

**Full Title of the Project:-**

"Diversion of 8.3618 Hectare of Forest land in Bokaro Forest Division for Tie-in Connectivity of ONGC Bokaro CBM Block into JHBDPL network in State of Jharkhand for laying 12" dia natural gas pipeline along with OFC at village Baradih in Jaridih Tehsil and terminate at village Khudgada in Gomia Tehsil of district Bokaro of Jharkhand State"

**Proposal No.:** FP/JH/Pipeline/152290/2022 dt. 14/02/2022

**CERTIFICATE OF DC REGARDING FRA 2006,**  
**IN THE PRESCRIBED PROFORMA**

The procedure for getting FRA Certificate is under progress.

Vide letter dated 05/04/2019, Ministry of Tribal affairs, GOI has communicated to Ministry of Environment, Forest and Climate Change, GOI regarding requirement of FRA at the time of Stage-I compliance( Letter Enclosed).

Date:

Place: Ranchi

**For GAIL (India) Limited,**

प्रबंधक (निर्माण), (Construction)  
गैल (इंडिया) लिमिटेड, GAIL (India) Limited  
डोरण्ड **Manish Kumar**  
राँची/Ranchi **Manager (Const.)**

Email: [manishk@gail.co.in](mailto:manishk@gail.co.in)

Contact No.: +91-9719702828

**Counter signed by:-**

**Divisional Forest Officer,  
Bokaro Forest Division,  
Jharkhand**

**Office Seal.....**

**F. No. 23011/23/2012-FRA  
Government of India  
Ministry of Tribal Affairs  
FRA Division**

**F-280, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066**

**Dated: -**

05/04/2019

**To,**

**Shri Sharwan Kumar Verma  
Dy. Inspector General of Forests  
Ministry of Environment, Forest and Climate Change  
Indira Paryawaran Bhawan,  
Jor Bagh Road, Aliganj, New Delhi -110003**

**Subject: - Compliance of the Scheduled Tribes and Other Traditional  
Forest Dwellers (Recognition of Forest Rights) Act, 2006-  
regarding**

**Sir,**

I am directed to refer to Ministry of Environment, Forest and Climate Change's (MoEFCC's) letter no. 11-43/2013-FC, dated 26.2.2019 on the above subject and to state that the observations made by the competent authority in Ministry of Tribal Affairs (MoTA) on the said MoEFCC's circular are as under: -

- (1) There is possibility of a contradiction in second last para of the said circular dated 26.2.2019 of MoEFCC. It states "*It is clarified that within the time period stipulated for compliance of stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to the concerned CF)*". However, subsequently, in same para, it states that "*compliance under FRA is not required for consideration of in principle approval*".
- (2) In connection with (1) above, following is stated: -
  - (i) The proposal for diversion of Forest land for non-forest purpose are considered by MoEFCC in two stages. Stage 1 clearance is when in principle approval is given for the project and by the end of stage II, all other statutory and regulatory clearances, such as environment, water etc as mandated have to be obtained by the project proponent. The time lag between stage I and State II varies from 2-3 years

---p4-

मनीष कुमार  
Manish Kumar  
प्रबंधक (निर्माण)/Manager (Construction)  
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डोरण्डा/Doranda-834002

(ii) MoTA's view, which was communicated, to MoEFCC after discussion with them, vide OM No. 23011/18/2014-FRA dated 14.12.2015, was that *the above said time period may be effectively utilised by the State Govts in taking steps towards compliance of requirement under FRA and this will then meet the requirements of both FCA and FRA without causing any hindrance to either of the two Acts.*

(iii) Subsequently, however, in the discussion held in the meeting with officers of MoEFCC on 12.01.2018 under the chairmanship of Secretary (TA) to harmonise the working of the two Ministries (MoEFCC&MoTA) to ensure that the rights of the tribals are not affected, the **views arrived at / decisions reached with regard to** obtaining FRA clearance in respect of project was that '*while MoEFCC had maintained that it would be required to be obtained by project proponent at stage II of FCA clearance, the views of MoTA is that this would prove to be fait accompli as by that time the project proponents would have made sufficient progress and the tribals living in the forest area earmarked for use by project would be put to a great disadvantage and it has been seen that many a times the project applies for FRA clearance only in the last minute and this results in the project getting delayed for want of FRA clearance and as such, the project proponent should produce proof of having initiated FRA clearance process at the point of going in for Stage I FCA clearance itself.*' A copy of MoTA's OM No. 23011/04/2013-FRA dated 6.2.2018, forwarding therewith a copy of Record of Discussions held in the above said meeting to MoEFCC, is enclosed for perusal in this regard.

