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Jammu & Kashmir Forest Department
Office of the Pr. Chief Conservator of Forests & HoFF
Government of Jammu & Kashmir

C I R C U L A R

Sub: 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 2008

The proposals for diversion of forest lands for non-forest purposes are processed under the Forest (Conservation) Act, 1980. In accordance with rule 6 sub rule 3(e) of the Forest (Conservation) Rules, 2003, the District Collector is required to carry out the process of recognition and vesting of forest rights as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal.

2. *The Ministry of Environment, Forest and Climate Change has further clarified vide F.No. 11-9/98-FC(pt.) dated 05-02-2013 that "a resolution of the Gram Sabha of the area, based on full and prior information of the project and a public hearing, endorsing that the project is in the interest of the people living on the forest land, use of which is proposed to be diverted for non-forest purposes may not be required for the projects, like construction of roads, canals, laying of pipelines/optical fibers and transmission lines where linear diversion of use of forest land in several villages are involved, unless recognized rights of Primitive Tribal Groups (PTG) and Pre-Agricultural Communities (PAC) are being affected".*

3. The Tribal Affairs Department of J&K Government was requested to intimate the details of the Primitive Tribal Groups and Pre-Agricultural Communities (PAC), residing in the UT of J&K, which has been notified by the J&K Government/Government of India, Ministry of Tribal Affairs. That Department has conveyed that there is no Primitive Tribal Group in the UT of J&K notified by J&K Government or Ministry of Tribal Affairs, Government of India. As regards Pre-Agricultural Communities, no survey has yet been conducted in the UT of J&K.

4. Accordingly, the District Collectors (Dy. Commissioners) and User Agencies are advised to complete the process related to recognition and vesting of forest rights as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the forest land indicated in the proposal in case of linear projects like roads and transmission lines and fill the form (a copy enclosed).


(Sarvesh Rai) IFS

Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA)

No. PCCF/FCA/3044/ 4295-4360. Dated 29-01-2021

To:

1. Chief Conservator of Forests Kashmir/ Jammu
2. All CFs (T) _____
3. Deputy Commissioner _____
4. All DFOs _____
5. User Agencies (as per the list)

FORM -I

(for linear projects other than Plantations)
[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of

Office of District Collector

No.Dated.....

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in the district falls within the jurisdiction of..... village(s) in..... tehsils. It is further certified that:

- (a) the complete process of recognition and vesting of forest rights under the FRA has been carried out for the entirehectares of forest land proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachmentto attachment
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA, 2006 have been completed and the Gram Sabhas have given their consent to it;
- (c) the proposed area does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities.

Encl.: As above.

Signature
(Full name and official seal of the District Collector)