

No.23011/18/2014-FRA  
Government of India  
Ministry of Tribal Affairs

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August Kranti Bhawan,  
New Delhi  
27<sup>th</sup> August, 2014.

**Office Memorandum**

**Sub: Issues relating to existing guidelines for diversion of forest land for non-forest purposes vis-à-vis provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (commonly known as Forest Rights Act) – Reg.**

p.221/c  
The undersigned is directed to refer to the Ministry of Environment, Forest and Climate Change O.M. NO.11-09/98-FC (Pt.) dated 26<sup>th</sup> August, 2014, on the above subject and to say that the Forest Rights Act does not provide for any exemption to its provisions for any category of forests, projects, persons etc. In order to prevent any violation of law, a circular issued by Ministry of Environment & Forest for forest clearance etc. may contain a note of disclaimer to the following effect:-

*"Anything in this instruction may not be construed to imply any relaxation in the provisions of Forest Rights Act or Rules. In addition to Forest Rights Act, there are special regulations under the Fifth Schedule which also cannot be overridden by any executive instructions"*

2. As regards combined public hearing under FRA and Forest Clearance, it is clarified that the Gram Sabha meeting under FRA is a statutory requirement, while public hearing under Forest Clearance is through an executive instruction. The Gram Sabha meeting under FRA can also consider the issue of forest clearance, which is consistent with PESA provisions. The necessary quorum required under FRA Rules for Gram Sabha meeting shall be met in every case.

This issues with the approval of the competent authority.

  
e/c  
(Roopak Chaudhuri)  
Deputy Secretary to the Govt. of India  
Tele: 26182428

To

Ministry of Environment, Forests and Climate Change,  
(Shri H.C. Chaudhary, Director),  
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