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Strengthen Forest Rights Act, says National Advisory Council

Special Correspondent

New Delhi: The National Advisory Council (NAC) has drawn up detailed operational guidelines, which it has recommended that the Union Tribal Affairs Ministry issue to the States for strengthening the Forest Rights Act (FRA). These guidelines can be issued under Section 12 of the FRA.

One, the gram sabhas that are called for enquiry and verification of claims should be convened at the level of actual compact settlements of the hamlet or village, departing from the current practice of holding them at the panchayat level: these panchayat sabhas include several villages spread over a wide area, and therefore there is little local knowledge of people's actual possession and usufruct.

Two, the guidelines would like the States to ensure the admissibility of diverse forms of evidence, recognising that many official records may not accurately enter the claims of tribal people: officials also often seek documentary evidence, rejecting other evidence which is admissible in law.

Three, while the Act recognises the legal right of communities to conserve and manage forests, no specific procedure has been prescribed to claim and recognise community forest resource rights. The NAC proposes insertion of new rules to facilitate communities to access and enjoy these rights meaningfully. These will explicitly bar eviction, forced relocation or diversion of forest land in violation of people's rights, or where the gram sabha has not certified the process as being complete.

Minimum support price

Four, since the Act has given the people rights over minor forest produce (MFP), a minimum support price must be guaranteed to the collectors with freedom to sell it either to state agencies or outside. The state agencies should widen and expand procurement to cover all forms of MFP. The Ministry of Environment and Forests is also advised to review its practice of leasing of minor forest produce (such as bamboo) and evolve practices which will be in consonance with the Act in letter and in spirit.

Five, the recommendations cover the need to promote awareness and facilitate people to continue filing claims by removing deadlines, the removal of procedural obstacles to recognition of other community rights, and the need for effective monitoring and grievance redress.

The NAC, led by UPA chairperson Sonia Gandhi, will also set up working groups on land acquisition, resettlement and rehabilitation, urban poverty, and natural resources management, in convergence with the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) with the focus on rainfed areas, and skill development and

placement. Simultaneously, the working group on tribal development will start work on implementation of the Panchayats (Extension to the Scheduled Areas) Act (PESA).

The working group on transparency and accountability will now focus on critical issues of the MGNREGA, particularly delayed payments, grievance redress and quality of assets. It will also work on the Lokpal Bill.

Members who attended the NAC meeting on Saturday included M.S. Swaminathan, Ram Dayal Munda, Professor Narendra Jadhav, Pramod Tandon, Jean Dreze, Madhav Gadgil, Aruna Roy, Anu Aga, A.K. Shiva Kumar, Deep Joshi, Farah Naqvi, Harsh Mander and Mirai Chatterjee.

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