

Change in forest land use

499. SHRI DEREK O'BRIEN: Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

- (a) the manner in which the Ministry's order dated October 28, 2014 has altered the process for allowing change of forest land use;
- (b) the expected impact of the order on the fast diminishing forest cover of the country;
- (c) whether the order is in violation of the Forest Rights Act, 2006 and directions of the Supreme Court; and
- (d) whether the Ministry is contemplating withdrawing the order?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR): (a) to (d) Ministry of Environment, Forests and Climate Change (MoEFCC) observed that in case of plantations which were notified as "forest" on a day less than 75 years prior to the 13th day of December, 2005 and are located in villages having no recorded population of Scheduled Tribes, as per the Census-2001 and the Census-2011, no forest rights are likely to be recognised, even if the process stipulated in the Forest Rights Act, 2006 (FRA) and the rules framed thereunder for recognition and vesting of forests rights is initiated and completed. The reasons for the same are as below:

- (i) Clause (o) of the section 2 of the FRA provides that a person should have primarily resided and depended on forest land for bonafide livelihood needs for at least 75 years prior to 13th day of December, 2005 to be classified as an Other Traditional Forest Dweller (OTFD). No person living in such plantations which were notified as forest less than 75 years prior to 13th December, 2005 will thus be eligible to be classified as OTFD.
- (ii) Such villages will therefore, not have any person belonging to both the categories, viz. Scheduled Tribes and OTFD, whose rights can only be recognized over the forest land in accordance with the provisions of the FRA. The question of recognition of forest rights on such forests will thus not arise.

The MoEFCC therefore, in their guidelines dated 28th October, 2014 informed the States and Union Territories that in further modification of the Ministry's letter dated 3rd

August, 2009, proposals seeking prior approval of the Central Government under the FC Act for diversion of plantations which were notified as “forest” on a day less than 75 years prior to the 13th day of December, 2005 and are located in villages having no recorded population of Scheduled Tribes, as per the Census-2001 and the Census-2011, are exempted from the requirement of initiation and completion of process for recognition and vesting of forest rights of Scheduled Tribes and OTFDs stipulated in clause (a), read with clause (d) and clause (g) in second para of the Ministry’s letter dated 3rd August, 2009.

It has further been stipulated in these guidelines that in such cases a certificate from the concerned District Collector to the effect that the forest land proposed to be diverted is plantation which was notified as “forest” less than 75 years prior to the 13th day of December, 2005 and is located in villages having no recorded population of Scheduled Tribes, as per the Census-2001 and the Census-2011, will only be sufficient to meet requirement of clause (a), read with clause (d) and clause (g) in second para of the Ministry’s letter dated 3rd August, 2009.

These guidelines will not in any way affect interest of the Scheduled Tribes or OTFD, as the same will not be applicable in the villages which have even a single Scheduled Tribe or OTFD as its resident.

The Ministry is of the view that the said guidelines are not in violation of the Forest Rights Act, 2006 and directions of the Supreme Court and will not have any impact on forest cover of the country.

Committee to examine five laws administered by the Ministry

500. SHRI A.K. SELVARAJ: Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether it is a fact that Government has set up a Committee to examine five laws administered by the Ministry; if so, the details thereof;

(b) whether the said committee had been asked to submit its report within two months; and

(c) if so, whether any report has been submitted to Government by said Committee?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR): (a), (b) and (c) Yes Sir.