

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4184

ANSWERED ON:22.03.2013

LINEAR PROJECTS IN TRIBAL AREAS

Adhalrao Patil Shri Shivaji; Dharmshi Shri Babar Gajanan; Laguri Shri Yashbant Narayan Singh; Vasava Shri Mansukhbhai D.; Yadav Shri Dharmendra; Yaskhi Shri Madhu Goud

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Government has agreed to implement linear projects considering the need for roads and railways in tribal areas by dispensing with the system of consent of the gram sabhas for these projects;
- (b) if so, the details thereof;
- (c) whether all the issues arising out of the Forest Rights Act, 2006 and the Forest (Conservation) Act, 1980 in this regard have been addressed to;
- (d) if so, the details thereof; and
- (e) if not, the corrective measures taken/ proposed to be taken by the Union Government in this regard?

Answer

(a) & (b): As per information received from the Ministry of Environment & Forests (MoEF), the guidelines issued by MoEF on 3.08.2009 on diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been revised on 5.02.2013. Projects like construction of roads, canals, laying of pipe lines/optical fibers and transmission lines etc. where linear diversion of forest land in several villages are involved unless recognized rights of PTG/PAC are being affected have been exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) to the proposed diversion.

(c) & (d): The guidelines issued by MoEF on 03.08.2009 on diversion of forest land for non-forest purpose is regarding ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The condition of carrying out the complete process for identification and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for the entire forest area proposed for diversion has to be complied with for all the projects and the letter dated 5.2.2013 of MoEF makes no exception regarding fulfillment of this condition.

(e): Does not arise in view of reply to part (c) above.