

Oppn takes on govt over Forests Rights Act logjam

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NEW DELHI: The UPA government's dithering over the notification of The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights Act) 2006, or the Forest Rights Act, was brought up by members of the Rajya Sabha on Tuesday.

The matter was raised by CPM MP, Brinda Karat, during Zero hour in connection with questions relating to the security, rights, and implementation of constitutional provisions made for tribals. After talking about the attack on tribals in Guwahati, and specially mentioning the "barbaric incident" of a tribal woman being attacked, stripped, Ms Karat brought up the issue of "fate of the Forest Rights Bill" and said that a large number of tribals were being "evicted" from forests.

She charged the Centre with "subverting the will of Parliament" by not notifying the rules of the Act even a year after it had been unanimously been passed and took objection to one portion of the act — relating to the identification of critical wildlife habitats — being implemented without the rules being brought into effect.

"Instead of recognising the rights of adivasis in all forests areas, as mandated by the Act, the Government of India is changing the sequencing the Act by these actions," she said.

She said that it was "shocking" and "completely violative of Parliamentary procedures" that for one year after the act was passed unanimously by Parliament, the rules had not been notified. "As a result all over the country in many states a large number of Adivasis are being evicted from their homes and lands in the forests," she said.

The Forest Rights Act, which was passed by Parliament during the Winter session of Parliament past year, has not been notified and its rules not implemented due opposition from a powerful section of the Congress led by the arguments of the wildlife lobby.

This lobby argues that tribals must be evicted from critical wildlife habitats before the Forest Rights Act, which confers land rights on tribals, is brought into effect to protect endangered animals such as tigers. However, another section of the Congress, made up of leaders from states with significant tribal populations and going to the polls in the near future, have asked for the notification of the Act first — that is handing over of land rights to tribals — before getting them to leave 'inviolable' zones in forests.

However, so far the government has not moved to notify the act despite the electoral benefit the move could have brought to the Congress in Gujarat which goes to the polls next month.

The issue of non-notification of the rules has been raised by various activist groups including an expert group under the Tribal Affairs Ministry which drafted the legislation.

Talking in Rajya Sabha, Ms Karat said the section of the Act, which pertained to "identification of critical wildlife habitat", was being implemented and once this had taken place it could lead to "a modification of their rights of Adivasis in a forest leading to their relocation and eviction". She said that the sequencing of the Act warranted that the land rights of the Tribals was identified first and conferred on them in all areas including in protected areas.

The second part of the Act, she said, called for a case-by-case review of forest dwellers living in protected areas and after that through the formation of an expert committee would lead to the identification of critical wildlife habitats. "Where necessary Adivasis may be relocated according to certain procedures," she said.

Ms Karat's demand for the government to immediately enact the rules and notify them was backed by a number of other members. BJP leader Najma Heptullah said the House Committee on Subordinate Legislation had taken note of the issue and written to the nodal Tribal Affairs Ministry about it. TDP's R Chandrasekar Reddy raised another issue pertaining to tribals.

He said the Andhra Pradesh government had failed to extend help to the tribals in the state and asked for the Centre to send a medical team to tackle the problem of diarrhoea and fever in parts of the state.

Mr Reddy also ridiculed the state government for its health minister's suggestion that tribals should produce more children to compensate the death of their children by the current disease.

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