

## On the Saxena Committee Report on the FRA



Report will allow Environment Ministry / forest bureaucracy to continue grabbing power, while posing as progressive

Friends,

The controversial Saxena Committee on the Forest Rights Act has submitted its report, which has finally been made public. We know that this report will be projected as pro-people and pro-rights.

**But this report will be most useful to those who set it up – a Ministry and a forest bureaucracy that wants more power, while presenting a facade of being sensitive and pro-people.** <sup>1</sup> Here are some reasons why.

Regarding the implementation of the Act, the Committee has endorsed what we and others have been pointing out for a long time. It points out the problems in rights recognition, recommends action against illegal evictions, and calls for recognition of community rights, coming to the same conclusions as the [Council for Social Development report](#) and what the movements have been saying. It identifies the forest bureaucracy as a major problem. In itself, this is welcome. **But when it comes to what should be done about these problems, and especially about MoEF and the forest bureaucracy, the report falls apart.**

*On the Environment Ministry:* The Committee's recommendations target everyone except the Environment Ministry, the Central agency most responsible for policies in violation of the Act. Out of eleven pages of findings in chapter 11, MoEF's actions are covered in half a page. The most dangerous of these actions ([click here to know more](#)) - illegal forest diversion for corporate projects; rapidly expanding afforestation and "conservation" programs with enormous potential for land grabbing and conflict; and the huge sums of money being deployed for this - are barely touched in the recommendations. The chapter on development projects admits "some clearances" were illegal. But there has not been a single case where the Ministry has complied with the law on diversion, and the Committee neither recommends cancellation of illegal clearances nor justice for those whose rights have been illegally violated. There are no recommendations on afforestation, except for vague statements that policies should be "reviewed" and should "respect the FRA." Whose job is it to review these illegal actions, if not this Committee?

*On Joint Forest Management:* The Ministry's current favorite program - Joint Forest Management ([click here to know more](#)) – is being expanded across the country and is a major tool in the Forest Department's efforts to block communities from managing forests or exercising rights. It is condemned in the first half of chapter 8 of the report and in one part of the recommendations; but other parts say it should continue in most areas and even that it has "advantages." Then, the "alternative recommendations" (signed by half the members of the Committee) condemn it again. **Thus the Ministry can do pretty much anything on JFM and still claim the Committee's endorsement.**

*On "redefining forest governance":* On this issue – which was said to be the Committee's raison d'etre - the report says that the status quo of Joint Forest Management and Forest Department

supervision should continue in the vast majority of forest areas (those where communities do not file formal claims for community forest resource rights). The "alternative recommendations" say there should be changes, but agree that there is no legal requirement for them (they would need "a new statute or amendment of existing statutes"). **This is the escape clause the forest authorities have been looking for.** After the structure of the Forest Department has been identified as being the single biggest reason for the failure to respect the law, when even the Home Secretary has attacked their zamindari attitude and abuse of power, the committee legitimises the status quo until there is a "new statute or amendment of existing statutes". **This is a total misreading of the law and a backpedaling on the most crucial issue in forest areas today.**

*Riddled with other contradictions:* On non-timber forest produce, crucial to people's livelihoods, the report identifies many problems, but then only says free sale should be permitted – while advocating continuation of other existing structures, which numerous government reports have condemned (the "alternative recommendations" disagree). Satellite imagery (currently a major tool for rejections) is endorsed and celebrated as a mode for verifying rights in one section, which however also contains one sentence admitting it "cannot verify the existence of any right under the Act" (p. 66). On whether or not people should be removed from wildlife habitats, the report advocates two diametrically opposed views in the same paragraph (p. 131), one of which is called "dissenting" - but is in the main text. After describing critical tiger habitat notifications as "in violation of the Act", once again it only recommends a "review" (p. 217).

In sum, the report is a mishmash that permits the Environment Ministry to do what it pleases, and still to claim the mantle of being pro-people. Indeed, almost any point raised in favour of people can be contradicted by citing some other part of the report.

**When the Campaign was invited to join this Committee, we declined for precisely this reason.** It is not the findings of government committees that matter, but whether and how they can be used by the powers that be. The nature and constitution of this committee, as reflected in its report, lent themselves to precisely such manipulation. We can be sure that all the ambiguities and contradictions in this report will be exploited to the fullest extent, even as the positive points it raises will be quietly discarded except where they serve the establishment's interests.

The struggle in forest areas is today reaching a pitch where the Central government is on the back foot. Whether in Vedanta and POSCO, or in the hellholes of Operation Green Hunt, or in the anti-dam movements of the Northeast, we see people resisting a brutal machine that respects neither law nor life. The forest bureaucracy is one crucial cog in that machine. Let us not permit it to clothe itself in the language of rights and hide its true face.

<sup>1</sup> The fiction of a "joint committee" does not require much attention. This "joint committee" includes six forest officers, one of whom is co-chair, as against one Tribal Ministry representative. Meanwhile, as the report itself describes, this "joint committee" was first notified by the Environment Ministry alone, which then roped in the Tribal Ministry after criticism. In August, the Tribal Minister chose to write to the Environment Minister to complain about the Committee's functioning, not to the chair, showing who actually controls the Committee. Finally, the report itself declares that the Tribal Ministry member "hardly attended the meetings of the Committee, nor sent his representative." The "joint committee" fiction was just the result of pressure from the Environment Ministry on an apathetic and weak Tribal Ministry, in order to escape the charge of exceeding its mandate.