

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

UNSTARRED QUESTION NO:2019
ANSWERED ON:19.08.2013
MECHANISM FOR FOREST CLEARANCES
Choudhry Smt. Shruti

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 State Government certificates; and

(b) if so, the details thereof and the implementation status thereof?

Answer

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

(a) & (b) Prime Minister's Office constituted a Committee with Shri Pulok Chatterjee, Principal Secretary to Prime Minister as Chairman; Secretary, Ministry of Environment and Forests and Secretary, Ministry of Tribal Affairs as Members to make recommendations on issues relating to implementation of certain provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The Committee made the following recommendations:

(i) In supersession of its earlier circulars, Ministry of Environment and Forests (MoEF) will issue a fresh circular stipulating that proposals for unconditional forest clearance must be accompanied by the following:-

(a) A letter from the State Government certifying, firstly, that the complete process for recognition and vesting of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held along with the types of individual & community rights recognized & vested; secondly, that the rights of Primitive Tribal Groups/ Pre-Agricultural Communities (PTG/PAC), where applicable, have been specifically safeguarded as per Section 3

(i) (c) of the FRA; and thirdly, that there are no proposals pending or proposed for diversion of the forest land in question for facilities managed by the Government as required under Section 3(2) of the FRA.

(b) Where processes of recognition and vesting of forest rights under the FRA is yet to begin, a confirmation from the State Government stating that recognition and vesting of forest rights under the FRA, will be completed before the final approval of the proposal or order of diversion by the State.

(c) Where the project activity on forest land is affecting the quality of life of the people residing at the site of diversion whose rights have been recognized and vested under the FRA; like mining projects, projects leading to submergence and the consequent displacement of large number of people etc., a resolution of the 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, the use of which is proposed to be diverted for non-forest purposes.

Provided 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:

B.1 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);

B.2 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 recognized rights of PTGPAC are being affected;

B.3 Proposals involving diversion of private forest land;

B.4 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

B.5 For projects that do not substantially or significantly affect the quality of life of the people residing in the site of diversion whose rights have been recognized.

(ii) Ministry of Tribal Affairs (MoTA) will suitably incorporate the provisions contained in the new circular of Ministry of Environment and Forests (MoEF) in its earlier guidelines of 12 July 2012.

In pursuance to the report submitted by the Committee, the MoEF with consultation and concurrence of the MoTA informed the all State/ Union Territory Governments 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 fibers 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 letter dated 3rd August 2009 wherein MoEF issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the FRA for proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980.