

PRESS STATEMENT

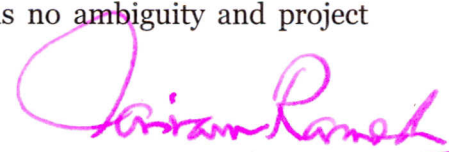
I have been receiving a large number of representations in regard to the project for bauxite mining by the Orissa Mining Corporation (OMC) through Vedanta, a private mining company in Kalahandi and Rayagada districts of Orissa. The total amount of forest land proposed to be diverted is 660.749 ha., of which around 353.14 ha is in the Niyamgiri reserved forest. Concerns have also been raised on the impact that this project will, interalia, have on livelihoods of tribal communities.

The project application was received in the Ministry of Environment & Forests (MoE&F) on February 26, 2005. The MoE&F gave 'in-principle' approval for this project on December 11, 2008 under the Forest Conservation Act, 1980. This 'in-principle' approval is to be converted to a final approval after the fulfillment of stipulations contained in the 'in-principle' approval.

As the representations started coming in, on August 6, 2009 the MoE&F asked the Regional Chief Conservator of Forests, Bhubaneswar to investigate complaints that project activities have started even without the final approval of the Central Government in violation of the Forest Conservation Act, 1980. The site was inspected and the site inspection report was submitted on August 16, 2009. The site inspection report found that construction activity had begun in the non-forest revenue land. Technically this is not a violation of the law but it is a violation of the guidelines issued by the MoE&F which says that when a project involves both non-forest and forest lands, construction in the non-forest land should not begin without clearance for activity in the forest land itself. A letter has been issued on November 25th, 2009 to the Orissa Government asking for an explanation as to how the violation of this guideline has been permitted.

On August 3, 2009, the MoE&F had issued a binding guideline to all State Governments that application for diversion under the Forest Conservation Act, 1980 would be considered only after all due processes contained in the Scheduled Tribe and Other Forest Dwellers (Recognition of Rights) Act, 2006 have been fully and satisfactorily completed. A letter was subsequently issued by the MoE&F to the Orissa Government on November 3, 2009 directing the State to comply with the provisions of the Scheduled Tribe and Other Forest Dwellers (Recognition of Rights) Act, 2006 and provide evidence for the compliance before the Centre could examine conversion of the 'in-principle' approval to final approval. The reply of the state government is awaited. In addition, another site inspection team is being sent in the next one week to verify fresh allegations of violations of the terms of the 'in-principle' approval under Forest Conservation Act, 1980.

The new policy of the MoE&F does away with the concept of 'in-principle' approval. Projects are now being examined for approval or rejection so that there is no ambiguity and project proponents do not misuse the 'in-principle' approval.



(Jairam Ramesh)

MOS(I/C) Environment & Forests

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