

F. No. 11-9/ 98-FC (pt.)
Government of India
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.

25(4)
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.

h-2
15-2
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.

10/2/2013

Accordingly, I am directed to say that proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for 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 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 issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

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.

No. A5(4)MIS.CR-9/2010-11.

..... (H.C. Chaudhary)
Office of the
Assistant Inspector General of Forests
Principal Chief Conservator of Forests
(Head of Forest Force)

Aranya Bhavan, 18th Cross, Malleswaram
Bangalore-3, Dated: / 03 / 2013.

CIRCULAR

Copy of the Guidelines dated 05-2-2013 of MOEF, GOI is communicated to the Chief Conservators of Forests (T) & the Deputy Conservator of Forests (T)/(WL) through e-mail for information

Additional Principal Chief Conservator of Forests
(Forest Conservation), Bangalore.

E-mail sent

6/3/2013

Comp-16874

Reminder -II

F. No. 11-362/2012-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 510.
Dated: 1st July, 2013

To

1. The Principal Secretary (Forests),
All State / Union Territory Governments except Goa
2. The Principal Secretary (Environment),
All State/ Union Territory Governments except Goa

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980- Submission of proposals to obtain approval for diversion of entire forest land located within the mining lease and grant of environment clearance to mining projects.

Sir,

I am directed to refer to this Ministry's letter of even number dated 5th February 2013 and subsequent reminder dated 13th May 2013 on the above-mentioned subject wherein this Ministry *inter-alia* requested State/ UT Governments to submit within a period of three months from the date of issue of the said letter details of all such mines where approval under the Forest (Conservation) Act, 1980 for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government.

Though the period of three months from the date of issue of said letter has already elapsed, details sought by this Ministry have not been received by this Ministry from the State/ UT Governments except Goa.

Accordingly, I am directed to request that details of all such mines where approval under the Forest (Conservation) Act, 1980 for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government may kindly be submitted to this Ministry at the earliest.

Yours faithfully,

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretary, Ministry of Mines, Government of India.
2. Secretary, Ministry of Coal, Government of India.
3. Secretary, Ministry of Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Governments except Goa.

AFCB (FC)

A-Obtain & put

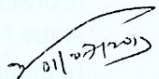
LD

26-7-13

A5(1)

25/7

- 5 Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments except Goa.
- 6 All Regional Offices, Ministry of Environment & Forests.
- 7 Joint Secretary, In-charge, Impact Assessment Division, MoEF.
- 8 Chairman, State Environment Impact Assessment Authority, all State/UT Governments.
- 9 Member-Secretary, State Environment Impact Assessment Authority, all State/UT Governments.
- 10 All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEF.
- 11 All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
- 12 Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
- 13 Monitoring Cell, Forest Conservation Division, MoEF for placing a copy of the extant guidelines on website of the Ministry.
- 14 Guard File.


(H.C. Chaudhary)

Assistant Inspector General of Forests

Comp- 16124

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

Paryavaran Bhawan,
CGO Complex, Lodi 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.

Encl.: As above.

Yours faithfully,

(H.C. Chaudhary)

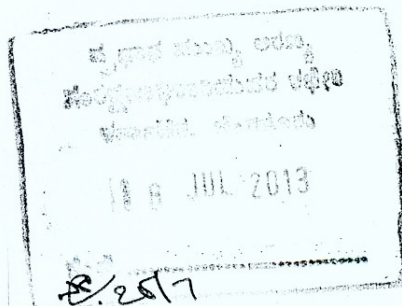
Assistant Inspector General of Forests

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



FORM-I

(for linear projects)

Government of

Office of the District Collector

No.

Dated.....

To WHOWSOEVER 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)

FORM-II

(for projects other than linear projects)

Government of

Office of the District Collector

No.

Dated

TO WHOWSOEVER 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)