

Orissa Jan Adhikar Morcha(OJAM) Calls Upon the Ministry of Environment and Forests to Comply with the Law

Will Not Attend July 22nd Consultation by MoEF Committee

The Orissa Jan Adhikar Morcha, a mass organizations, will not attend the State consultation called for July 22nd by the Ministry of Environment and Forests' Committee to Review the Implementation of the Forest Rights Act. Instead of setting up committees and inquiries in order to give the illusion of acting, the Ministry should stop violating the law and prosecute officials for their violations. We particularly draw attention to the following:

- Across the country, plantation programmes, “compensatory afforestation” and handovers of forest land to projects are taking place without any regard for law. All these programs are in violation of the Forest Rights Act, yet the Ministry has taken no steps to bring itself into line with the law. It is even violating its own order of 3rd August 2009 that requires respect for the law and the consent of the communities before handing over forest land. What exactly is this Committee going to do about these violations, when the Ministry is perfectly aware that these are occurring and is doing nothing about stopping them?
- A good example is the POSCO project. The Committee apparently intends to visit Jagatsinghpur to find out whether the Act has been complied with in the proposed area. But we already know that it has not been complied with, because:
 1. In violation of its own circular of August 2009, the Ministry gave clearance to this project on December 29, 2009; and then tried to cover up the matter with a “clarification” that left the clearance standing. The Ministry does not have the documents that its own circular required, but it issued the clearance anyway.
 2. It knows the Orissa government issued instructions in October 2010 for compliance with its circular, but it chose to give clearance without waiting for the gram sabhas' consent as required under that circular.
 3. It now knows, through a letter from CPI leader D Raja that the gram sabhas denied consent in February 2010, and it has been given all the authentic documents. Yet it has allowed the clearance to stand.

What exactly is this Committee going to find out that is not already known? It is for the Ministry now to prove that it has complied with the law, not for the people of the area to prove time and again before authority after authority that an illegality has been committed. This is nothing but a delaying tactic. We fear that this Committee's visit – coming in the wake of brutal violence against the democratic movement against the project – will confuse the issue and serve to obfuscate the illegalities committed by the Ministry.

The fight of forest communities for their rights and for democratic control over the forests is reaching greater and greater intensity across the country. All democratic and people's forces are supporting this struggle. At this time we must be clear that the institutional structure of the Forest Department and the Environment Ministry is a key instrument by which resource grabbing and repression is taking place. This Committee, however well intentioned its members may be, will be used as a tool to maintain that control; even if it should give an accurate report, that report will be twisted in favour of maintaining the power of the authorities. We will not legitimise this exercise and our struggle will continue.

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