

चेकलिस्ट क्र.-28

संबंधित ग्राम पंचायत का अनापत्ति प्रमाण पत्र

प्रमाणित करते हुए इस बात का वचन पत्र दिया जाता है कि आवेदक संस्थान उप महाप्रबंधक (परियोजना) गेल (इण्डिया) लिमिटेड तेलीबांधा रायपुर (छ.ग.) द्वारा 18" इंच व्यास की प्राकृतिक गैस पाईप लाईन एवं ओ.एफ.सी. लाईन बिछाने के गैरवानिकी कार्य के लिये 0.9487 हे. वन भूमि व 2.6271 हे. राजस्व वनभूमि (छोटे/बड़े झाड़ का जंगल) कुल 3.5758 हे. भूमि प्रस्तावित है। गैस पाईपलाइन बिछाने के लिए संबंधित ग्राम पंचायत का अनापत्ति प्रमाण पत्र की आवश्यकता नहीं है।

भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय नई दिल्ली के पत्र क्रमांक F.No. 11-9/98-FC(pt) dt. 05-02-2013 अनुसार लिनियर प्रोजेक्ट के लिए दिशा निर्देश संलग्न है।



(एम.वी. अरविन्द)
एम.वी. अरविन्द
M.V. ARVIND
 उप महाप्रबंधक (परियोजना)
 गेल (इण्डिया) लिमिटेड
 तेलीबांधा रायपुर (छ.ग.)
Deputy General Manager (Construction)
 गेल (इण्डिया) लिमिटेड, रायपुर (छ.ग.)
 GAIL (India) Ltd. Raipur



वनमण्डलाधिकारी
 रायमण्ड वनमण्डल रायगढ़

S. No: (9CR)

31/01/14

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.

Sir,

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):

- (i) Form- 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;
- (ii) 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
- (iii) 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.

- 123
- 2
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 Forests

158
124

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.

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.

05704/2013

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 Secretray 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 Secretray, Environment and Forests.
16. Sr. PPS to the Director General of Forests & Special Secretray, MoEF.
17. Guard File.

(H.C. Chaudhary)

Assistant Inspector General of Forests