

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION No.1277
TO BE ANSWERED ON 22.12.2017

Solar Home Lighting System

1277. SHRI BISHNU PADA RAY:

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

- (a) whether his Ministry has received any representations from Public Representative of Andaman regarding Permission for installing solar home lighting system through Ministry of New and Renewable Energy (MNRE) in the homes of 8000 Forest encroachers (POST-78) who are living over 40 years in A&N Islands;
- (b) if so, the details thereof and the response thereto;
- (c) whether his Ministry has received any proposal from Ministry of New and Renewable Energy for No Objection Certificate for installing solar home lighting system in such homes; and
- (d) if so, the details thereof and the response thereto?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

- (a) & (b) The Ministry has received a representation from Shri Bishnu Pada Ray, Hon'ble Member of Parliament (Lok Sabha), Andaman & Nicobar Islands vide letter no. 30-1/MP/ANI/LG/ 2016/106 Del-508, Dated 23.06.2017 regarding permission for installing solar home lighting system in the homes of 8000 Forest encroachers (post-78) who are living over 40 years in Andaman & Nicobar Administration. As the subject matter pertains to Andaman & Nicobar Administration, a factual report in this regard was sought from the Principal Chief Conservator of Forests, Andaman & Nicobar Administration. The office of Principal Chief Conservator of Forests, Administration of Andaman & Nicobar vide letter no. F.4(Legal)/8/Vol.VI/185 dated 25.10.2017 furnished the factual report (**Annexure-I**) in which inter-alia expressed its view as "Keeping in view the clarification above received from Central Empowered Committee, the Administration is of the view that for installation of solar lighting system to Post-78 forest encroachers, who are under orders of the Apex Court for eviction from forest land would require prior approval of the Apex Court and Section 2 of the Forest (Conservation) Act, 1980". In this matter, further

clarification has been sought from the Administration of Andaman & Nicobar. Further, the factual report of the Administration of Andaman & Nicobar was also sent to Forest Conservation Division of this Ministry with a request to provide the inputs/comments on this matter. Based on the further reports from the Administration of Andaman & Nicobar and the inputs/ comments from the Forest Conservation Division of this Ministry, the reply of this Ministry in this regard will be communicated to the Hon'ble Member of Parliament.

- (c) & (d) Ministry of New and Renewable Energy (MNRE), Government of India has not sent any proposal for NOC for installing Solar Home Lighting System in the homes of 8000 Forest encroachers (Post-78) who are living over 40 years in Andaman & Nicobar Administration.

No. F.4(Legal)/8/Vol-VI/185
 प्रधान मुख्य वन संरक्षक का कार्यालय
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
 अण्डमान तथा निकोबार द्वीप समूह
ANDAMAN AND NICOBAR ISLANDS
 वन सदन, हैडो
VAN SADAN - HADDO

Port Blair dated the 25th October, 2017

To

Shri. A. K. Mohanty,
 Deputy Inspector General of Forest (FPD),
 Ministry of Environment, Forests and Climate Change,
 Indira Paryavaran Bhavan,
 5th Floor, Agni Wing, Jor Bagh Road,
 Ali Gunj, New Delhi-110003.

Sub: Permission for installing solar home lighting system through MNRE in the homes of 8000 forest encroachers (Post-78) who are living over 40 years in A & N Islands- reg.

Ref: MoEF&CC letter No. 4-6/2017-FPD dated 13.07.2017

Sir,

With reference to the Ministry's letter referred to above, I am directed to inform you that as on 31.07.2017 there are 3538 Post-78 forest encroachers spread over in 167 pockets in the Forest Divisions of Diglipur, Mayabunder, Middle Andaman, Baratang, South Andaman ad Little Andaman.

The Hon'ble Supreme Court in its order dated 07.05.2002 in I.A. No. 502 of 1999 in W.P. (C) No. 202 of 1995 has directed for their complete eviction within a period of 3 months. The Administration in compliance of the direction till 31.07.2017 has evicted 774 Post-78 encroachments and reclaimed 685.126 Ha of forest land from the Post-78 forest encroachers. Further, the comprehensive land settlement plan for allotment of non-forest revenue land to the landless including the Post-78 forest encroachers, approved in principle by the Ministry of Home Affairs, is pending before the Apex Court for adjudication.

It may further be pointed out that a few left out Pre-78 forest encroachers who were eligible for regularization of encroachment in the forest land had approached CEC for issuance of NOC by Forest Department for installation of electric connection through an application dated 01.12.2014 (Smti. Balandena Beck and others). The CEC had disposed of their application vide letter No. F.No. 1-26/CEC/SC/2016-Pt. 61 dated 06.10.2016 clarifying the fact that "In all the cases held eligible for the regularization of allotment/encroachment on the forest land, the administration necessarily will have to seek

O/o DIG (FPD)

Dy. No. 46/16/17


Date: 26/10/2017

approval under the FC Act for the non-forestry use of the forest land. In each of such cases, the equivalent non-forest/ revenue land should be transferred to the Forest Department for notifying as forest.”, copy of which is enclosed for reference.

