

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:7330
ANSWERED ON:21.05.2012
PROTECTION OF FOREST LAND
Ray Shri Rudramadhab

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Government has issued a circular in August, 2009 on applicability of Forest Rights Act, 2006 in dealing with cases under Forest Conservation Act, 1980;
- (b) if so, the details and salient features thereof;
- (c) the response of State Governments including of Odisha thereto;
- (d) whether the Union Government have resolved the problem of State Government of Odisha and other States;
- (e) if so, the details thereof; and
- (f) if not, the manner in which the Government has been planning to protect forest land and implement the said circular?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN)

(a) and (b) The Ministry of Environment and Forests (MoEF) vide letter dated 03.08.2009 informed the State/ UT Governments that to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/ UT Governments are, wherever the process of settlement of Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed or currently under process, required to enclose evidences for having initiated and completed the above process, especially among other Sections, Sections 3 (1) (i), 3(1) (e) and 4(5). The State /UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals. As per the MoEF's said letter dated 03.08.2009, the enclosures of evidence to be submitted by the State/UT Governments shall be in the form of following:

- (a) A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held;
- (b) A letter from the State Government certifying that proposals for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) A letter from each of the concerned Gram Sabhas, indicating that all formalities/ process under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purposes and purpose of the proposed diversion;
- (d) A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it;
- (e) A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;
- (f) Obtaining the written consent or rejection of the Gram Sabha to the proposal; and
- (g) A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as per section 3(1) (e) of the FRA.
- (h) Any other aspect having bearing on operationalization of the FRA.

(c) to (f) Some of the States including Odisha have requested the MoEF to amend the said circular dated 3.8.2009 issued by the MoEF. The MoEF in consultation with the Ministry of Law and Justice is taking appropriate measures to address the concerns, such as, legal validity of the need to obtain consent of the concerned Gram sabha for diversion of forest land and need to obtain such certificates from certain areas where there are no forest dwellers at all etc. raised by the State Governments to ensure protection of tribal rights forest and conservation of forest resources in the country.

