

के प्रॉपर डिस्पोज़ल के लिए सरकार ने विचार किया है? क्या आप इस पर कोई एक मेंडेटरी लॉ या कोई कानून बनाने का विचार रखते हैं, जिसे सही तरीके से इन्फोर्स करके हिन्दुस्तान को प्लास्टिक के पॉल्यूशन से बचाया जा सके?

**श्री किरन रिजिजू :** सर, यह सही बात है कि जब तक आप मैन्युफैक्चरिंग को बन्द नहीं करेंगे, तब तक सिर्फ इसके इस्तेमाल को बन्द करवा देने से कुछ नहीं हो सकता है, लेकिन मैन्युफैक्चरिंग को बन्द किया जा सके, देश में ऐसा कोई प्रावधान नहीं है। लेकिन हमारा समाज, जो इसका इस्तेमाल करता है, वह सही तरीके से इसका इस्तेमाल करे, इसके लिए प्रावधान है।

मैं माननीय सदस्य को थोड़ा इसके बारे में बताना चाहता हूँ कि एक तो यह जरूरी है कि इसका प्रॉपर कलेक्शन हो। इसे नाले इत्यादि में न फेंका जाए, जिससे ड्रेन ब्लॉक न हो जाए, सड़कों पर न फेंका जाए, जिससे जानवर उसको खाकर बीमार न हो जाएं। इसी तरह से इसके लिए बहुत सारे रेगुलेशंस हैं, जो in place हैं, लेकिन उनको और अच्छी तरह से लागू करने की आवश्यकता है।

#### **'Prior informed consent' of gram sabhas**

\*250. PROF. M.V. RAJEEV GOWDA: Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether Government is contemplating amending certain provision in the Forest Rights Act, 2006 that requires the 'prior informed consent' of gram sabhas before their forests are cleared for industrial activity, if so the details thereof;

(b) whether Government is trying to bypass the established role of gram sabhas that certify that the rights of indigenous tribes over forest land are not violated by an upcoming project; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR): (a) to (c) A statement is laid on the Table of the House.

#### ***Statement***

(a) to (c) Government is not contemplating amending certain provisions in the Forest Rights Act, 2006.

The Ministry of Environment, Forests and Climate Change (MoEFCC) in consultation with various Ministries and Departments in the Central Government has however, further re-examined the guidelines issued under the Forest (Conservation) Act, 1980 *vide* letter dated 3rd August 2009 for ensuring compliance of the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 in case of diversion of forest land for non-forest purpose.

After careful examination of these guidelines, 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.

PROF. M.V. RAJEEV GOWDA: Sir, the proposal to do away with mandatory informed Gram Sabha consent required by the historic Forest Rights Act will be a violation of the Act and a major infringement on the forest dwellers' rights.

Is the hon. Minister aware that these changes go against the directions of the hon. Supreme Court of India which has, in no uncertain terms, affirmed the central role of Gram Sabhas in decision-making in its landmark judgment in the case of diversion of forest land of Dongria Kondhs in Niyamgiri?

SHRI KIREN RIJJU: Sir, there is no proposal from the Ministry of Environment & Forests to make any amendment in the Forest Rights Act. Moreover, this is a matter directly related to the Ministry of Tribal Affairs. But, from the Ministry of Environment & Forests, the proposal has not been made.

PROF. M.V. RAJEEV GOWDA: Sir, given that there are no material differences between tribals living in Schedule-V forest areas and non-Schedule forest areas, this move is actually going to tweak the rules rather than amend the Act and have a negative impact on Forest Dwellers Act and its implementation. It is a sell-out to corporate interests at the cost of environment and tribal rights. Given that the Minister has said that this is an issue of the Ministry of Tribal Affairs, how come this Ministry has issued these circulars which are in violation of the Central Government's Allocation of Business Rules even after the Ministry has received a cautionary note from the Ministry of Tribal Affairs that the Forest Rights Act provisions don't provide scope for any Executive agency to make these kinds of relaxations?

