

PMO wants tribals' consent in giving forests for projects diluted

NEW DELHI: The [PMO](#) has asked the environment and tribal affairs ministry to severely dilute the need for consent from tribals under the [Forest Rights Act](#) for diverting forests to projects.

The decision effectively rolls back UPA's flagship programme for tribals — the Forest Rights Act — and also runs contrary to the position taken by the government before the Supreme Court recently in the high profile Vedanta case. In the case, the government had said tribal forests cannot be diverted for projects at all.

At the moment, forest areas cannot be handed over to industry without the rights of tribals being settled in the impacted area and an explicit consent being secured from the affected gram sabha (village councils) after that.

Though this requirement has not been followed strictly, the industry as well as infrastructure ministries have been up in arms against it, repeatedly asking for doing away with the regulations.

Now, the PMO has asked the environment ministry, which gives forest clearances, and the tribal affairs ministry, the nodal point for the FRA, to dilute the regulations.

It has said that in cases where public consultations have occurred for other clearances, the consent of tribals should be done away with. This would make the affected tribals' consent irrelevant in most cases because public hearings are mandatory for almost all projects that undergo environment clearances. But the government does not review tribal rights under the FRA during assessing cases for environment clearances.

In the case of linear projects, the PMO has said just a certificate from the state government stating that processes under FRA have been completed would be adequate. This runs contrary to the position the UPA had taken in the Vedanta mining case in Odisha, a case that it is now being contested in the Supreme Court.

The PMO has said that in cases where there is significant impact on lives and livelihoods — the phrase left undefined — the gram sabha should be required to recommend the project. This again would remain contingent on whether public hearings have been held for environmental clearance or not.

In any other case, the PMO has asked the ministries to do away with the need for consent of the impacted tribals.

The PMO had given a December 31 deadline to the ministries to enact the changes. The ministries are yet to respond to the call.

Sources said the Forest Rights Act was UPA's flagship scheme in its first tenure with Congress [scion Rahul Gandhi](#) even riding on it to create a pro-tribal image when Vedanta's bauxite mining project was cancelled.

In the Vedanta case particularly, the environment ministry had noted violations of FRA and rights of tribals besides other violations to stop the project. It had refused to accept mere assurances from the Odisha government that FRA had been followed in the impacted area. But the PMO has now asked that the central government do a turnaround and ask the state governments to provide assurances in some cases but to do away with even that in many.