

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.

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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