



• Posted: Tue, Aug 4 2009, 12:54 AM IST

Local administration to clear forest projects

The ministry says states will need to get a letter from each gram sabha concerned

Padmaparna Ghosh

New Delhi: India's environment ministry has said that all proposals to use forest land for industrial and other projects have to be cleared by the local administrative body concerned, thereby giving teeth to a 2008 law which seeks to protect the rights of tribals and other forest dwellers.

The move will likely affect mining companies. According to the ministry of environment and forests, 50,000ha of forest area will need to be diverted for coal exploration and production in the next seven-eight years, only for Coal India Ltd.

Listen to a podcast with Praveen Bhargav, a trustee of Wildlife First and a member of the National Board for Wildlife, on the importance of ensuring that all forest clearance proposals get a green signal from 'gram sabhas'

/Content/Audios/2009-08-04/wildlife.flv235b9154-8036-11de-8c39-000b5dabf636.flvIn a letter sent on Monday to state governments, the ministry said that all proposals involving use of forest land need to be backed by the consent of the corresponding *gram sabha* (village administration).

This new requirement strengthens the Forest Rights Act (FRA) of 2006 that has been in force since 1 January.

According to that law, forest land can be used for non-forest purposes only after the affected forest dwellers have been resettled in so-called green areas.

Monday's letter means that this use will now need the sanction of the *gram sabha*.

An activist termed the ministry's act a "very significant move".



Awaiting recognition: The Kalakkad Mundanthurai Tiger Reserve. The Forest Rights Act not only provides tribals and forest

"It is finally an acknowledgment that what has been happening is completely illegal vis-à-vis the forest land diversions without ensuring recognition of rights or consent of the *gram sabhas*," said Shankar Gopalakrishnan, secretary, Campaign for Survival and Dignity, an activist group.

The environment ministry has said the states will have to get a letter from each concerned

dweller's traditional rights to land and resources but also recognizes community rights over village commons or grazing land. Padmaparna Ghosh / Mint

gram sabha "indicating that all formalities/processes under the FRA have been carried out, and that they have given their

consent to the proposed diversion".

It added that the states should certify all discussions and decisions on such proposals had taken place when there was a quorum of minimum 50% of members of the *gram sabhas* present.

The FRA not only provides tribals and forest dwellers traditional rights to land and resources but also recognizes community rights over village commons or grazing land. Historically, tribal communities hold land as often in the collective as they do in their individual capacity.

For instance, in the controversial and high-profile case of Vedanta Alumina Ltd's bauxite mine in the Niyamgiri hill in Orissa, tribals had claimed the hill as a community resource on the basis of their religious rights. "But at that time, it didn't matter as the Act (FRA) wasn't yet enacted," said Ritwick Dutta, an environmental lawyer with Legal Initiative for Forests and Environment, a public interest law group.

At a recent conference, environment minister Jairam Ramesh had hinted that his ministry was considering strengthening the FRA. He had said that it would take into account attempts by various parties to circumvent the Act.

The move to involve *gram sabhas*, said Dutta, would "lead to local communities having a stake in protection of forests. Under the situation prior to the FRA, there was no provision for community consent/consultation for forest diversion and the forest department became the sole decision maker at the local level."

Any project proposed on forest land has to obtain a mandatory forest clearance from the Union government. If the land has to be used for non-forest purposes, the proposal makes its way from the divisional forest officer (DFO) to the state conservator of forests to the state's principal chief conservator of forests. It is then forwarded to the Union government with the opinion of the state's forest secretary.

"Unlike the environmental clearance process, the forest clearance process has no role for public participation or grievance redressal as of now," said Dutta.

The states with the highest proportion of forest cover—Orissa, Jharkhand, and Chhattisgarh—also have the biggest coal reserves in the country. According to Gopalakrishnan, the recognition of rights and resettlement of forest dwellers is yet to take place in Jharkhand, Chhattisgarh and Andhra Pradesh. And tribals in several states, including Rajasthan, Gujarat, Maharashtra, Madhya Pradesh, Jharkhand and Chhattisgarh have protested the alleged illegal diversion of forest land.

Mint reported on 19 June that the environment ministry had announced that it would define some areas with both forest cover and coal reserves as "no-go areas", where no mining will be allowed.

padmaparna.g@livemint.com

Copyright © 2007 HT Media All Rights Reserved