F. No. 11-9/1998-FC (pt)
Government of India
Ministry of Environment and Forests
(FC Division)

To

The Chief Secretary / Administrator
(All State/UT Governments except J&K)

Subject: Diversion of forest land for non-forestry 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 invite the attention of the State Government to the
operationalization of the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006 which has become effective from
01.01.2006. It is observed that the proposals under the Forest (Conservation) Act,
1980 are being received from different states/UT Governments with the submission
that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed
later on.

Accordingly, to formulate unconditional proposals under the Forest
(Conservation) Act, 1980, the State/UT Governments are, wherever the process of
settlement of Rights under the FRA has been completed or currently under process,
required to enclose evidences for having initiated and completed the above process,
especially among other sections, Sections 3(1)(f), 3(1)(e) and 4(5). These enclosures
of evidence shall be in the form of following:

a. A letter from the State Government certifying that the complete process for
identification and settlement of rights under the FRA has been carried out
for the entire forest area proposed for diversion, with a record of all
consultations and meetings held;

b. A letter from the State Government certifying that proposals for such
diversion (with full details of the project and its implications, in vernacular/
local languages) have been placed before each concerned Gram Sabha of
forest-dwellers, who are eligible under the FRA;

c. A letter from each of the concerned Gram Sabhas, indicating that all
formalities/processes under the FRA have been carried out, and that they
have given their consent to the proposed diversion and the compensatory
and ameliorative measures if any, having understood the purposes and
details of proposed diversion.
d. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.

e. A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;

f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.

g. A letter from the State Government certifying that 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.

h. Any other aspect having bearing on operationalisation of the FRA.

The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with the approval of Minister of Environment and Forests.

(C.D. Singh)
Sr. Assistant Inspector General of Forests

Copy to:-

1. The PMO (kind attention: Director, PMO)
2. Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
3. The Principal Chief Conservator of Forests, All States / UTs.
4. The Nodal Officer (RCA), O/o the PPCFs, All States / UTs.
5. All Regional Offices of MoEF, located at Bhopal, Shillong, Bangalore, Bhubaneshwar, Lucknow and Chandigarh.
6. The RO (HQ), MoEF, New Delhi.
7. Monitoring Cell, FC Division, MoEF, New Delhi for placing the same on the website of the MoEF.
8. Guard File.

(C.D. Singh)
Sr. Assistant Inspector General of Forests