

F.No. 2-1/2003-FC
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi-110003

Dated :- 20.10.2003

To,

The Chief Secretary/ Administrator,
(All States/ UTs)

Sub :- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.

Sir,

As you are aware, National Forest Policy, 1988 recognizes the symbiotic relationship between tribal people and forests. It emphasized that the primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forest as well as to provide gainful employment to people living in and around the forests. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to development of forest villages at par with revenue villages; family oriented schemes and integrated area development programme to meet the needs of tribal economy.

Further, the Ministry of Environment & Forest has noticed that conflict between the Forest Administration and the tribals in various States/UTs exists, which is certainly not in the interest of the forest conservation. Government of India recognizes that development of tribals is an integral part of the conservation efforts. It has become relevant to issue separate Guidelines to execute the developmental projects in the tribal areas consistent with the provisions of the Forest (Conservation) Act, 1980 which is a tribal friendly Act.

Accordingly, in conformity with the National Forest Policy, 1980 and considering the fact that there is requirement of equitable development all over the country including tribal areas, after a recent review, the Ministry of Environment & Forest, Government of India, has approved certain specific Guidelines under the Forest (Conservation) Act, 1980 for stepping up the development projects in tribal areas'. We hope that your State/UT will take full advantage of these guidelines for the development of tribal area.

The guidelines are as follows.

- (i) It must be recognized by all that the maintenance of good forest cover is essential for sustaining the livelihood or tribal population. Therefore, only infrastructure development projects (other than commercial) should be encouraged in tribal areas.

- (ii) For the purpose of implementation of these guidelines, tribal areas will be those areas which are recognized in the Schedule V and VI of the Constitution of India. With all the proposals, the latest census data clearly indicating size of tribal population shall be enclosed by the State/UT Governments.
- (iii) In the tribal areas, there shall be general approval under Section-2 of the Forest (Conservation) Act, 1980 for underground laying of electricity cables and electric wires to individual households, drinking water supply/water pipelines, telephone lines, which involve felling of trees not exceeding 50 number per project (should be below 60 c.m. girth class) and are outside National Parks or Wildlife Sanctuary and are laid along the roads and within the existing right of way. This general approval shall be subject to the condition that the Nodal Officer shall certify compliance. Records of such works undertaken shall be maintained by the Nodal Officer and the Territorial DFO. Nodal Officer shall send quarterly report to concerned Chief Conservator of Forest (Regional Office) for monitoring purpose. In lieu of felling of trees five times of the number of felled trees shall be planted by the User agency at or near the site. Any deviation, shall require permission from the Central government under the Forest (Conservation) Act, 1980.
- (iv) Infrastructure development projects like power, roads, railways, telephone line/cables, irrigation, drinking water facility, schools, hospitals etc. designed for tribal areas, should be given priority and forwarded by the State/UT Government in the prescribed time frame to the concerned Regional Office or Central Government as the case may be, for consideration.
- (v) During the execution of the project, the state Government/ User Agency shall ensure maximum employment for the local tribals.
- (vi) While formulating a project in a tribal area, the User Agency shall earmark 5% the total project cost for the development of indigenous skill of tribals, amenities, education, health, sports facilities for children/youths/etc. in the area. The detailed plan should be enclosed along with the proposal. The funds for these components shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA) to be created by Government of India.
- (vii) All the project proposals involving diversion 40 ha. or more forest area in tribal areas, should have an important component of providing the alternative source of domestic energy on subsidized basis like distribution of LPG etc., to reduce pressure on the existing forest. The funds for these components shall be deposited with CAMPA.
- (viii) For regularization of encroachments, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P.(1) dated 18.09.90 shall be strictly followed in a time bound manner.
- (viii) For regularization of encroachments, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-FP (1) dated 18.09.90 shall be strictly followed in a time bound manner.
- (ix) For review of disputed claims over forest land, arising out of Forest Settlement, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (2) dated 18.09.90 shall be strictly followed in a time bound manner.
- (x) For disputes regarding Pattas/Leases/Grants involving Forest Land- Settlement thereof- detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (3) dated 18.09.90 shall be strictly followed in a time bound manner.
- (xi) For conversion of forest villages into revenue villages, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (5.) dated 18.9.90 shall be strictly followed. Proposal for conversion of all forest villages into revenue villages should be submitted to Government of India in a time bound manner.

- (xii) If the tribals are residing inside a National Park/sanctuaries/Protected Area/Reserve, Para 2.7 (ii) of the guidelines shall remain applicable.

Yours faithfully

Sd/
(DR. V.K. BAHUGUNA)
Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Tribal Affairs, Govt. of India, Shastri Bhawan, New Delhi.
2. The Secretary (Forest), All States/UTs
3. PCCF-All States/UTs
4. Nodal Offices-All States/UTs.
5. All Regional Offices of this Ministry.
6. Director (FC), AIGs (FC).
7. Guard File.

Inspector General of Forests

Sd/-
(DR. V.K. BAHUGUNA)