

NEWS » NATIONAL

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In U-turn, Centre dilutes obligation of gram sabha consent

'State nod enough for diversion of forest land unless it significantly affects quality of life of displaced persons'

In a major turnaround in its stand on the Vedanta case, the government on Thursday told the Supreme Court that Gram Sabha consent was not required for diversion of forest land, barring in exceptional cases.

In an affidavit submitted in the court, the government — the Ministries of Tribal Affairs and Environment and Forests — said consent would be required only in exceptional cases that could result in submergence and displacement of local people and, hence, “quality of life of tribals would be affected. Both these provisions do not exist in the existing laws and are contrary to the Ministry of Environment and Forests circular of 2009 which requires local gram sabhas to certify that the rights of tribals and other forest dwellers have been settled under the Forest Resources Assessment process and consent to the diversion of forest land for a project.

Both the Ministries had, so far, been firm on their stand in the court that the Forests Rights Act did not permit diversion of forest land for any project without gram sabha consent. The new position would pave the way for the progress of hundreds of projects that have been stalled or are awaiting gram sabha approval for acquiring land.

Last year, the Prime Minister's Office formed a committee — headed by Prime Minister's Principal Secretary Pulok Chatterjee and including Secretaries of the Tribal and Environment Ministries — to look into the complaints from infrastructure ministries and industry lobbies that delays in green clearances were hindering investment and growth. The committee recommended that a certification from the State that the FRA was being implemented was sufficient, and gram sabha consent was not needed, unless a project “substantially or significantly affected the quality of life of the people residing in the site of diversion.

The government's latest affidavit was in response to the Supreme Court asking it to state its position on the Forest Rights Act. The affidavit toes the line of the committee, which had concluded that most projects could ignore FRA requirements barring exceptional cases. It had also recommended that the State could grant permission for linear projects like laying of roads, canals and for creation of public facilities like schools and dispensaries.

However, the government still claims that it opposes the Vedanta project, purely on the grounds that it is an area of religious significance to a Particularly Vulnerable Tribal Group.

“The FRA protects and empowers forest dwellers but the government wants to bypass it and say that their consent can be ignored in most cases. This is hypocrisy and a betrayal of their own commitments, as well as [being] illegal,” Shankar Goplal Krishnan, of the Campaign for Dignity and Survival, told *The Hindu*.