

S.No. 17(R)

F. No. 11-179/ 2012-FC  
Government of India  
Ministry of Environment and Forests  
(FC Division)

हाथरी संख्या 47 डी.का. (ड० जाँ०)  
दिनांक 08/01/14

50

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110 510.  
Dated: 20<sup>th</sup> December, 2013

To,

The Principal Secretary (Forests),  
All States / Union Territory Governments except Jammu and Kashmir

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.

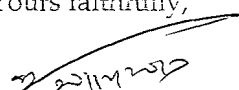
Sir,

I am directed to refer to this Ministry's letter No. 11-9/1998-FC (pt.) dated 03.08.2009 and to clarify that to ensure compliance with the above letter in its letter and spirit, in case of proposals from States/UTs where the process for settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been initiated, stage-I approval under the Forest (Conservation) Act, 1980 will be considered by this Ministry only after receipt of documentary evidences, as stipulated in this Ministry's said letter, of having initiated and completed the above process. Similarly, in case of the proposals from States/ UTs where the process for settlement of rights under FRA has not been initiated, grant of stage-I approval under the Forest (Conservation) Act, 1980 to the proposal will be considered only if a certificate from a competent authority in the State/UT Government concerned, clearly stating that process for settlement of rights under the afore-mentioned Act has not been initiated along with evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval, is enclosed with the proposal. Submission of the above evidence/certificates will be part of the check-list to assess completeness of the proposals seeking prior approval of Central Government under the afore-mentioned Act.

Yours faithfully,

08/01/14

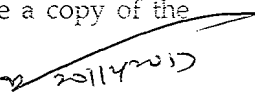
Guard file  
7.1.14  
RT

  
(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/UT Governments except Jammu and Kashmir.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments except Jammu and Kashmir
3. All Regional Offices, Ministry of Environment & Forests.
4. All Directors/ Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
6. Monitoring Cell, Forest Conservation Division, MoEF with a request to place a copy of the letter on website of this Ministry.
7. Guard File.

  
(H.C. Chaudhary)

Assistant Inspector General of Forests

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: 5<sup>th</sup> July, 2013

To,  
The Principal Secretary (Forests),  
All State/ Union Territory Governments

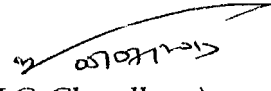
Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to this Ministry's letters of even number dated 3<sup>rd</sup> August 2009 and dated 5<sup>th</sup> February 2013 on the above mentioned subject 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, and to say that certificate in accordance with the said letters in respect of (a) linear, and (b) other projects shall be submitted in the formats enclosed as Annexure-I (FORM-I) and Annexure-II (FORM-II) respectively.

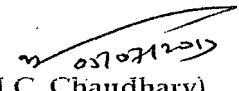
Yours faithfully,

Encl.: As above.

  
(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.
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

*Swan file*  
*22/7/13*  
*AJ*

**FORM-I***(for linear projects)***Government of .....**

Office of the District Collector .....

\*\*\*

No. ....

Dated.....

**To WHOSOEVER IT MAY CONCERN**

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt.) dated 3<sup>rd</sup> August 2009 wherein the MoEF issued 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 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter dated 5<sup>th</sup> February 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that ..... hectares of forest land proposed to be diverted in favour of ..... (name of user agency) for ..... (purpose for diversion of forest land) in ..... district falls within jurisdiction of ..... village(s) in .....tehsils.

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 .... hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to ..... annexure.....
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;
- (c) the proposal does not involve recognised rights of Primitive Tribal Groups and Pre-agricultural communities.

Encl.: As above.**Signature**

(Full name and official seal of the District Collector)

**FORM-II**  
(for projects other than linear projects)  
Government of .....  
Office of the District Collector .....

\*\*\*

No. ....

Dated .....

**TO WHOSOEVER IT MAY CONCERN**

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt.) dated 3<sup>rd</sup> August 2009 wherein the MoEF issued 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 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that..... hectares of forest land proposed to be diverted in favour of ..... (name of user agency) for ..... (purpose for diversion of forest land) in ..... district falls within jurisdiction of ..... village(s) in .....tehsils.

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 .... hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to ..... annexure .....
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) the each of concerned 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 ..... villages(s) is enclosed as annexure ... to annexure.....
- (d) the discussion and decisions on such proposals had taken pace only when there was a quorum of minimum 50 % of the members of Gram Sabha present;
- (e) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;
- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3 (1) (e) of the FRA.

**Encl.:** As above.

**Signature**  
(Full name and official seal of the District Collector)

Form for CMAA's Certificate

Under Forest Right Act, 2002