

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

UNSTARRED QUESTION NO:4553
ANSWERED ON:22.04.2013
MECHANISM FOR FOREST CLEARANCES
Dhruvanarayana Shri R. ;Siricilla Shri Rajaiah

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

- (a) whether the Government has appointed any Panel to review the mechanism for forest clearances in industrial projects replacing the need for approval from the relevant Gram Sabha with the Certificates issued by the State Government;
- (b) if so, the details and implementation status thereof;
- (c) if not, the reasons therefor ;and
- (d) the steps taken by the Government in this regard?

Answer

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

(a) to (d) The Prime Minister's Office on 7th November 2012 constituted a Committee under Chairmanship of the Principal Secretary to Prime Minister and having the Secretary, Ministry of Environment and Forests and the Secretary, Ministry of Tribal Affairs as its members to examine issues relating to the existing guidelines for obtaining forest clearance vis-a-vis certain provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).

The Committee recommended that in supersession of its earlier circulars, the Ministry of Environment and Forests (MoEF) will issue a fresh circular inter-alia stipulating that where the project activity on forest land is affecting the quality of life of people residing at project site of diversion whose rights have been recognized and vested under the FRA; like mining projects, projects leading to submergence and consequent displacement of large number of people etc., proposals for unconditional forest clearance must be accompanied by a resolution of Gram Sabha of the area, based on full and prior information of the project and a public hearing, endorsing that the project is in the interest of people living on the forest land, use of which is proposed to be diverted for non-forest purposes. The Committee further recommended that such a resolution may not be required in cases where:

(A) any consultation that is statutorily mandated has been carried out and has been communicated to the State or the project proponents and the same is indicated in the proposal explicitly, and

(B) in the following cases:

(i) Project requires public hearing in order to get environment clearance. (However, a copy of minutes or recording of public hearing may be furnished along with the proposal in such cases);

(ii) For projects like construction of roads, canals, laying of pipelines/ optical fibers and transmission lines, etc. where linear diversion of use of forest land in several villages are involved unless recognised rights of Primitive Tribal Groups and Pre-Agricultural Communities (PTGPAC) are being affected;

(iii) Proposals involving diversion of private forest land;

(iv) In case of facilities covered under Section 3 (2) of the FRA and other small public utility projects for the welfare of local people; and

(v) For projects that do not substantially and significantly affect the quality of life of the people residing in the site of diversion whose rights have been recognized.

The MoEF in consideration of the report of the said Committee informed the all State and Union Territory Governments vide letter dated 5th February 2013 that proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for projects like construction of roads, canals, laying of pipelines/ optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognised rights of PTG/ PAC are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in clause (c) read with clause (b), (e) and (f) in second para of the MoEF's earlier letter dated 3rd August 2009.