(3) (i) on perusal of para (1) above, in conjunction with para (2)(iii) above, it has been clearly observed by MoTA that mutually agreed / decided views (between MoEFCC & MoTA) to the effect that, proof of having initiated FRA clearance process should be produced at the point of going in for stage I FCA clearance, as already mentioned in para 2 (iii) above, have not been kept in view by MoEFCC while issuing circular dated 26.2.2019.

(ii) Moreover, on perusal of MoEFCC's circular dated 26.2.2019 in conjunction with their own FRA Amendment Rules, 2016, it has also been observed by MoTA that while FCA amendment rules talks of compliance of FRA before Stage I, second last para of circular dated 26.2.2019 talks of Compliance of FRA in the time lag between stage I and stage II clearance.

- ... P 3/-

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to be fait accompli as by that time the project proponents would have made sufficient progress and the Tribals living in the forest area earmarked for use by project would be put to a great disadvantage. It has been seen that many a times the project applies for FRA clearance only in the last minute and this results in the project getting delayed for want of FRA clearance. It was suggested that the project proponent should produce proof of having initiated FRA clearance process at the point of going in for Stage I FCA clearance itself.

This was agreed to by MoEF & CC which will take further action in this regard.

- (ii) With regard to Critical Wildlife Habitat (CWH) attention of MoEF & CC was drawn to the instructions issued earlier by the NTCA (28/03/2017) to the Chief Wildlife Wardens of all Tiger Range States directing them that in absence of guidelines of notification of Critical Wildlife Habitats, no rights shall be conferred in Critical Tiger Habitats. MoEF & CC was requested to keep MoTA in the loop while deciding such issues so that the requirements of FRA, 2006 can also be suitably addressed while taking decisions in the matter so that the interest of Forest Dwelling Scheduled Tribes and OTFDs are protected. MoEF & CC was also informed that MoTA has already communicated its nominee in the form of Principal Secretaries, Tribal Welfare Department of the States for the Committee to be constituted by MoEF & CC for identification of CWH.

MoEF & CC agreed to the suggestion and stated that on 04/01/2018 they have circulated a guideline to all states on CWH for comments. They would be sharing the same with MoTA for comments / suggestions and also rewording the same as per the requirement of the ministry.

Voluntary Relocation – It was shared by both MoTA and MoEF & CC that in many areas forest dwelling STs as well as OTFDs are volunteering to relocate from deep inside forest to either periphery of such forests or outside such forests though the areas of their original residence may or may not be in Protected Area or CWH. Officers of both ministries agreed to support such voluntary relocation and work towards facilitating the same under the relevant regulatory framework.

- (iii) Regarding the utilization of CAMPA fund, MoTA officers recalled the assurance given on the floor of the House of Parliament by the then Minister of Forests, Shri Anil Madhav Dave regarding approval of the Gram Sabah.

Manoj Kumar  
प्रबंधक (निर्माण)/Manager (Construction)  
श्री/Shri

गेल (इंडिया) लिमिटेड/CAIL (India) Ltd

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(159) *[Signature]*

Record of discussions held in the meeting with officers of Ministry of Environment, Forests and Climate Change (MoEF & CC) on 12/01/2018 under the Chairpersonship of Secretary (TA).

