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**Minister of Tribal Affairs, Kishor Chandra Deo writes a scathing letter to Min. Jayanti Natarajan**

**“Forest Advisory Committee blatantly violating Forest Rights Act”**

In a very significant letter to the Environment Minister<sup>1</sup> dated 21<sup>st</sup> November 2012 (and another letter on similar lines on Dec 7, 2012), Tribal Affairs Minister Kishore Chandr Deo stated that Forest Advisory Committee (FAC) has flouted not only the orders of its nodal ministry but also the law of the land by blatantly violating the Forest Rights Act 2006. According to the letter, “As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act of 2006), clearance for forest diversion for any project cannot be given without recognition of the rights of the people in and around the forests and consent of the gram sabha for such diversion. The Forest Advisory Committee hence should not be considering any project proposals unless there are gram sabha resolutions from the affected villages certifying that indeed forest rights have been recognised and that they are giving consent for the diversion. This is a statutory requirement under the Forest Rights Act.” In addition environment ministry order of August 2009 aligning its processes to the Forest Rights Act requires that the FAC seek consent letters from affected tribals and forest-dwellers before giving over forests to the industry.

Despite these strong provisions, that letter stated that FAC continued to hand over forest patches to industry in disregard of the law. “I am anguished to find that even five years after enactment of FRA, the statutory FAC continues blatantly to ignore the existence of both this law and the 2009 order. How is it (the FAC) then continuing to ignore people's rights? Why is it misleading both project proponents and the public into believing that these projects are in compliance with the law when they often are not? The FAC's abdication of responsibility will produce conflict, harassment, injustice, delays and litigation. We have already seen several such instances, resulting in either violation of people's rights or in delays and cancellation of projects.”

He condemned the FAC's recent practice of merely including a "condition" that the FRA should be complied with before final clearance is given. This is lip service that this committee has been doing to avoid the law. He notes that "this is only adding to the confusion ... project proponents will be placed in the odd position of having received "in principle" clearance as well as environmental and other statutory clearances, only to be denied at the very last stage as a result of FRA violations. This would result either in delay in final clearance, or in State governments and project proponents seeking to evade the law entirely.”

He has further said, “We are in agreement that this is a very disturbing scenario as it is a violation of the legal and constitutional rights of our country's poorest and most marginalised citizens. It is also resulting in growing conflict, protests, and litigation, and hence in delays in decision making.”

Significantly, he stated that the tribal affairs ministry too should be represented on the FAC. Asked about Deo's letter, Natarajan stated that she has received the letter and she intends to reply in detail to reiterate “that we are implementing the FRA stringently.”

In the meantime, in the upcoming FAC Meeting for Nov 26-27 makes no mention of the FRA or Gram Sabha resolution while considering clearance to projects. SANDRP and a number of organisations have written to the MoEF and FAC about this serious and continuing farce.

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<sup>1</sup> <http://timesofindia.indiatimes.com/home/environment/developmental-issues/Kishore-Chandra-Deo-accuses-environment-ministry-panel-of-giving-away-forests-in-violation-of-laws/articleshow/17301883.cms>