SHRI KIREN RIJJU: Sir, the circular or the letter written by the Ministry of

Environment and Forests is actually strengthening the position which is there in the provisions of the Act. As I said, there is no question of relaxation or amendment in any of the provisions which are there. At the same time, if any kind of deviation from the principal Act is there, then it is a matter to be dealt with by the parent Ministry. But, from the view of the Ministry of Environment and Forests, as I said, there is no violation of the Act or any provisions of the Act.

SHRI JAIRAM RAMESH: Sir, I congratulate the young Minister for handling all the difficult questions very well on behalf of his senior colleague. But, he just made a statement that there is no proposal from the Ministry of Environment and Forests to amend the Forest Rights Act. How is it that the Ministry of Tribal Affairs had written to the Ministry of Environment and Forests not to dilute the provisions of the Act? So, there is some confusion going on. I would like the hon. Minister to at least assure the House since he is substituting. I don't want to push the matter. I would like him to at least assure the House that this confusion would be clarified at the very earliest.

SHRI KIREN RIJU: Sir, I have already stated that the confusion must be because of the perception. But, principally, from the Government's stand point, there is no confusion within the Ministry. There may be clarifications. There is no move also. Thank you.

SHRI ANANDA BHASKAR RAPOLU: Mr. Chairman, Sir, the Ministry of Environment and Forests and the Ministry of Tribal Affairs are having regular complications with the Ministries dealing with energy, industry, and natural resources' excavation. As per the understanding got by us through several Parliamentary Standing Committee meetings that they are yet to evolve a coordination body among these Ministries to save the ecology of India, is there any thought from the Union Government to protect ecology by evolving proper committee of coordination among these Ministries?

SHRI KIREN RIJU: It is the intent of everyone and, definitely, it is the intention of the Government to protect and save ecological balance of the country. It is in the interest of the country and humanity.

DR. T. SUBBARAMI REDDY: Mr. Chairman, Sir, the Minister in his reply said, "The Ministry of Environment and Forests is of the view that obtaining prior informed consent of concerned Gram Sabhas is a statutory requirement only in the case of acquisition or alienation of forest land in Scheduled Areas under the fifth Schedule to the Constitution." I would like to know what the clarity is of the Scheduled Areas under the Schedule-V of the Constitution.

SHRI KIREN RIJJU: Sir, the consent is required in the Schedule-V areas only. In case of linear projects, for example, you are establishing a railway track or a road which passes through numerous Gram Sabhas; then, it is difficult to really envisage the project. In that case, there has been some kind of exemption. But, otherwise, in Schedule-V, the exemption is not possible and the consent and consultation with Gram Sabha is mandatory.

**Problem of salary for Indian workers in Gulf countries**

\*251. SHRI A. W. RABI BERNARD: Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

(a) whether over five million Indian nationals employed in the rich oil exporting States of the Gulf are in dangerous jobs from construction to the oil industry, transport and services;

(b) whether workers are promised one salary when they sign up here and then forced to renegotiate lower wages when they arrive in the Gulf, if so, the details thereof; and

(c) whether India is pressing the Gulf countries to raise the wages of Indians working there since inflation, the value of Indian currency and a rise in the cost of living in the Gulf affect these workers, if so, the details thereof?

THE MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRIMATI SUSHMA SWARAJ): (a) to (c) A statement is laid on the Table of the House.

***Statement***

(a) It is true that over five million Indian nationals are working in Gulf countries and majority of them are blue-collared workers in labour oriented sectors including construction, industrial sector, transport, supply and service sectors.

(b) All the ECR passport holders emigrating to 18 ECR countries are required to obtain emigration clearance, under section 22 of the Emigration Act 1983 read with Rule 15 of the Emigration Rules 1983 from the competent authority in India. One of the most important conditions for obtaining such emigration clearance is the Agreement/Employment Contract containing detailed terms and conditions of employment including the wages to be paid. It is required to be signed by the Foreign Employer and intending Emigrant and is to be produced before the competent authority in India for emigration clearance. In such cases, the number of complaints regarding payment of lower wages or forcing the emigrants to renegotiate lower wages by the