

Diversion of Himachal forest land: Activists, tribals see red

The government does it purely on the strength of a certificate issued by the district administration

Even as the recent affidavit submitted by the Union Ministry of Environment and Forests (MoEF) before the Supreme Court in the Vedanta case has caused dismay among tribal communities and activists for the dilution of its stand on diverting forest lands of tribal communities, the Ministry has gone a step further and allowed diversion of forest land in Himachal Pradesh purely on the strength of a certificate issued by the district administration.

The Union Ministry, acting on the request of the Himachal Chief Minister, accepted his contention that rights and concessions on forest land throughout the State including tribal areas have been settled long back, and therefore there are no compliance issues under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Activists have since been trying to undo the damage. The MoEF has agreed that in the case of Himachal the deputy commissioner's certificate will be "considered as sufficient evidence to meet the procedural requirement" of the Act.

Hydel projects

Roughly 70% of all forest diversion in the State has been done for hydel projects and transmission lines, and around 67% of the State comes under forest land. Settlement of forest rights in the State was done more than hundred years ago in 1894, 1905 and 1911. Since 1981, 10335 hectares of forest land has been diverted for various purposes. Of these, hydel projects have cornered 4031 hectares while transmission lines, 2266 hectares.

Now, activists of nine grassroots organizations have in a letter to the Environment Minister challenged the claim of the Himachal Government that forest rights have been settled and demanded that a NoC from the gram sabha should be compulsory in accordance with the Ministry's circular of 2009.

Members of Himdhara, an environment action group, one of the signatories to the letter, say: "The claim of the Himachal Pradesh government that the forest rights have already been settled in the State under the 'Forest Settlement process' of 70s is untenable. In forest settlement, the rights were recognised as customary rights, and in other words as 'concessions' to local community but these were taken back by the State, as and when it wanted to divert forests, without following any legal procedure or paying compensation to the affected people. On the other hand FRA provides legal status to these customary rights recording them as 'inalienable and non transferable'".

Flouting of FRA Act

The organizations -- Himdhara Environment Research and Action Collective, Saal Ghaati Bachao Sangharsh Morcha, Himalaya Bachao Samiti, Hingiri Lok Jagriti Samiti, Sutlej Bachao

Jan Sangharsh Samiti and others – quoting from the Ministry of Tribal Affairs status report on implementation of the FRA, which notes its weak implementation in Himachal, have questioned that even if the forest rights have been settled, is the HP government free to contravene the provisions of the Act which requires their identification, verification and recognition?

R.S. Negi of Him Lok Jagriti Manch, Kinnaur, says: “The real interest of the government is to make easy the forest diversion process for hydropower projects, even at the cost of local people’s rights.”

They have also objected to the action of the MoEF in agreeing to the demand of the Chief Minister without consulting the Ministry of Tribal Affairs which is the nodal ministry for the implementation of FRA 2006, saying that if such an advice had been sought, it would have been revealed that the State was in the process of implementation of the FRA and would have led to rejection of the request.

One of the first projects to get approval according to the new system, with the deputy commissioner’s certificate, has been the Bajoli holi hydel project in Chamba district, last October, requiring 73.30 hectares of forest land.