A meeting was held under the Chairmanship of Secretary (TA) with officers of MoEF & CC. The following officers were present in the meeting:

- (i) Shri Siddhanta Das I.F.S., DG Forests-cum-Special Secretary, MoEF & CC
  - (ii) Shri Vinod Kumar Tiwari, JS (FRA & Livelihood), MoFA
  - (iii) Shri Rajesh Aggarwal, JS (A), MoTA
  - (iv) Shri Jaideep Singh Kochher, Economic Advisor, MoTA
  - (v) Shri Sanjay Kumar, DIG (NTCA), MoEF & CC
  - (vi) Shri Roopak Chaudhuri, DS (FRA & Livelihood), MoTA
2. Secretary (TA) welcomed the officers of MoEF & CC and stated that the meeting had been called for to harmonize the working of the two Ministries to ensure that the rights of the tribals are not affected. The issues taken up were as follows:
- Need for initiating FRA Clearance process by project proponent before arriving at the juncture of Stage II clearance.
  - Compensatory Afforestation Fund Act, 2016.
  - Identification and suitability of Non-forest land for Compensatory Afforestation under Forest Conservation Act 1980 – regarding identification of Land Bank for Compensatory Afforestation (CA).
  - Conferring Rights under Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 in critical Tiger Habitats in the context of direction issued by National Tiger Conservation Authority in March 2017.
  - Voluntary relocation of settlements from Reserve Forests and Protected Areas which are not declared as Critical Wildlife Habitat under the Scheduled Tribes and Other Tradition Forest Dwellers (Recognition of Rights) Act, 2006.
  - Requirement of keeping MoTA in loop when issuing any order which has bearing on FRA and STs.
3. The above issues were then discussed in detail and the views arrived at /decisions reached as are under:
- (i) With regard to obtaining FRA clearance in respect of projects it was observed that while MoEF & CC had maintained that it would be required to be obtained by project proponent at Stage II of FCA clearance, the views of MoTA were that this would prove

*[Signature]*  
प्रबंधक (निर्माण)/Manager  
गेल (इंडिया) लिमिटेड/GAIL  
डोरण्डा/Doranda-8  
राँची/Ranchi (जारखण्ड)

216-J, D -- Wing,  
Shastri Bhawan,  
New Delhi - 110001  
Dated: 06<sup>th</sup> February, 2018

**Subject:** Meeting held for discussing issues related to Ministry of Tribal Affairs and Ministry of Environment, Forest and Climate Change in the context of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006.

The undersigned is directed to refer to Meeting held on 12/1/2018 under the Chairpersonship of Secretary, Tribal Affairs with the officers of Ministry of Environment, Forests and Climate Change (MoEF&CC) for harmonizing the working of the two Ministries to ensure that the rights of the tribals are not affected and to enclose a copy of the Record of Discussions of the same for information and action as deemed appropriate.

Encl: As above

Yours faithfully,

(Roopak Chaudhuri)  
Government of India  
Tel. No. 23387444

Ministry of Environment, Forest and Climate Change,  
(Kind Attn: Mr. CK Mishra, Secretary)  
Indira Pariyavaran Bhawan,  
Jor Bagh Road, Aliganj, New Delhi, 11003.

Copy for information:

- Copy for information:
1. ☒ Shri Vinod Kumar Tiwari, JS (FRA& Livelihood), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
  2. Shri Rajesh Aggarwal, JS (A), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
  3. Shri Jaideep Singh Kochher, Economic Advisor, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
  4. PPS to Secy (TA), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.

~~DRE~~ CLPFS To receive standard \$60.00 ✓

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खोरण्डा/Dumunda-834001  
राँची/Ranchi (Jharkhand)



(iii) On further perusal of MoEECC's said circular dated 26.2.2019, it has further been observed by MoTA that the said circular, which is about the stage of compliance of FRA, has been circulated to Principal Secretaries / Secretaries (Forest) of all states / UTs, but it has not been endorsed to MoTA, who is the competent Ministry relating to FRA as per Allocation of Business Rules and as such even if MoEFCC does not insist on compliance to FRA, it cannot be said that this authorises them to violate FRA.

(iv) Violation of FRA is a punishable offence under section 7 of FRA and an authority deemed to be guilty of an offence under FRA are liable to be proceeded against if found that due diligence has not been exercised to prevent commission of such offence.

- (4) Keeping in view of above, MoEFCC is requested to clarify the contradiction, as mentioned in para (1) above and to modify their circular dated 26.2.2019, under reference, in accordance with the discussion held in the meeting with officers of MoEFCC on 12.01.2018 under the chairmanship of Secretary, as already mentioned in para 2(iii) above.

