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? Gram Sabha Consent and Forest Clearance Debate Highlights Tension Between Tribal Rights and Infrastructure Development

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Recent Developments:

- In August 2026, the **Union Ministry of Tribal Affairs** informed the Ministry of Power that the **Forest Rights Act, 2006** does not contain an explicit provision requiring Gram Sabha consent for Stage-II forest clearance and indicated that such clearance matters do not fall within its administrative purview.
- The communication came amid concerns regarding delays in **hydropower projects of the National Hydroelectric Power Corporation**, particularly projects where forest-clearance processes have remained pending because of objections or non-consent from affected Gram Sabhas.
- The **Parliamentary Standing Committee on Public Undertakings** reported that forest clearance for under-construction hydropower projects of the corporation takes an average of about **106 months**, considerably longer than the reported environmental-clearance timeline of around 7.2 months.
- The Committee recommended examining a **70–75% qualified super-majority** of affected Gram Sabhas for large hydropower projects of national importance, while simultaneously recommending safeguards for community interests and early compliance with the Forest Rights Act.
- The debate has therefore shifted from merely accelerating clearances to a larger constitutional and governance question: **how can India reconcile strategic infrastructure development with legally recognised forest rights, tribal participation and grassroots democracy?**

What is the Issue Regarding Gram Sabha Consent?

Project Delays:

- The requirement for obtaining decisions or consent from affected Gram Sabhas has emerged as an important issue in **forest diversion for large infrastructure projects**, particularly hydropower projects located in forested and tribal regions.
- The Parliamentary Committee observed that delays in obtaining Gram Sabha consent can significantly affect project schedules, construction costs and the commercial viability of hydropower projects.
- The **Teesta-IV Hydroelectric Project** in Sikkim has been cited in the debate because the project remains stalled over pending consent from some affected village institutions despite consent having been obtained from several others.

Proposed Qualified Super-Majority:

- The Parliamentary Committee recommended examining whether **70–75% consent** could be considered for large hydropower infrastructure projects of national importance instead of requiring consent from every affected Gram Sabha.
- The proposal attempts to balance **community participation with national infrastructure requirements**, but it raises concerns about whether a numerical majority can adequately protect a small community whose

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land, cultural sites or forest resources may be directly affected.

- The Committee also recommended initiating **Forest Rights Act compliance at the pre-feasibility stage**, which could identify community-rights issues before large financial and construction commitments are made.

What is the Legal Basis of Gram Sabha's Role?

Forest Rights Act, 2006:

- The **Forest Rights Act, 2006** primarily recognises and vests individual and community forest rights in forest-dwelling Scheduled Tribes and other traditional forest dwellers.
- The Act does not expressly contain the phrase “**Gram Sabha consent for Stage-II forest clearance**”, which forms the basis of the Ministry of Tribal Affairs' recent position.
- However, **Section 5 of the Act** empowers the Gram Sabha and village-level institutions to protect wildlife, forests, biodiversity, water sources and the cultural and natural heritage of forest-dwelling communities.
- The Ministry of Tribal Affairs' own earlier official FAQ states that, in light of Section 5, the decision of affected Gram Sabhas is necessary before diversion of forest land for non-forest purposes or development projects.

Forest Rights Rules:

- The **Forest Rights Rules** assign Gram Sabhas important functions in determining forest rights, receiving claims, passing resolutions and constituting institutions for the protection of wildlife, forests and biodiversity.
- Section 3(1)(i) of the Forest Rights Act also recognises the right to protect, regenerate, conserve and manage **community forest resources**, strengthening the role of communities in forest governance.

Forest Clearance Framework:

- Diversion of forest land for non-forest purposes requires prior approval of the Central Government under the **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**, which regulates the conversion of forest land for non-forest purposes.
- Forest clearance generally involves an **in-principle approval stage and a final approval stage**, although the precise procedural requirements have evolved through amendments, rules and executive directions.
- The **Forest (Conservation) Rules, 2022** changed the sequencing of forest-rights compliance and clearance procedures, becoming an important part of the present debate over when community consultation and rights recognition should occur.

Gram Sabha:

Constitutional Status:

- The **Constitution (Seventy-third Amendment) Act, 1992** constitutionalised Panchayati Raj institutions and inserted **Article 243(b)**, which defines the Gram Sabha as the body comprising persons registered in the electoral rolls of a village within the area of a Panchayat.
- The Gram Sabha has no separately elected representatives and functions as a **permanent participatory institution** at the village level.
- Although it is not one of the three tiers of Panchayati Raj institutions, its powers and functions are determined by State legislation.

Role in Local Governance:

- Gram Sabha meetings provide a platform for villagers to participate directly in **development planning, beneficiary identification, social audits, public-resource management and local accountability**.

- State laws determine the frequency and procedures of meetings, while the effectiveness of Gram Sabha participation depends on awareness, accessibility, social inclusion and administrative responsiveness.

