

PA to PCCF & HoFF

24-04-24

FOR-21011/1/2024-SECTION(FOR)-Dept. of Forest

PA TO PCCF & HoFF

Reg. No. 1017 Dt. 04/04/24  
PCCF (General)  
Reg. 949 dt 05/04/24

Government of West Bengal  
Department of Forests  
ARANYA BHAWAN

LA-10A, Sector-III, Salt Lake, Kolkata- 700106

No. I/502624/2024

Date- 02-04-2024

From : Joint Secretary to the Government of West Bengal

To : The Principal Chief Conservator of Forests (HoFF), West Bengal

Sub : Consolidated guidelines and clarifications for proper implementation of Forest Rights Act, 2006.

Ref : I/501291/2024 dated 27.03.2024 of Tribal Development Department, Govt. of West Bengal

Sir,

In inviting a reference to the subject and letter quoted above, I am directed to forward a Consolidated guidelines and clarifications for proper implementation of Forest Rights Act, 2006, as received, for wide circulation to all field formations under this Department.

Encl : as stated

Yours faithfully,

Joint Secretary to the Government of West Bengal.

N.O/FCF

CCF/PGLI

CCF, PGLI  
CCF, FCA

05/04/24

Circulate to all  
DOs and CEs  
for information and w/a.

Shand

08.04.2024

28/3/24

E-931711. Action Item

931711

IDD-99/34/2024-SECTION(IDD)-DEPT. OF ID

31/2024

Government of West Bengal  
Tribal Development Department  
Adivasi Bhawan, Premises No. 2221, Action Area-IIIA  
Rajarhat-Newtown, Kolkata-700160  
Website: [adibaisikalyan.gov.in](http://adibaisikalyan.gov.in)

27-03-2024

From: CHOTEN LAMA  
PRINCIPAL SECRETARY  
To: District Magistrate,  
All Districts

Sub: Forwarding of consolidated guidelines and clarifications  
for proper implementation of the Forest Rights Act, 2006.

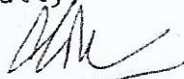
Madam/Sir,

Kind attention is invited to the guidelines and clarifications(copy enclosed) as cited in the Annexure to letter No 23011/15/2008-SG.II, dated 18.05.2009 regarding procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

You are requested to take necessary action as per guidelines.

Yours faithfully,

Encl: Annexure to letter No.  
23011/15/2008-SG.II dated 18.05.2009

  
CHOTEN LAMA  
PRINCIPAL SECRETARY

Copy forwarded with enclosure for kind information and necessary action to:

1. MD, WBTDC, KB-16, Sector 3, Bidhannagar, Kolkata, West Bengal 700098
2. DWO cum POs, BCW& TD Department - All Districts.
3. Sr. P.S. to the ACS, Forest Department;
4. P.A. to Sp. Secy. of this Department.

  
CHOTEN LAMA  
PRINCIPAL SECRETARY

PCCF & HOFF  
NO, FCA  
CCF, LA & FCA  
JS (SKJ)  
[Email fwd]

JS (SKJ)

27/3/24

SO (AKH)  
Putup



We should also circulate the latest guidelines to all field formations.

Annexure to letter NO. 23011/15/2008-SG.II  
Dated May 18, 2009

Government of India  
Ministry of Tribal Affairs

Procedures for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006.

Sub Section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Govt., as specified in that section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if:

- i. The forest land to be diverted purposes mentioned in the said sub-section is less than one hectare in each case; and
- ii. The clearance of such development projects shall be subject to the condition that the same recommended by the Gram Sabha.

2 For implementation of the provision of sub-section (2) of Section 3 of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 the Central Government hereby lays down the following procedure:-

2.1 Definitions:- In the procedure, unless the context otherwise requires:-

- a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Rules, 2008;
- c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;
- e) "Nodal Officer" means any officer not below the rank of Conservator of Forests; authorized by the State Government to deal with matters relating to diversion of Forest land under the Act;
- f) "Section" means section of the act;
- g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for development projects managed by the Government as specified in Sub-Section (2) of Section 3 of the Act;

h) "Village" shall have the same meaning as defined in Section 2(p) of the Act,

**2.2 Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act:-**

- i. Every User Agency, that wants to use any forest land for any development projects specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form, i.e. Form "A", and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- ii. A quorum of at least half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- iii. On receipt of a recommendation of the proposal by the Gram Sabha, the user agency will submit the proposal to the concerned Range Forest Officer(RFO) of the area, along with the resolution adopted by the Gram Sabha.
- iv. The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- v. The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form "B" appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- vi. The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agree, he will accord his approval and communicate his decision to the Range Forest Officer (RFO)concerned with a copy to the Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.
- vii. After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.
- viii. If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
- ix. The District Level Committee will meet and take a final decision, will at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
- x. The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year handing over the land to the User Agency.
- xi. The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministry of Tribal Affairs and Environment & Forests.
- xii. The Nodal Officer will also monitor the progress.