*This issues with the approval of Secretary, Ministry of Tribal Affairs.*

Yours faithfully,

*Uttam Kumar*  
(Uttam Kumar Kar) 05/4/2019

Under Secretary Govt. of India

Copy to:-

1. The Principal Secretary/Secretary (Forest) All States / UT Govts.
2. The Principal Secretary/Secretary (Tribal Welfare Departments), All states / UT Govts.
3. Prime minister's Office
4. Secretary, Ministry of Mines, Government of India
5. Secretary, Ministry of Coal, Government of India
6. Secretary, Ministry of Petroleum and Natural Gas, Government of India
7. Principal Chief Conservator of Forests, All State / UT Governments
8. All Regional Offices, Ministry of Environment, Forest and Climate change (MoEF&CC), GOI.
9. Joint Secretary in -Charge, Impact Assessment Division, MoEF&CC, GOI
10. All Assistant Inspector General of Forests / Directors in the Forest Conservation Division, MoEF&CC, GOI/Director, ROHQ, MoEF&CC, GOI/TO(FC)/TO(ROHQ).
11. Technical Director, NIC, MoTA with a request to place a copy of the letter on website of this Ministry.
12. Sr. PPS to the Secretary, MoEF&CC
13. Sr. PPS to the Director General of Forest & Special Secretary, MoEF&CC, GOI
14. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, GOI.

*मनष कुमार*  
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No. 23011/04/2013- FRA  
Government of India  
Ministry of Tribal Affairs  
FRA Division

216-J, D -- Wing,  
Shastri Bhawan,  
New Delhi - 110001  
Dated: 06<sup>th</sup> February, 2018

OFFICE MEMORANDUM

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(Roopak Chaudhuri)

Deputy Secretary to the Government of India  
Tel. No.23387444

Ministry of Environment, Forest and Climate Change,  
(Kind Attn: Mr. CK Mishra, Secretary)  
Indira Pariyavaran Bhawan,  
Jor Bagh Road, Aliganj, New Delhi, 11003.

Copy for information:

1. Shri Vinod Kumar Tiwari, JS (FRA& Livelihood), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
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3. Shri Jaideep Singh Kochher, Economic Advisor, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
4. PPS to Secy (TA), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.

*Handwritten notes:*  
PPS to Secy (TA)  
to be placed  
in the file  
for reference

*Handwritten notes:*  
For immediate  
action  
प्रबंधक (निर्माण)  
मंत्रालय, भारत सरकार  
राँची/Ranchi (आचार्य)



(15) 120

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- (iii) Regarding the utilization of CAMPA fund, MoTA officers recalled the assurance given on the floor of the House of Parliament by the then Minister of Forests, Shri Anil Madhav Dave regarding approval of the Gram Sabah.

Mani Kumar  
प्रबंधक (निर्माण), MoEF & CC assured  
Manager (Construction)

गेल (इंडिया) लिमिटेड/CAIL (India) Ltd

दोहरी/Doranda-834002

राँची/Ranchi (Jharkhand)

that the commitment given by the then minister (Shri Anil Madhav Dave) still stands. Provision will be made in the Compensatory Afforestation Fund Rules, which is under preparation, to incorporate the above concern.

- (iv) MoEF & CC was requested to make Working Plans more explicit and also to add disclaimer therein to the effect that in the event of conflict with Tribal Rights, the latter shall prevail.

This was agreed to by MoEF & CC.

- (v) With regard to setting up of Land Bank, MoEF & CC officers explained that compensatory afforestation is generally taken up on non-forest land. The land so offered for compensatory afforestation need not necessarily be in the vicinity of the land being diverted for non-forest purposes, but may be located at some other place, which may be far away from the forestland diverted for non-forestry purpose.

Secretary (TA) desired that in order to have close monitoring on the land being diverted for non-forest purposes and land given in lieu thereof for compensatory afforestation, a robust land record management should be put in place by MoEF & CC. This suggestion was well taken by the MoEF & CC.

