

**GOVERNMENT OF INDIA  
ENVIRONMENT, FORESTS AND CLIMATE CHANGE  
LOK SABHA**

UNSTARRED QUESTION NO:4921  
ANSWERED ON:23.12.2014  
FREE PRIOR AND INFORMED CONSENT  
Shanavas Shri M. I.

**Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:**

- (a) whether the Government has diluted the provisions mandating 'free, prior and informed consent' of Gram Sabhas before acquiring forest land for various infra- structure and development projects affecting the rights of forest dwellers;
- (b) if so, the details and the objectives thereof;
- (c) whether the Government proposes to reconsider the said provisions to protect the rights of the tribals living in the forest areas; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR)

(a) to (d) In consideration of representations received from Ministries in the Central Government, the Ministry of Environment, Forests and Climate Change (MoEFCC) vide letter dated 5th February, 2013 informed the States and Union Territories that the 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 recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities 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 (e) and clause (f) in second para of the MoEFCC's letter dated 3rd August 2009.

After further examination of guidelines issued on 3rd August 2009, as amended from time to time, and the provisions of the Forest (Conservation) Act, 1980; the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006; the Panchayats (Extension to the Schedule Areas) Act, 1996; and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; the MoEFCC is of the view that obtaining 'prior informed consent' of concerned Gram Sabha is a statutory requirement only in case of acquisition or alienation of forest land in Scheduled Areas under the fifth Schedule to the Constitution.

The MoEFCC, has therefore, formulated a draft revised format of certificate to be issued by the concerned District Collectors in this regard strictly in conformity with the provisions of the afore-mentioned statutes and sent a copy of the same to the Ministry of Tribal Affairs and requested them to examine the same and issue fresh guidelines in supersession of all earlier guidelines on the matter.