

F. No. 5-3/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510
Dated: 8th September, 2009

To

The Principal Secretary / Secretary (Forests),
All State / UT Governments.

Sub: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 - Guidelines for relocation/rehabilitation of villages from National parks / wildlife sanctuaries / Tiger Reserves - regarding.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations from different State / UT Governments stating that the clause 'legal status of forest land shall remain unchanged' precludes possibility of relocated villages, who are by and large tribals, from becoming absolute owners of the land allocated to them and by retaining the status of land as 'forests', several ongoing developmental works in the district are not implemented in the area, which deprives the relocated people from their due benefits. After careful examination of the issue, the matter was taken up with the Central Empowered Committee (CEC) which recommended to the Supreme Court for relaxation of its order dated 13.11.2000 in WP (C) No. 337/1995, to permit Ministry of Environment and Forest (MoEF), to allow change in the legal status of the forest land approved for diversion under the Forest (Conservation) Act, 1980 for the relocation of villages from the National Parks / Sanctuaries.

The Hon'ble Supreme Court of India vide its order dated 21.11.2008 in IA 1658 in WP (C) No. 202/1995, referring to the CEC's report for permission for change in the legal status of the forest land diverted under Forest (Conservation) Act, 1980 by the MoEF, for rehabilitation of villagers of three villages in Andhari Wildlife Sanctuary, Maharashtra, ordered that "*...we make it clear that despite the order passed by this Court on 13.11.2000, the MoEF is permitted to change in the legal status of the forest land approved under the Forest (Conservation) Act, 1980 for relocation of these villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing there*". It is also informed that the Hon'ble Supreme Court of India vide its order dated 09.05.2008 regarding correction of the judgment dated 28.03.2008 has already accorded 'full exemption' from payment of Net Present Value (NPV) to the relocation / rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves to alternate forest

land. In this connection, this Ministry's letter of even number dated 05.02.2009 may kindly be referred to.

In view of the above, I am directed to convey the approval of the Central Government for changing the legal status of forest land, with retrospective effect covering all such cases of diversion of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves from 'forest land' to 'revenue land'.

It is further reiterated that this stipulation is strictly restricted to relocation/rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves.

This is issued with the approval of competent authority.



(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States / UT's.
2. The Chief Wildlife Wardens, All States / UT's.
3. The Nodal Officer (FCA), O/o the PCCFs, All States / UT's.
4. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
5. The RO (HQ), MoEF, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard File.



(C.D. Singh)

Sr. Assistant Inspector General of Forests