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New forest rights panel fails to meet demand of activists

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NEW DELHI: The environment ministry has reconstituted the joint committee set up with the ministry of tribal affairs to assess the impact of Forest Rights Act on sustainable management of forest resources. Initially constituted in February, the joint committee and its terms of reference had to be reworked given protests by civil society organisations and activists.

The reconstitution exercise, which has been described as cosmetic, has failed to allay apprehensions of civil society organisations about the real intent and legality of the committee.

Activists have maintained that the environment ministry is exceeding its mandate, as the tribal affairs ministry is the nodal agency for the Forest Rights Act. There is some concern on the nature of the joint committee as it is lopsided in favour of the ministry, with only one representative from the tribal affairs ministry.

Shankar Gopkrishnan, secretary, Campaign for Survival and Dignity, which is a national platform for tribal and forest dwellers organisations said, "the environment ministry should make their officials and the state forest departments comply with the law, instead of setting up committees that are outside their mandate."

The joint committee, which initially comprised 10 members, has now been increased to 19 members. The committee is now being headed by former Planning Commission secretary and National Advisory Council member NC Saxena. Former director-general, Forest Survey of India Devendra Pandey who was the chairman of the earlier committee will now serve as co-chair. Other members of the committee are Ashish Kothari of kalpavriksh, Ravi Rebbapragada of SAMATA, Jairjum Eta of Centre for Environment Development and Gender Empowerment, RK Dogra of ICFRE, and Achyuta Samanta of KIIT Group.

Concerns about the composition of the committee persist. Of the eight serving government members, six are forest officials, giving the environment and forest ministry a larger role. The ministry of tribal affairs, which is the nodal agency as mandated by the Forest Rights Act, has only one representative on the committee. The Saxena committee also includes an official from the ministry of panchayati raj.

The lead role taken by the ministry of environment and forests has been described as "illegal". Activists argue that it is the forest bureaucracy that holds the land and the resources that people have rights to under this Act. It is this forest bureaucracy that is denying people their rights. They argue that under this committee it is this same bureaucracy that will review the implementation of a law that was passed precisely to end the illegal abuse of power by its members.

The environment ministry for its part is attempting to change this adversarial relationship between forest officials and the forest dwellers. At the recent workshop on joint forest management committees, environment minister Jairam Ramesh argued that the forest communities who hold pattas, or land rights, should be seen as the joint forest management committees of the future. He stressed that forest officials should not view the Forest Rights Act as a "threat to the preservation of forests."

Civil society organisations have also expressed apprehensions about the mandate of the committee, which now is broader than that of the original committee. The Committee will "study in detail the implementation of the Forest Rights Act, including factors that are aiding and impeding its implementation." It is being argued that this broadens the scope of the committee. This forest rights activists maintain is outside the purview of the ministry of environment and forests.

Instead of three months, the committee now has six months to recommend policy changes, consequent to the implementation of the Forest Rights Act, in the future management of the forestry sector. It will also identify the role of stake holders and beneficiaries in forest management. It will prescribe measures and guidelines to involve the stake holders in forest restoration. It will also recommend measures for convergence of various beneficiary oriented programmes for forest rights holders. The committee will define new role for the forest department and gram panchayats for forest conservation and regeneration. Additionally, the Committee will extend full support to the ministry of tribal affairs to enforce and implement the Forest Rights Act."

In 2006, Parliament passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, which is known as Forest Rights Act. The law relates to the rights of forest-dwelling communities to land and other resources, denied to them for decades.

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