

Government of India
Ministry of Environment, Forests & Climate Change
(F.C. Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 6th October, 2020

To,

The Joint Secretary,
Ministry of Tribal Affairs,
B-Wing, Shastri Bhawan,
New Delhi-110001

Sub: Diversion of 523.046 ha of forest land for construction of Lower Kopili Hydro Electric Project by Assam Power Generation Corporation under Dima Hasao West Division, Halflong and Hamren Division, Assam- Clarification on FRA-regarding.

Sir,

I am directed to refer to this Ministry's letter dated 24.08.2020 (**copy enclosed**) wherein Ministry of Tribal Affairs, Govt. of India was requested to clarify as to whether the certificate issued by the Pr. Secretary is acceptable under the provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and also verify the attached certificate for further action. But the requisite clarification has not yet been received.

2. It is further informed that a similar case is under consideration of this Ministry wherein the FRA certificate (**copy enclosed**) is also given by Pr. Secretary(N), NC Hills Autonomous Council, Haflong for construction of Lower Kopili Hydro Electric Project by Assam Power Generation Corp. under Dima Hasao West Division, Halflong and Hamren Division, Assam.

In view of above, Ministry of Tribal Affairs, Govt. of India is again requested to kindly expedite and clarify whether the above mentioned certificates can be considered as compliance of provisions under FRA, 2006.

Yours faithfully,

Encl.as above.

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Assam, Guwahati.
2. The Nodal Officer(FCA), Office of the PCCF (HoFF) Govt of Assam, Guwahati.
3. The DDG(Central), Regional Office, Shillong.
4. User Agency
5. Monitoring Cell of FC Division-with a request to upload and issue

THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL HAFLONG
GENERAL ADMINISTRATIVE DEPARTMENT

NO.NCHAC/GAD/APGCL/54/2014-2015/106

Dated Haflong, the 30th October'2015

TO WHOM IT MAY CONCERN

In compliance of the Ministry of Environment and Forest (MoEF), Government of India's letter E.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 Schedule 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 1387.00 Hectares of forest land and private land proposed to be diverted in favour of Assam Power Generation Corporation Limited (APGCL) for construction of 120 MW Lower Kopili Hydro Electric Project at Longku which falls partly Krungming Reserved Forest, Council khas land and private land under N.C.Hills Division (West), Dima Hasao District falls within jurisdiction of Longku and other villages. The villagers have no objection on land acquisition but the legitimate compensation is only to be paid at an early date. 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 1387.00 hectares of Forest land and private land proposed for diversion, Copy of DFO N.C.Hills letter No.FRS/G/De-reservation/2015/2361, Dated Haflong, the 29th October'2015 and a copy of Chief General Manager (Hydro), AP.G.C.L.,Guwahati letter No.APGCL/CGMH/W/2011/382/40, Dated 12/11/2014 under whom the proposed location for construction of 120 MW Lower Kopili Hydro Electric Project stating that the payment of compensation are to be paid for the private land.
- (b) The proposal for such diversion (with full details of the project and its implication, in vernacular/local language) have been placed before each concern Gram Sabha of forest dwellers, who are eligible under the FRA. Does not arise, in view of sl.no.(a) above.
- (c) The each concern 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 NIL village(s) is enclosed. Does not arise, in view of sl.no.(a) above.
- (d) The discussion and decision on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present: Does not arise, in view of sl.no.(a) above.
- (e) The diversion of forest land for facilities managed by Government as required under section 3 (2) of the FRA have been completed and Gram Sabhas have given their concent to it. Does not arise, in view of sl.no. (a) above.
- (f) Rights of primitive Tribal Groups and Pre-Agricultural Communities, where application have been specially safe guarded as per section 3 (1) (e) of FRA. Does not arise, in view of sl.no. (a) above.

Issue No :3315

Dated : 30/10/2015



Principal Secretary (N),
N.C.Hills Autonomous Council,
Haflong.

KARBI ANGLONG AUTONOMOUS COUNCIL
DEPARTMENT OF POWER
KAAC : SECRETARIAT
DIPHU - 782460

No. KAAC/REV/518/2007/

To,

Dated 15th September, 2015.

Joint Secretary, Govt. of Assam,
Hills Areas Department,, Dispur,
Guwahati - 781006..

Sub : Regarding Issue of No Objection Certificate (NOC) in favour of Lower Kopili project for issue relating to tribal people.

Ref : Your letter No. HAD.332/2013/13, Dated 26/05/2015.

Sir,

With reference to the subject cited above, I am to state that in the absence of " Village Councils" in Karbi Anglong District, " the provision of The Schedule tribe and other traditional forest dwellers (Recognition of forest rights) act. 2006" cannot be applied. Hence, the necessary certification regarding the forest land proposed to be diverted after due consultations and meetings of the forest rights committee, Gram Sabhas, etc. cannot be provided as per Section 3 (2) of the FRA, 20006.

Therefore, in order to facilitate the progress of the small, medium and other Hydro - Electric project the Karbi Anglong Autonomous Council Authority vide its Executive Committee meeting held on 29/07/2015 has decided to issue No Objection Certificate (NOC) as statutory requirement for all A.P.G.C.L project in respect of issues relating to project affected tribal population of Lower Kopili Hydro - Electric project (120 Mega Watt) .

(As per point 3 of Executive Committee Resolution No. 7)

This is for favour of information and necessary action.

Yours faithfully,

Self

Principal Secretary ,
Karbi Anglong Autonomous Council,
DIPHU.
Dated 15th September, 2015.

Memo. No. KAAC/REV/518/2007/ ⁵¹¹⁷ (A)
Copy forwarded for information to :-

1. P.A to the Hon'ble Chief Executive Member , KAAC, Diphu for kind information of the Hon'ble C.E.M.
2. The Managing Director, APGCL, 3rd Floor, Bijulee Bhavan , Paltan Bazar, Guwahati - 01.
3. The Chief General Manager (Hydro) , APGCL, 2nd Floor, Bijulee Bhawan, Paltan Bazar, Guwahati - 01.
4. Office file.

1 and file

[Signature]
Principal Secretary ,
Karbi Anglong Autonomous Council,
DIPHU.