

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

UNSTARRED QUESTION NO:4955
ANSWERED ON:23.12.2014
PROJECTS IN TRIBAL AREAS
Reddy Shri Ponguleti Srinivasa

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

- (a) whether the Tribal Affairs Ministry is strongly objecting for relaxation in case of linear projects like Railways and National Highways and for diverting traditional forest land for industrial projects;
- (b) if so, the details thereof; and
- (c) the steps taken by the Government to remove the hurdles for upcoming projects in Tribal Areas and to accelerate its implementation?

Answer

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

(a) to (c) 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.

The Ministry of Tribal Affairs in their letter dated 7th March 2014 referred to inter-alia MoEFCC's said letter dated 5th February 2013 and informed the States and Union Territories that compliance to Forest Rights Act, 2006 is a mandatory requirement before forest land can be diverted.

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; and after consultation with the Department of Legal Affairs and the Department of Land Resources, 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.