

## Impact of New Rules on Forest Rights Act

In a sign of escalating conflict between the government and the National Commission for Scheduled Tribes (NCST) over the Forest (Conservation) Rules, 2022, panel Chairperson Harsh Chouhan on 02/01/2023 said its position on the new rules being violative of the Forest Rights Act, 2006 “will be the same” and it is the commission’s duty to intervene and recommend corrective measures whenever any rules run the risk of violating rights of tribal people even as the Environment Ministry has dismissed these concerns saying they were “not legally tenable”.

The panel had pointed out that the FCR, 2022 had done away with the clause to mandatorily seek consent of the gram sabhas before the Stage 1 clearance or even after Stage 2 clearance. In such a scenario, project proponents, having received partial clearance, will be pushing the State governments and Union Territory administrations for “diversion at the earliest”, which would be “seriously impacting the process of recognition of rights under the FRA”.

The commission pointed out that between 2009 and 2018, of the 128 applications for forest diversion for mining, 74 were cleared at the Stage 2 and 46 at the Stage 1 and none of the rejections were based on FRA non-compliance. The commission said the new rules will only increase such violations.

**Source: The Hindu**