Keeping in view the clarification above received from CEC, the Administration is of the view that for installation of solar lighting system to Post-78 forest encroachers, who are under orders of the Apex Court for eviction from forest land would require prior approval of the Apex Court and Section 2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

Encl: As above


(N.C. Sarayanan)
Conservator of Forests
(Headquarters)

SL-NO 15

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CENTRAL EMPOWERED COMMITTEE
(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL) No. 202/95 & 171/96)

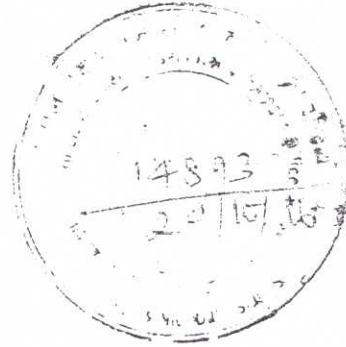
IIInd Floor, Chanakya Bhawan, Chankyapuri, New Delhi 1100021, Tel.
26884921, 26884923. FAX No. 24101925

F.No. 1-26/CEC/SC/2016-Pt. 61

Dated the 6th October, 2016

To

Shri Debtanu Dutta,
Labour Advisor,
R/o Tsunami Pahad,
P.O. Bamboo Flat,
Andaman & Nicobar Islands,
Pin : 744107
MB NO: 09933259808



Sub: Application dated 1.12.2014 filed through Shri Debtanu Dutta, before the CEC by Smt. Balandena Beck and others regarding issuance of NOC to provide electric connection (Pre-78 encroachers on Forest land).

Sir,

This has reference to your above mentioned Application dated 1.12.2014 filed before the CEC by the following seven individuals :

- 1) Smt Balandena Beck,
W/o Late Etwa Tirkey,
R/o Mamyo, Humphreygunj Panchayat
under Ferrargunj Tehsil,
S. Andaman
- 2) Shri Birsa Tigga,
S/o Late Jaira Tigga,
R/o Mamyo, Humphreygunj Panchayat,
under Ferrargunj Tehsil,
S. Andaman

3) Smt Balandena Beck

S/o Late Dominik Toppo,
R/o Mamyo, Humphreygunj Panchayat,
under Ferrargunj Tehsil,
S. Andaman

4) Smt. Albecia Dung Dung,
W/o Late Ramish Belung,
R/o Mamyo, Humphreygunj Panchayat,
under Ferrargunj Tehsil,
S. Andaman

5) Shri Mariyyanus Belung,
S/o Late Simon Belung,
R/o Mamyo, Humphreygunj Panchayat,
under Ferrargunj Tehsil,
S. Andaman

6) Shri Lawrence Tirkey,
S/o Late Pius Tirkey,
R/o Mamyo, Humphreygunj Panchayat,
under Ferrargunj Tehsil,
S. Andaman

7) Shri Elias Toppo,
S/o Late Gahdhu,
Loharbarak,
Wandoor,
S. Andaman

2. The CEC had filed before the Hon'ble Supreme Court the Report dated 9.10.2006, regarding the Applications filed before the CEC, pursuant to the directions given by the Hon'ble Calcutta High Court, Port Blair Bench in various Writ Petitions filed before the Hon'ble High Court regarding the regularisation of the allotments / encroachments on the forest land in Andaman and Nicobar Islands. It is seen from the above mentioned Report of the CEC that out of the above 7 individuals who are signatories to the petition filed on 1.12.2014 before the CEC all, excepting Applicant No. 4 Smt. Albecia Dung Dung and Applicant No. 7 Shri Elias Toppo above, have been identified as Pre-1978 encroachers. The statement at Annexure "A" in CEC Report dated 9.10.2006 showing the particulars of Pre-1978 encroachers identified by the Committee out of the applications received upto 31.3.1988 is enclosed in this regard..

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(1/15)
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In fact this statement contains the names of the following five Applicants at serial no. indicated alongside their respective names:

- 1) Shri Marianua Belung, S/o Simon Belung (Serial No. 43)
- 2) Smt. Belendena Beck, W/o Etwa Tirkey (Serial No. 44)
- 3) Shri Breenath Toppo, S/o Domnik Toppo (Serial No. 46)
- 4) Shri Lawrence Tirkey, S/o Pius Tirkey (Serial No. 48)
- 5) Shri Birsa Tigga, S/o Jaira Tigga at (Serial. No. 49)

The names of the following two Applicants do not figure in the statement referred to above:

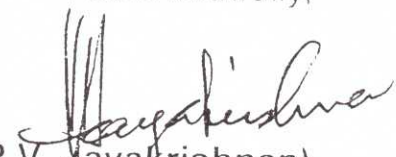
- 1) Smt. Albecia Dung Dung, W/o Late Ramish Belung,
- 2) Shri Elias Toppo, S/o Late Gahdhu

3. The CEC has stated in its above mentioned Report dated 9.10.2006 that

"3. [In all the cases held eligible for the regularization of allotment / encroachment on the forest land, the administration necessarily will have to seek approval under the FC Act for the non-forestry use of the forest land. In each of such cases, the equivalent non-forest / revenue land should be transferred to the Forest Department for notifying as forest.] The proposal for seeking the approval under the FC Act should be decided on merit by the MoEF. The allotment / encroachment should be regularized in-situ / ex-situ depending upon its location vis-à-vis the boundary of the forest, the number of trees in the area, the forest protection aspect, the distance from the road and other relevant information. It should be ensured that such diversion does not lead to the honeycombing of the forests."

4. The above mentioned Report of the CEC dated 9.10.2006 is under consideration of the Hon'ble Supreme Court and further action in the matter is possible only after the Hon'ble Supreme Court passes direction / order in the matter.

Yours faithfully,


(P.V. Jayakrishnan)
Chairman