

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION No. 1316
TO BE ANSWERED ON 28.07.2022
New Forest Conservation Rules, 2022

1316 SHRI JAWHAR SIRCAR:

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

- a) the reason Government is permitting industries under the new Forest Conservation Rules, 2022 to cut trees and clear forest areas even before consulting the forest dwellers; and
- b) whether the new rules are absolving Government and compelling concerned State Governments to secure consent from tribal and other forest-dwelling communities later on?

ANSWER

MINISTER OF STATE FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE (SHRI ASHWINI KUMAR CHOUBEY)

- (a) & (b) As per the provisions of Forest (Conservation) Act, 1980, the Approval of the Central Government under the Forest (Conservation), Act 1980 is a prior approval of the Central Government which does not directly lead to non-forestry use or breaking of forest land. Process of approval for diversion of forest land culminates after issuance of final diversion order by the State Government or UT concerned which authorizes use of forest land for intended purpose and hands over the land to the user agency.

Provisions of the Forest (Conservation) Rules, 2022 under sub clause b (ii) of sub rule 6 of rule 9 provide that *“The State Government or Union territory Administration, as the case may be, after receiving the ‘Final approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order*

for diversion, assignment of lease or dereservation, as the case may be” imply that Forest (Conservation) Rules, 2022 emphasize the compliance of the provisions of all Acts and Rules.

Forest (Conservation) Rules, 2022 have been promulgated solely to implement the provisions of the Forest (Conservation) Act, 1980. Process as envisaged in the Act and the rules framed thereunder is a parallel process with other statutory processes. The Rules do not inhibit the commencement of processes envisaged in other laws like Wildlife (Protection) Act, 1972, Environment (Protection) Act, 1986, Forest Rights Act, 2006, etc. Provisions envisaged in other statutory laws can be undertaken simultaneously by the respective nodal implementing agencies. The State Government or Union territory may ensure compliance of such statutes at the very initial or at any other stage as the provisions of Forest(Conservation)Rules,2022 do not bar the authorities to do so, but in any case, it should be done before handing over forest land to the user agency.