

F. No.11-43/2013-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 3rd December, 2018

To,
The Principal Secretary (Forests),
Government of Maharashtra,
Mantralaya Mumbai.

Sub: Compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

Please find enclosed a copy of D. O No. no. 43012-15-2018-CPAM dated 26.10.2018 as received from Secretary, Ministry of Coal, Shastri Bhawan, New Delhi intimating that the Western Coalfield Limited informed that the proposal of Stage-I (In-Principle) approval for diversion of Forest Land under Forest (Conservation) Act, 1980 for Coal Mining Projects in State Of Maharashtra are stalled at various levels of State Forest Department for want of certificate in compliance to circular issued by Govt. of Maharashtra, Department of Revenue & Forests dtd. 23.02.2016 directing not to forwarding the proposals for Stage-I FC approval without necessary compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, whereas, the Forest (Conservation) Amendment Rules, 2016 with regard to FRA states that:

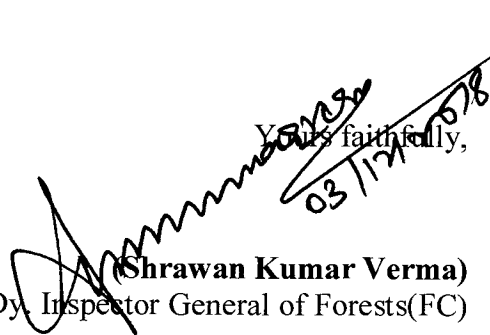
“(e) the District Collector shall.

- (i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal;*
 - (ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and*
 - (iii) forward his findings in this regard to the Conservator of Forests;*
- (f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal;*

Accordingly, 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), hence for the purpose of the MoEF&CC, as per the provision under Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the state Govt. for consideration of the proposal by the ministry for final approval.

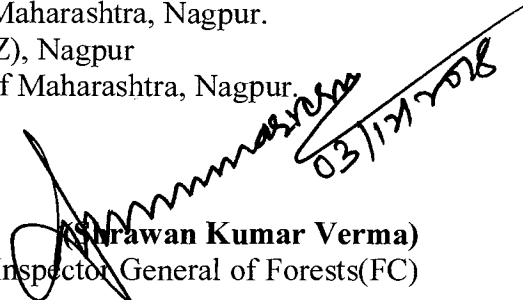
In view of above, the State Govt. of Maharashtra is requested to adhere the provisions contained in Forest (Conservation) Amendment Rules, 2016 for FRA purpose while forwarding the proposal for seeking prior approval under Section 2 of Forest(Conservation) Act,1980 to this Ministry for consideration.

Encl.as above.

Yours faithfully,
03/12/2018

(Shrawan Kumar Verma)
Dy. Inspector General of Forests(FC)

Copy to:

1. The Secretary, Ministry of Coal, Shastri Bhawan, New Delhi.
2. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), MoEF&CC, Regional Office (WZ), Nagpur
4. The Nodal Officer (FCA), Forest Department, Government of Maharashtra, Nagpur.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.

03/12/2018

(Shrawan Kumar Verma)
Dy. Inspector General of Forests(FC)