

F. No. 11-9/1998-FC (pt)
Government of India
Ministry of Environment and Forests
(FC Division)



Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510
Dated : 03.08.2009

To

The Chief Secretary / Administrator
(All State/UT Governments except J&K)

Subject: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

Sir,

In continuation to this Ministry's letter of even number dated 30.07.2009, I am directed to invite the attention of the State Government to the operationalization of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which has become effective from 01.01.2008. It is observed that the proposals under the Forest (Conservation) Act, 1980 are being received from different states/UT Governments with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/UT Governments are, wherever the process of settlement of Rights under the FRA has been completed or currently under process, required to enclose evidences for having initiated and completed the above process especially among other sections, Sections 3(1)(i), 3(1)(e) and 4(5). These enclosures of evidence shall be in the form of following:

- A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held;
- A letter from the State Government certifying that proposals for such diversion (with full details of the project and its implications, in vernacular / local languages) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- A letter from each of the concerned Gram Sabhas, indicating that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purposes and details of proposed diversion.



- d. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.
- e. A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;
- f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.
- g. A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as per section 3(1)(c) of the FRA.
- h. Any other aspect having bearing on operationalisation of the FRA.

The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with the approval of the Minister of Environment and Forests.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The PMO (kind attention: Director, PMO)
2. The Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
3. The Principal Chief Conservator of Forests, All States / UTs.
4. The Nodal Officer (FCA), O/o the PCCFs, All States / UTs.
5. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Lucknow, Bhubaneswar and Chandigarh
6. The RO (HQ), DIGF(FP), Sr.AIGF(FC)/AIGF(FC), MoEF, New Delhi.
7. Monitoring Cell, FC Division, MoEF, New Delhi for placing the same on the website of the MoEF.
8. Guard File.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

5.11.13
~~2013~~
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Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
Dated: 5th February, 2013

To

The Principal Secretary (Forests),
All-State / Union Territory Governments

Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to this Ministry's letter of even number dated 03.08.2009 wherein this Ministry issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

This Ministry has received representations from various Ministries to exempt projects like construction of roads, canals, laying of pipelines/optical fibres and transmission lines etc. where linear diversion of forest land in several villages are involved, from the requirement of obtaining consent of Gram Sabha, as stipulated in this Ministry's said letter dated 3.8.2009.

The matter has also been examined by an inter-ministerial Committee. The Committee after examination of the matter had *inter alia* recommended that a resolution of the Gram Sabha of the area, based on full and prior information of the project and a public hearing, endorsing that the project is in the interest of the people living on the forest land, use of which is proposed to be diverted for non-forest purposes may not be required for the projects like construction of roads, canals, laying of pipelines/optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognised rights of Primitive Tribal Groups (PTG) and Pre-Agricultural Communities (PAC) are being affected.

The Hon'ble Minister for Tribal Affairs in his D.O. letter dated 21.01.2013 addressed to the Hon'ble Minister of State (Independent Charge) for Power has informed that the Ministry of Tribal Affairs agrees with the recommendation of said Committee that resolution of the Gram Sabha may not be required in cases of projects like transmission lines where linear diversion of forest land in several villages are involved, unless recognised rights of PTG/ PAC are being affected.

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canals, laying of pipelines/ optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognised rights of PTG/ PAC are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in clause (c) read with clause (b), (e) and (f) in second para of this Ministry's said letter dated 03.08.2009.

This is issued with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests, Government of India.

राष्ट्रीय वन संरक्षण विभाग, (प्रशासनिक) कार्यालय

आयक क्र. ४१६ ००३

दिनांक: 25 FEB 2013

Yours faithfully,

(H.C. Chaudhary)
Assistant Inspector General of Forests

Copy to:-

1. Shri Sanjay Lohiya, Director, Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Road Transport and Highways, New Delhi.
3. The Secretary, Ministry of Power, New Delhi.
4. The Secretary, Ministry of Petroleum and Natural Gas, New Delhi.
5. The Chairman, Railways Board, New Delhi.
6. The Secretary, Ministry of Tribal Affairs, New Delhi.
7. The Chairman, National Highways Authority of India (NHAI), New Delhi.
8. Principal Chief Conservator of Forests, all State/UT Governments.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
10. All Regional Offices, Ministry of Environment & Forests.
11. Joint Secretary in-charge, Impact Assessment Division, MoEF.
12. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
13. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
14. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
15. Sr. PPS to the Secretary, Environment and Forests.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEF.
17. Guard File.

संख्या - ४१६ ००३
2012/413193
03 MAR 2013

(H.C. Chaudhary)
Assistant Inspector General of Forests

D-17/RS/2488/2012-13
Nagpur, dated 11/2/2013

अनुरोध किया गया है कि प्रत्येक राज्य सरकार को सूचित किया जाए कि वे अपने क्षेत्र में उपरोक्त दिशानिर्देशों का पालन करके आवश्यक कार्यवाही करवायें।
आदेश -

Copy to CFT All, for information and necessary action. They are requested to carry out the above guideline and comply with scrupulously.

for Addl. Principal Conservator of Forests and Nodal Officer Maharashtra State, Nagpur

प्रति,
उपवालेक्षक व शिवाजीय वन अधिष्ठाता
वसंत मोना गांधी नगर हावराण्ड गांधीवाही रोड.

मुख्य वनसंरक्षक (राज्यीय)
कोल्हापूर
४१५०९
दि. ५/३/१३

मुख्य वनसंरक्षक (राज्यीय)

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F. No. 11-9/98-FC (pt.)
Government of India
Ministry of Environment & Forests
(FC Division)

Parvathan Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003
Dated: 5th July, 2013

To,
The Principal Secretary (Forests),
All State/ Union Territory Governments

Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to this Ministry's letters of even number dated 3rd August 2009 and dated 5th February 2013 on the above mentioned subject wherein this Ministry issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and to say that certificate in accordance with the said letters in respect of (a) linear, and (b) other projects shall be submitted in the formats enclosed as Annexure-I (FORM-I) and Annexure-II (FORM-II) respectively.

Yours faithfully,

Encl.: As above.

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy To:

1. The Secretary, Ministry of Tribal Affairs, New Delhi.
2. Principal Chief Conservator of Forests, all State/UT Governments.
3. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
4. All Regional Offices, Ministry of Environment & Forests.
5. Joint Secretary in-charge, Impact Assessment Division, MoEF.
6. All Assistant Inspector General of Forests/ Directors in Forest Conservation Division, MoEF.
7. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
8. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
9. Guard File.

(H.C. Chaudhary)

Assistant Inspector General of

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CFC (T) / APCF (Cw)
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2017/10/13

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FORM-I
(for linear projects)
Government of
Office of the District Collector

No.

Dated.....

To WHOSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter dated 5th February 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in district falls within jurisdiction of village(s) in tehsils.

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to annexure
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;
- (c) the proposal does not involve recognised rights of Primitive Tribal Groups and Pre-agricultural communities.

Encl.: As above.

Signature
(Full name and official seal of the District Collector)

23/6

Annexure-II

FORM-II
(for projects other than linear projects)
Government of
Office of the District Collector

No.

Dated

TO WHOSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that..... hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in district falls within jurisdiction of village(s) in tehsils.

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to annexure
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) the each of concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. A copy of certificate issued by the gram sabha of villages(s) is enclosed as annexure ... to annexure.....
- (d) the discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50 % of the members of Gram Sabha present;
- (e) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;
- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3 (1) (e) of the FRA.

Encl.: As above.

Signature
(Full name and official seal of the District Collector)