already tottering governmental process yet further.

We are shocked to see that while the Forest Rights Act, 2006 professes to undo the historical injustice meted out to adivasis and other forest-dwelling people, the Government of India continues to allow the forest bureaucracy to meddle in and illegally influence its implementation, ignoring the fact that the very same bureaucracy epitomizes and perpetuates the ‘historic injustice’. Ever since the act came into being, the forest officials are actively engaged in sabotaging its implementation, and the list of violations becomes longer each passing day, the most significant being a deliberate undermining of those proviso in the act giving forest communities governance control over forests.

In this context, forming a committee full of forest officials and giving it the task of assessing the implementation of FRA will be counter-productive, malafide and illegal. We also strongly object to the terms of reference for this committee, which are based on inaccurate and illegal premises. For instance, the point 3 of the ToR mentions the ‘role of stakeholders, and beneficiaries in the conservation, restoration and regeneration of forests’. As far as the FRA is concerned, the stakeholders are clearly named (Section 3/I/I and Section 5, Rules II & I2) and their roles have been defined. The Committee can not have any jurisdiction in this. Then again in point 5 of the ToR it is said that ‘the Committee shall define a new role for the Forest Department vis-à-vis the Gram Panchayat for forest conservation and regeneration’, while the Act itself prescribes only a notional role for the ‘Panchayats’ (not ‘Gram Panchayat’) and makes Gram Sabha the main institution in implementation. We think that by replacing Gram Sabha with ‘Gram Panchayat’, and by talking about imaginary ‘stakeholders and beneficiaries’ the MoEF has made it clear that it wants to deliberately undermine the role of the Gram Sabha, and hence violate the FRA 2006.

We view with great concern that it seems to have become a practice of the MoEF to set up committees with forest officials to review forest rights violations. For example, a seven member committee was set up in August 2009 to review the forest rights violation in Niayamgiri in Orissa. Six of the members were from the forest department. The Ministry again constituted a three member committee to review forest rights violation in Niyamgiri as recently as January 2010, with two officials from the forest department. The way MoEF is dealing with peoples' rights over the forest resources is fast becoming a joke.

We demand that the order by the MoEF(F.No.12-1/2006 –FP, dated 11th February,2010) is immediately withdrawn, to protect the just and legal rights of hundreds and thousands of people living in and dependent on forests.

National Forum of Forest People and Forest Workers
(NFFPFW)

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"Protect Livelihoods - Protect Resources"

National Forum of Forest People and Forest Workers (NFFPFW)

B-137 Dayanand Colony, 1st Floor

Lajpat Nagar IV

New Delhi - 110024

Ph: 011-26486931

E mail: nffpfwindia@gmail.com