

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 2705
TO BE ANSWERED ON 17.03.2025

Norms for Construction in Forest Land

2705. SHRI ABDUL RASHID SHEIKH:

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

- (a) the measures taken by the Government to protect the rights of people living in or in the vicinity of forests;
- (b) the norms for constructions of schools/hospitals or sports stadium falling partially/wholly in the jurisdiction for forest land; and
- (c) whether the Government has any plans to allow the locals to extract herbs and decayed wood from the forests in Union Territory of Jammu & Kashmir and other parts of the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI KIRTI VARDHAN SINGH)

- (a) The National Forest Policy, 1988 emphasizes that the life of tribals and other poor people living within and near forests revolves around forests and the rights and concessions enjoyed by them should be fully protected. Having regard to the symbiotic relationship between the tribal people and forests, the Policy also focuses to associate the tribal communities closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in or in the vicinity of the forest.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The Act encompasses rights of self-cultivation and habitation, community rights as well as recognition of traditional customary rights and right to protect, regenerate or conserve or manage any community forest resource for sustainable use.

- (b) The Section 3(2) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, provides for diversion of forest land for thirteen facilities managed by the Government namely schools, dispensary or hospital, anganwadi, fair

price shops, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor irrigation canals, non-conventional source of energy, skill up-gradation or vocational training centers, roads and community centers, subject to the condition that the forest land to be diverted is less than one hectare in each case; and such developmental projects are recommended by the Gram Sabha.

As per the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the prior approval of the Central Government is required for using forest land for any non-forestry purposes.

- (c) The right of ownership, access to collect, use, and dispose of all minor forest produces (MFP) which has been traditionally collected within or outside village boundaries are vested with the forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest land as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