Role in Forest and Natural-Resource Governance:

- In areas covered by the Forest Rights Act, the Gram Sabha plays a central role in **recognising forest rights, protecting community forest resources and regulating activities that adversely affect forests, wildlife and biodiversity.**
- This makes the Gram Sabha an important institutional link between **tribal self-governance, environmental protection and participatory democracy.**

Role of PESA and the Fifth Schedule:

Panchayats Extension to Scheduled Areas:

- The **Panchayats (Extension to Scheduled Areas) Act, 1996** extends the Panchayati Raj framework to Fifth Schedule Scheduled Areas while recognising the importance of traditional community institutions.
- PESA gives Gram Sabhas an important role in protecting **traditions, customs, cultural identity, community resources and customary dispute-resolution practices.**
- It also provides for consultation or recommendation by Gram Sabha or Panchayat institutions in specified matters involving land acquisition, rehabilitation and management of community resources, subject to the statutory framework applicable in the concerned State.
- Therefore, **PESA and FRA operate through distinct but overlapping legal frameworks**, and their requirements should not be treated as legally identical.

What are the Major Concerns?

Dilution of Community Rights:

- Replacing a requirement of consent or decision-making by all affected Gram Sabhas with a **70–75% threshold** could allow a project to proceed even when a directly affected minority community strongly objects.
- A majority-based approach may therefore fail to adequately protect **sacred sites, customary lands, community forests and culturally significant landscapes.**

Constitutional and Judicial Concerns:

- The issue is closely connected with the constitutional principles of **democratic decentralisation, protection of Scheduled Areas, tribal autonomy and environmental governance.**
- In the landmark **Niyamgiri judgment of 2013**, the Supreme Court recognised the authority of Gram Sabhas to determine whether proposed mining activities affected the religious and cultural rights of forest-dwelling communities.
- The judgment demonstrated that community institutions can have substantive decision-making significance when development projects affect legally protected cultural and forest rights.

Risk of Social Conflict:

- Weakening meaningful participation without establishing credible safeguards may increase the risk of **displacement, inadequate rehabilitation, livelihood loss and social conflict.**
- In resource-rich tribal regions, insufficient consultation can undermine public trust and create prolonged resistance to infrastructure projects.

Development and Energy Security:

- At the same time, prolonged clearance delays can increase **project costs, construction uncertainty and energy-system planning challenges**, particularly for hydropower and pumped-storage projects.
- Hydropower also contributes to grid balancing and renewable-energy integration, making timely project execution relevant to India's broader energy-transition objectives.

Way Ahead:

Ensure Early and Informed Participation:

- **Forest Rights Act compliance should begin during the pre-feasibility stage**, allowing rights recognition, social impacts and community concerns to be identified before major project commitments are made.
- Gram Sabha consultations should be transparent, adequately informed, accessible and conducted in local languages wherever necessary.

Avoid a One-Size-Fits-All Consent Model:

- Any reform of the consent framework should distinguish between **broadly affected communities and communities facing direct displacement or loss of critical cultural and ecological resources**.
- A numerical threshold alone should not override legally recognised individual or community forest rights.

Strengthen Inter-Ministerial Coordination:

- The **Ministry of Tribal Affairs, Ministry of Environment, Forest and Climate Change, Ministry of Power and State or Union Territory administrations** should establish a coordinated mechanism for resolving forest-rights and clearance disputes.
- Clear allocation of responsibilities can reduce procedural duplication while ensuring that the nodal role of each ministry remains meaningful.

Create Time-Bound and Transparent Procedures:

- Time limits should apply to administrative processing, verification and grievance redressal rather than weakening substantive community rights.
- A **digital tracking mechanism** can improve transparency by displaying the status of forest-rights recognition, Gram Sabha proceedings, clearance conditions and pending objections.

Balance Development with Rights:

- Infrastructure development should follow the principle of **minimum ecological and social disruption**, with alternatives examined before diversion of forests or displacement of communities.
- Where diversion is unavoidable, fair compensation, effective rehabilitation, livelihood restoration and long-term ecological safeguards should accompany the project.

Value Addition for UPSC:

Important Constitutional and Legal Provisions:

- **Article 243(b):** Constitutional definition of the Gram Sabha.
- **Fifth Schedule:** Administration and control of Scheduled Areas and Scheduled Tribes.
- **PESA, 1996:** Extension of Panchayati Raj to Scheduled Areas with recognition of community institutions.
- **Forest Rights Act, 2006:** Recognition and vesting of forest rights and community participation in forest governance.

- **Section 5, FRA:** Powers of Gram Sabha and village-level institutions to protect forests, wildlife and biodiversity.
- **Niyamgiri Judgment, 2013:** Recognition of Gram Sabha's role in protecting the religious and cultural rights of forest-dwelling communities.

Mains Analytical Takeaway:

- The Gram Sabha consent debate represents a broader challenge of **balancing developmental imperatives with democratic participation and rights-based environmental governance**.
- The solution is neither unrestricted community veto nor automatic dilution of community participation; instead, India needs **early rights recognition, informed consultation, time-bound procedures, institutional coordination, effective grievance redressal and project-level social and ecological safeguards**.
- Sustainable infrastructure governance requires treating affected communities not merely as project stakeholders but as **rights-bearing participants in decisions concerning their forests, resources, culture and livelihoods**.