MoTA officers highlighted the need for a prior consultation by MoEF & CC before issuing any order having an impact on FRA process, outcome or on Tribal Rights. MoEF & CC agreed to evolve a mechanism of prior consultation in all such cases.

4. The meeting ended with Secretary (TA) and Senior officers of MoTA thanking the officers of MoEF & CC for making it convenient to attend the meeting wherein several important issues could be discussed and resolved.

XXXXX

मनीष कुमार  
Manish Kumar  
प्रबंधक (निर्माण) Manager (Construction)  
भेल (इंडिया) लिमिटेड BAIL (In-  
डोरपट्टा/Dorapatta-35  
राँची/Ranchi (Jharkhand)



# उपायुक्त-सह-जिला दण्डाधिकारी का कार्यालय, बोकारो।

(अनुसूचित जनजाति, अनुसूचित जाति, अल्पसंख्यक एवं पिछड़ा वर्ग कल्याण शाखा)

पत्रांक...../क0

प्रेषक,

जिला कल्याण पदाधिकारी,  
बोकारो।

सेवा में,

अंचल अधिकारी,  
सह नोडल पदाधिकारी वनाधिकार अधिनियम  
जरीडीह/पेटरवार एवं गोमिया।

विषय :-

गेल इंडिया लिमिटेड के जगदीशपुर हल्दी बोकारो धामरा नेचुरल गैस पाईप लाईन (JHBDPL) के SV-01 से ओएनजीसी के बोकारो सीबीएम ब्लॉक तक कनेक्टिविटी हेतु वन भूमि अपयोजन अनापत्ति प्रमाण पत्र के संबंध में।

प्रसंग :-

प्रबंधक (निर्माण), गेल इंडिया लिमिटेड डोरंडा राँची के पत्रांक-GAIL/GCS-BOKARO/Forest/01 दिनांक-18.06.2022

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के आलोक में कहना है कि अनुसूचित जनजाति एवं अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 एवं नियम 2008 के अन्तर्गत अंचल अधिकारी, जरीडीह, पेटरवार एवं गोमिया के विभिन्न ग्रामों का भूमि विवरण संलग्न करते हुए अधिनियम के तहत वनभूमि अपयोजन अनापत्ति प्रमाण पत्र निर्गत किये जाने का अनुरोध किया गया है।

प्राप्त पत्र तथा भूमि विवरण की छायाप्रति नक्शा सहित संलग्न करते हुए अनुरोध है कि इसका विधिवत ग्रामवार अभिलेख तैयार कराकर संबंधित ग्राम में ग्राम सभा का अपयोजन कराते हुए विवरणी में दर्शित Jungle Jhari/Project Forest भूमि का खाता, प्लॉट एवं रकबा का सत्यापन कराकर ग्राम सभा की कार्यवाही एवं अनापत्ति प्रमाण पत्र सहित अभिलेख अनुमंडल स्तरीय वनाधिकार समिति को अविलम्ब भेजते हुए इस आशय की सूचना उपायुक्त महोदय, को भेजने की कृपा करेंगे। इसे अत्यावश्यक समझा जाय।

विश्वासभाजन

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जिला कल्याण पदाधिकारी,  
बोकारो।

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ज्ञापक...../क0, दिनांक...../06/2022

प्रतिलिपि :- प्रबंधक गेल इंडिया लिमिटेड डोरंडा, राँची को आवश्यक सूचनार्थ प्रेषित। अनुरोध है कि अंचल अधिकारी जरीडीह, पेटरवार एवं गोमिया से समन्वय कर संबंधित ग्रामों में ग्राम सभा आयोजन कराने में यथावश्यक सहयोग करना सुनिश्चित करेंगे।

प्रतिलिपि :- अनुमंडल पदाधिकारी, बेरमो(तेनु0) को आवश्यक सूचनार्थ प्रेषित। अनुरोध है कि संबंधित अंचल अधिकारी, को अपने स्तर से आवश्यक निदेश देने की कृपा करेंगे।

प्रतिलिपि :- उपायुक्त महोदय, बोकारो को सादर सूचनार्थ प्रेषित।

मनीष कुमार

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