

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

UNSTARRED QUESTION NO:1095
ANSWERED ON:12.08.2013
DIVERSION OF FOREST LAND
Shankar Alias Kushal Tiwari Shri Bhisma

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

- (a) whether there exists any legal provision for diversion of forest land for non-forest purposes including developmental activities in the country;
- (b) if so, the details thereof ;
- (c) whether the Union Government has received any requests from State Governments/ Non-Governmental Organisations (NGOs) for diversion of forest land for non-forestry purposes during the last three years and the current year;
- (d) if so, the details thereof state-wise ; and
- (e) the action taken by Government in this regard?

Answer

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

- (a) Yes, all the proposals of diversion of forest land for non-forest purposes including developmental activities are processed under Forest (Conservation) Act, 1980 & Rules and guidelines framed thereunder.
- (b) As per provisions of the Section 2 of Forest (Conservation) Act, 1980, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-
 - i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that state) or any portion thereof, shall cease to be reserved;
 - ii) That any forest land or any portion thereof may be used for any non-forest purpose;
 - iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;
 - iv) that any forest land or portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

Further, the Hon'ble Supreme Court vide order dated 12.12.1996 in WP(C) No. 202/1995 has defined that "the term "forest land" occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof"

Yes. The requests are received from the respective State Governments/Union Territories. State-wise details are given in Annexure-A

The forest clearance to proposals received in the MoEF under the Forest (Conservation) Act, 1980 for forest clearance is a continuing process. The proposals found complete in all respects are examined as per the rules and guidelines made under Forest (Conservation) Act, 1980 and are decided for diversion of Forest Land by competent authority on case to case basis.