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DEEPAK KHANDEKAR, IAS
Secretary to Govt. of India



भारत सरकार
Government of India
जनजातीय कार्य मंत्रालय
Ministry of Tribal Affairs

DO No. 23011/18/2014-FRA(pt.)

02.11.2018

Dear Shri *Jain*,

Please refer to your D.O. letter No. CSO-2018/e-3449823/D-1 dated 31.10.2018 seeking clarification relating to provisions under clause 3(2)(1) of STs and OTFDs (Recognition of Forest Rights) Act, 2006 (Forest Rights Act).

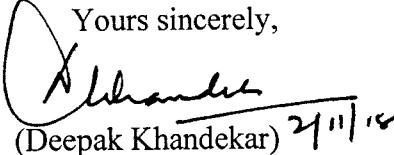
2. The issue under the question is whether diversion of forest land can be permitted for a single road passing through different villages when diversion of forest land in each case is less than one hectare but combined diversion of the projected road is more than one hectare.

3. It may be reiterated that Section 3 (2) of the Act provides for diversion of forest land for the purposes of certain development facilities (13 in number) subject to the condition that such developmental project involves felling of trees not exceeding seventy-five trees per hectare. Proviso to this Section provides for (i) forest land to be diverted for the purpose mentioned in this subsection is less than one hectare in each case; and (ii) the clearance of such developmental project shall be subject to the condition that the same is recommended by the **Gram Sabha**.

4. Thus, for a single road passing through different villages, the Act allows diversion of less than one hectare of forest land **in each of the village** provided both the conditions mentioned in the above proviso are fulfilled. Combined diversion of the forest land for this purpose may involve diversion of more than one hectare of land.

5. It will not be out of context to mention that even for bigger development projects involving larger chunks of forest land, Gram Sabha is the sole authority to give consent when a forest land is to be diverted for non-forestry purposes. Hence the appropriate procedure would be to obtain the consent of the Gram Sabha of each of the villages through which the single road would pass, in terms of Section 3 (2) of the Forest Rights Act.

With regards,

Yours sincerely,

(Deepak Khandekar) 2/11/18

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