

Annexure – I
FORM – I
(For linear projects)
Government of Sikkim
Office of the District Collector, Mangan District, Sikkim.

TO WHOWSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forest (MoEF), Government of India's letter no.11-9/98-FC (pt) 3/8/2009 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 **26.8ha** of forest land proposed to be diverted in favour of **Power Department, Govt. of Sikkim**, (name of user agency) for diversion of 26.8ha (16.4ha in RF/ Khasmal/ River Reserve + 10.427ha in buffer and transition zone of KNP) of forest land for laying of 220kv D/C Singhik-Chungthang Transmission Line under CSSTDS in Mangan District by Power Department, Government of Sikkim (purpose for diversion of forest land) in **Mangan** district falls within jurisdiction of **Singhik, Theng, Chungthang & Menshithang village** in Mangan 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 **26.8**hectare of forest areas 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 annexuretoannexure.....
- 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 initiated as per content of letter no F.No.11-9/98-FC (pt.) dated: 15/01/2014.
- c. The proposal does not involve recognised rights of Primitive Tribal Groups and Pre-Agricultural communities.

Encl: - **As above.**


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

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

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003
Dated: 15th January, 2014

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.

I am directed to refer to this Ministry's letters of even number dated 5th July 2013 on the above-mentioned subject where-under this Ministry sent a copy of formats for submission of evidence 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 clarify further as below in respect of certificates required for linear projects (Form-I) and other than linear projects (Form-II).

Format-II for projects other than linear projects stipulates certificate from the district collector on six counts, including consent of gram sabha for the project, as provided in clause (b) (c) and (d) of the format. Whereas Form-I for linear projects stipulates certificates from the concerned district collector on only three counts which do not include consent from the gram sabha concerned for the linear project per se.

- (i) The 'consent' stipulated in phrase "..... Gram Sabhas have given their consent to it..." appearing in clause (b) of Form-I for linear projects is for diversion of forest land for the facilities managed by Government in accordance with the provisions of section 3 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; and
- (ii) It is re-iterated that as mentioned by this Ministry in its letter of even number dated 5th February, 2013, after consultation and concurrence of the Ministry of Tribal Affairs, linear projects, except those involving recognised rights of Primitive Tribal Groups and Pre-Agricultural Communities, are exempted from requirement of obtaining consent for such projects from each concerned Gram Sabha.

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.