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

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi - 110510.
Dated : 03.08.2009

To

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

Subject: 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.

In continuation to this Ministry's letter of even number dated 30.07.2009, 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 01.01.2008. 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.

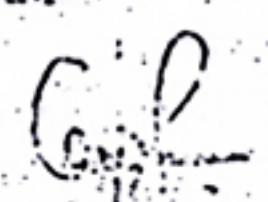
Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/UT Governments are, wherever the process of settlement of Rights under the FRA has been completed or currently under process, required to enclose evidences for having initiated and completed the above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

- 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;
- 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;
- 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.

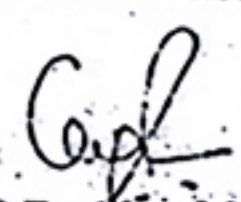
The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

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


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

Copy to:-

1. The PMO (kind attention: Director, PMO)
2. The Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi.
3. The Principal Chief Conservator of Forests, All States / UTs.
4. The Nodal Officer (FCA), O/c the PCCFs, All States / UTs.
5. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Lucknow, Bhabaneshwar and Chandigarh.
6. The RO (HQ), DIGF(FP), Sr.AIGF(FC)/AIGF(FC), 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)

कृपया गार्ड फाइल में रखें।
Sr. Assistant Inspector General of Forests

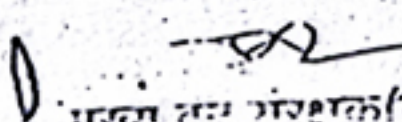
कार्यालय प्रधान मुख्य वन संरक्षक (कक्ष सू-प्रबंध) सतपुड़ा नवन मध्य प्रदेश भोपाल

भोपाल, दिनांक 7-9-09

पृ0कमांक/एफ-11/08/36/10-11/2073

प्रतिलिपि:-

1. समस्त मुख्य वन संरक्षक (क्षेत्रीय)/वन मंडल अधिकारी म0प्र0 की ओर उपरोक्त भारत सरकार के निर्देशानुसार आवश्यक कार्यवाही हेतु अप्रेषित।
2. समस्त कक्ष प्रभारी कार्यालय अपर प्रधान मुख्य वन संरक्षक (सू-प्रबंध) की ओर आवश्यक कार्यवाही हेतु अप्रेषित।


प्रधान मुख्य वन संरक्षक (सू-प्रबंध)

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ANNEXURE - 1

CERTIFICATE TO BE FURNISHED BY THE COLLECTOR OF THE CONCERNED DISTRICT

1. It is certified that the complete process for diversion and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out for the entire forest area of 89.811 ha of Khambessi PRF, 68.447 of Nimagiri PRF and 149.355 Ha of jungle block (PF) in Rayagada District proposed for diversion for the Lanjigarh Bauxite Mining Project of Orissa Mining Corporation Ltd. It is revealed from the records that there are no claims either of any person or of any community residing around the total forest area of 307.613 ha proposed for diversion for the Lanjigarh Bauxite Mining Project of Orissa Mining Corporation Limited under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
2. It is certified that the proposals for such diversion have been placed before each of the Gram Sabhas of forest dwellers who are eligible under the Forest Rights Act. Details of the projects and its implications have been explained to them in vernacular language. ~ Not Applicable since there are no claims of any individual or community for the area proposed for diversion. Further there is no habitation or any revenue village boundary within the entire mining lease area of 313.128 Ha falling under Rayagada district.
3. It is certified 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. - Not applicable in view of 2 above.
4. It is certified that the rights of primitive tribal groups and pre-agricultural communities have been specifically safeguarded as per Section 3(1) (e) of the Forest Rights Act.
5. It is certified that the diversion of forest land for facilities managed by Government as required under Section 3 (2) of the Forest Rights Act (if any) have been completed and that the Gram Sabhas have consented to it.

Collector & District Magistrate, Rayagada
Chairman District Level Committee

CERTIFICATE TO BE FURNISHED BY THE COLLECTOR OF THE CONCERNED DISTRICT

1. It is certified that the complete process for diversion and settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been carried out for the entire forest area of 353.136 Ha of Niyagiri Reserve Forest in Kalahandi District proposed for diversion for the Lanjigarh Bauxite Mining Project of Orissa Mining Corporation Limited. It is revealed from the records that so far there are no claims of individual or community under the ST. & Other Traditional Dwellers (Recognition of Forest Rights) Act 2006 over the above 353.136 ha area proposed for diversion.
2. It is certified that the proposals for such diversion have been placed before each of the Gram Sabhas of forest dwellers who are eligible under the Forest Rights Act. Details of the projects and its implications have been explained to them in vernacular language. - Not Applicable since there are no claims of any individual or community for the proposed for diversion. Further there is no habitation in the area of 408.195 ha of mining lease falling in Kalahandi district.

3. It is certified 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. - Not Applicable in view of Point No 2 above.
4. It is certified that the rights of primitive tribal groups and pre-agricultural communities have been specifically safeguarded as per Section 3(1) (e) of the Forest Rights Act.
5. It is certified that the diversion of forest land for facilities managed by Government as required under Section 3(2) of the Forest Rights Act (if any) have been initiated and will be completed.

Collector & District Magistrate, Kalahandi
Chairman District Level Committee