

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

UNSTARRED QUESTION NO:3364
ANSWERED ON:18.03.2013
CLEARANCES TO PROJECTS
Kumar Shri P.;Venugopal Shri P.

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

- (a) whether the Government has set any guidelines for the project developers that the forest land cannot be diverted for any purposes recently in the country;
- (b) if so, the details thereof;
- (c) whether the Government has taken a firm decision not to grant environmental clearance for projects which intend to use forest land; and
- (d) if so, the details thereof?

Answer

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

(a) & (b) The section 2 of the Forest (Conservation) Act, 1980 inter alia provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose.

(c) & (d) The guidelines issued by the Ministry of Environment and Forests (MoEF) provides that in case a project involves forest land, the project proponent shall first explore feasibility to execute the project without use of forest land. In case it is not feasible to undertake the project without use of forest land, the project proponent shall submit application seeking prior approval under the Forest (Conservation) Act, 1980 for diversion of forest land before submitting the application for grant of Terms of Reference as per the procedure stipulated in the EIA Notification 2006. The Environment clearance to such projects, as per the said guidelines is to be issued only after stage-I approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for its execution is obtained.

The Hon'ble Supreme Court has allowed the MoEF to relax the said guidelines to issue Environment Clearance (with suitable safeguards) to linear projects such as roads, pipelines etc., pending grant of stage-I approval under the Forest (Conservation) Act, 1980 for non-forest use of forest land required for execution of such linear projects.