

F.No.23011/18/2014-FRA
Government of India
Ministry of Tribal Affairs

August Kranti Bhawan,
Bhikaji Cama Place, New Delhi.

October 21, 2014.

Office Memorandum

Sub: Guidelines for diversion of forest land for non-forest purposes – Regarding.

The undersigned is directed to refer to the Ministry of Environment, Forests & Climate Change's Office Memorandum No.11-09/98-FC(Pt.) dated 9th October, 2014 seeking a response from the Ministry on the above subject and to reiterate that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 is for recognition and vesting of pre-existing rights of Scheduled Tribes in occupation of forest land and Other Traditional Forest Dwellers. The Act and Rules made therein require that due process has to be followed. It is further clarified that no agency of the Government has been vested with powers to exempt application of the Act in portion or in full. It is further advised that any action or process inconsistent with the due process laid under the Act would not be legally tenable and is likely to be struck down by the Courts of Law. Orissa Mining Corporation Vs. Ministry of Environment and Forests (MoEF) in 2013 is a case in point.

2. It is to be noted that the Ministry of Tribal Affairs is the nodal Ministry for implementation of the Forest Rights Act. Therefore, when the Ministry receives complaint/ information regarding improper implementation of the Act, the Ministry is bound to get the same inquired into and advise for appropriate corrective action, if any.

3. This issues with the approval of the competent authority.



(Roopak Chaudhuri)
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**Ministry of Environment, Forests and Climate Change,
(Attn: Shri H.C. Chaudhary, Director)
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