

F. No. 2-1/2003-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 510.
Dated: 13th November 2009.

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

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 - Review of para (vi) of the guidelines dated 20.10.2003 for stepping up the development projects in tribal areas thereof - clarification.

Sir,

The Ministry of Environment and Forests, Government of India had issued guidelines for stepping up the development projects in tribal areas vide its letter of even number dated 20.10.2003. The para (vi) of the guidelines reads as '*while formulating a project in a tribal area, the User Agency shall earmark 5% of the total project cost for the development of indigenous skill of tribals, basic amenities, education, health, sports facilities for children/ youths etc. in the area. The detailed plan should be enclosed along with the proposal. The funds for these components shall be deposited with Compensatory Afforestation Management and Planning Authority (CAMPA) to be created by Govt. of India*'. However, this para (vi) of the guidelines, after having carefully examined the matter on the basis representations of various user agencies including Central Government undertakings and taking a holistic view from socio-economic and legal angle, was kept in abeyance vide Ministry's letter of even number dated 15.04.2005.

The Hon'ble High Court of Himachal Pradesh on 03.04.2008, in a Writ Petition (Civil) No.244/2007 between Rama Nand Negi and Others vs. Government of India and Others, desired to know the background on the basis of which the guideline dated 20.10.2003 for earmarking 5% of the total project cost as development fund were issued and the circumstances under which it has been kept in abeyance by the Ministry and how much more time is required to take a final decision.

Accordingly, the matter was re-examined in the Ministry and after careful examination of the issue, the Ministry of Environment and Forests has **decided to delete para (vi) of the guidelines dated 20.10.2003** with immediate effect.

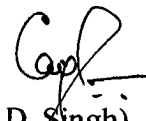
Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

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


(C.D. Singh)
Sr. Assistant Inspector General of Forests