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Projects will need approval of tribals, forest-dwellers

Soon, government clearance will not be enough to start an industrial or development projects in the forests. It will be mandatory to get the approval of the tribals who live in these forests.

Even projects that don't involve people being displaced but are close to a dwelling cluster, the permission will be a pre-requisite.

A notification to this effect — with the aim of protecting the land rights of tribals and forest dwellers like any other Indian citizen — will be issued by the end of this week, a senior official of the Environment and Forests Ministry, who was not willing to be quoted, said.

Projects like the construction of road, coalmines or steel factories are allowed mostly in degraded forests — which constitute over 60 per cent of forests in India. For any project, approval of the Forest Appraisal Committee of the Ministry of Environment and Forest is a must. But prior approval of the people on whose land the project is to be set up was not a condition.

“On official records, the land was not owned by tribals or forest-dwellers. It was government land and therefore, their approval was not required,” an environment ministry official said on condition of anonymity.

There is a practice of holding public hearing at project sites — a requirement for forest clearance — but Environment Minister Jairam Ramesh recently admitted these were mostly “fixed”.

Things have changed to a great extent since the new law — the Scheduled Tribes and Other Traditional Forest-Dwellers (Recognition of Forest Rights) Act, also known as the Forest Rights Act — came into force from January 1, 2008.

It provides for registration of land in possession of tribals and forest dwellers for three generations in their names and gives rights over minor forest produce. Before it came into force, 83 per cent tribals in Madhya Pradesh and Chhattisgarh had no legal rights over the land they owned for generations and the forest produce.

Since the implementation of the law, over 60 per cent land claims of tribals in the two states and Orissa have been settled. “Land has been registered in their names,” said Shankar (who only uses his first name) of Campaign for Survival and Dignity, a body representing tribals.

“Diversion of forestland without respecting people’s right is illegal and in violation of the government’s commitment to forest-dwellers,” Shankar said.

Ramesh agreed. “It is an issue and we are moving in that direction,” he told HT.

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