

## **National Campaign for Survival and Dignity Condemns Environment Ministry's "Review" of the Forest Rights Act**

In a classic case of the fox guarding the henhouse, the Environment Ministry today announced the formation of a ten member Committee to "review the implementation" of the Forest Rights Act. It is the forest bureaucracy that holds the land and the resources that people have rights to under this Act, and they are the ones who have denied those rights. This same bureaucracy is now to review the implementation of a law that was passed precisely to end the illegal abuse of power by its own members. Hence this move is clearly both malicious and illegal (the Tribal Ministry, not the Environment Ministry, supervises the law).

The committee consists of seven serving forest officials, one Tribal Ministry representative - who incidentally is also a forest official - and two outside experts. The conflict of interest is glaring. The committee is to look into issues of "sustainable forest management", even as the same Ministry has done its utmost to sabotage the powers of people to protect their own forests under the law (a threat to the bureaucracy's hitherto absolute powers).

The government, of course, is perfectly aware of the problems happening in the implementation of the law; these problems have been admitted in public, are present in official reports and have been the subject of protests across the country. The Environment Ministry and the State Forest Departments are responsible for almost all of these violations. Just a month ago this very Ministry had brazenly and illegally diverted land to benefit POSCO in violation of the law. If the Ministry is truly concerned about the Act, let it correct its own violations and take action against illegalities by its officers.

See our Chargesheet on Violations of the Forest Rights Act for more details of the actual violations of the Forest Rights Act that are occurring on a daily basis.

Campaign for Survival and Dignity

Source: <http://www.forestrightsact.com/statements-and-news/81-fox-guards-the-chicken-coop-environment-ministry-qreviewsq-fra>



## **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 3/1 and Section 5, Rules 11 & 12) 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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I fully endorse the condemnation statement and we need to make a nationwide protest against this anti tribal anti poor attitude of the tribal department and the infiltration of the forest department into the implementation process of the FRA. It is atrocious, illegal, unjust, against the spirit of FRA act and a gross betrayal of the adivasis of the country.

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[Source: E-mail on the above issue]