

Besides, the provision on use of beneficiated coal has been revisited and stricter provision has been notified so as to reduce dust pollution in ambient air *vide* a Gazette notification, dated 2nd January, 2014.

Gram Sabha's clearance for diversion of forest land

2829. SHRI JAGAT PRAKASH NADDA : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether it is a fact that by way of executive instructions the requirement of obtaining clearance from Gram Sabhas for diversion of forest land has been made mandatory, if so, under what provision of law;

(b) whether Government is aware that the Forest Rights act provides that for specified projects where forest land to be diverted is less than one hectare, permission for diversion shall be given if the Gram Sabha gives the NOC; and

(c) if so, then by prescribing the same procedure for all cases of diversion of forest land, will permission be invariably be given, if the Gram Sabha gives the NOC, if not then why has this requirement been stipulated for which there is no provision in law?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI M. VEERAPPA MOILY) : (a) to (c) Ministry of Environment and Forests (MoEF) in 2009 observed that even though the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 became effective from 1st January 2008, the proposals under the Forest (Conservation) Act, 1980 were being received from different States and Union Territories with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, MoEF *vide* letter dated 3rd August 2009 informed the States/UTs that the State/UT Governments are, wherever the process of settlement of rights under the FRA has been completed or currently under process, required to enclose evidences for having initiated and completed the process, especially among other sections, Sections 3 (1) (i), 3 (1) (e) and 4 (5) of the FRA. These enclosures of evidence shall be in the form of following:

- (a) A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion,; with a record of all consultations and meetings held;
- (b) A letter from the State Government certifying that proposals for such diversion (with full details of the project and its implementation, in vernacular/local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) A letter from each of the concerned Gram Sabhas, indicating that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures, if any, having understood the purposes and details of the proposed diversion.
- (d) A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and that the Gram Sabha have consented to it.
- (e) A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;
- (f) Obtaining the written consent or rejection of the Gram Sabha to the proposal;
- (g) A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as section 3(1) (e) of the FRA; and
- (h) Any other aspect having bearing on operationalization of the FRA.

It has also been indicated in the MoEF's said letter dated 3.8.2009 that the State/UT Governments, where process of settlement of rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for the proposal.

The MoEF *vide* letter dated 5th February 2013 informed the all State/UT 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 this Ministry's said letter dated 3rd August 2009.

Sub-section (2) of section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provides for diversion of forest land, for facilities, as per details given in the said sub-section, managed by the Government which involves felling of trees not exceeding seventy-five trees per hectare. The said sub-section further provides that such diversion of forest land shall be allowed only if, the forest land to be diverted for the purpose mentioned in this sub-section is less than one hectare in each case; and the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

Decision on proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land is taken on merit of each case. Obtaining consent of Gram Sabha or Gram Sabhas, wherever required, is one of the requirements for grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose.

Concern over fast depleting green cover

2830. SHRI BHARATSINH PRABHATSINH PARMAR : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether environment activists have voiced concerns over the fast depleting green cover in the Himalayas and demanded steps to protect it from both ecological and tourism point of view; and

(b) if so, response of Government thereon?