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Panel finds lacunae in implementation of FRA

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NEW DELHI: A government committee has found the UPA government's implementation of the Forest Rights Act (FRA) to be dogged by "serious problems".

The draft report of the joint committee of the ministries of tribal affairs and environment found both ministries wanting in implementation and adherence to the law. Both ministries, according to the draft report, "have done little thinking" and issued no guidance to states "on process needed after giving titles".

The Forest Rights Act seeks to ensure individual and community rights for forest dwelling tribal and other traditional forest dwellers. The report will be submitted to the government on January 3.

The 19-member committee was headed by National Advisory Council member NC Saxena, and Devendra Pandey, former director general, Forest Survey of India . The draft report states that the tribal affairs ministry, which is the nodal agency for implementation of the Act, showed "a general lack of proactiveness".

It has been found that the environment ministry has violated its order of August 2009. The order required that gram sabhas in the forest areas must certify in written that all claims under the Forest Rights Act had been settled and that there was no objection to the diversion of land. The August 2009 order is a direct outcome of the Forest Rights Act.

The draft report states that "between August 2009 and June 2010, very few proposals (if any at all) for forest diversion that came to the environment and forest ministry and that were considered by the ministry's forest advisory Committee were actually in compliance with this (August 2009) order". This questions forest clearance given to the Polavaram and Posco projects.

For better implementation of the Act, the committee has suggested that the August 2009 order be incorporated into the rules of the Forest Rights Act. While this move would not impact the legality of the order, but it would make it more difficult to ignore the requirements outlined in the order.

The draft report calls on the environment ministry to strictly enforce the 2009 order and to finalise a new governance regime for forests. This includes converting the joint forest management committees into community forest management committees.

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