

**Record of discussions held in the meeting with officers of Ministry of Environment, Forests and Climate Change (MoEF & CC) on 12/01/2018 under the Chairpersonship of Secretary (TA).**

A meeting was held under the Chairmanship of Secretary (TA) with officers of MoEF & CC. The following officers were present in the meeting:

- (i) Shri Siddhanta Das I.F.S., DG Forests-cum-Special Secretary, MoEF & CC
- (ii) Shri Vinod Kumar Tiwari, JS (FRA & Livelihood), MoTA
- (iii) Shri Rajesh Aggarwal, JS (A), MoTA
- (iv) Shri Jaideep Singh Kochher, Economic Advisor, MoTA
- (v) Shri Sanjay Kumar, DIG (NTCA), MoEF & CC
- (vi) Shri Roopak Chaudhuri, DS (FRA & Livelihood), MoTA

2. Secretary (TA) welcomed the officers of MoEF & CC and stated that the meeting had been called for to harmonize the working of the two Ministries to ensure that the rights of the tribals are not affected. The issues taken up were as follows:

- Need for initiating FRA Clearance process by project proponent before arriving at the juncture of Stage II clearance.
- Compensatory Afforestation Fund Act, 2016.
- Identification and suitability of Non-forest land for Compensatory Afforestation under Forest Conservation Act 1980 – regarding identification of Land Bank for Compensatory Afforestation (CA).
- Conferring Rights under Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 in critical Tiger Habitats in the context of direction issued by National Tiger Conservation Authority in March 2017.
- Voluntary relocation of settlements from Reserve Forests and Protected Areas which are not declared as Critical Wildlife Habitat under the Scheduled Tribes and Other Tradition Forest Dwellers (Recognition of Rights) Act, 2006.
- Requirement of keeping MoTA in loop when issuing any order which has bearing on FRA and STs.

3. The above issues were then discussed in detail and the views arrived at /decisions reached as are under:

- (i) With regard to obtaining FRA clearance in respect of projects it was observed that while MoEF & CC had maintained that it would be required to be obtained by project proponent at Stage II of FCA clearance, the views of MoTA were that this would prove

to be fait accompli as by that time the project proponents would have made sufficient progress and the Tribals living in the forest area earmarked for use by project would be put to a great disadvantage. It has been seen that many a times the project applies for FRA clearance only in the last minute and this results in the project getting delayed for want of FRA clearance. It was suggested that the project proponent should produce proof of having initiated FRA clearance process at the point of going in for Stage I FCA clearance itself.

This was agreed to by MoEF & CC which will take further action in this regard.

- (ii) With regard to Critical Wildlife Habitat (CWH) attention of MoEF & CC was drawn to the instructions issued earlier by the NTCA (28/03/2017) to the Chief Wildlife Wardens of all Tiger Range States directing them that in absence of guidelines of notification of Critical Wildlife Habitats, no rights shall be conferred in Critical Tiger Habitats. MoEF & CC was requested to keep MoTA in the loop while deciding such issues so that the requirements of FRA, 2006 can also be suitably addressed while taking decisions in the matter so that the interest of Forest Dwelling Scheduled Tribes and OTFDs are protected. MoEF & CC was also informed that MoTA has already communicated its nominee in the form of Principal Secretaries, Tribal Welfare Department of the States for the Committee to be constituted by MoEF & CC for identification of CWH.

MoEF & CC agreed to the suggestion and stated that on 04/01/2018 they have circulated a guideline to all states on CWH for comments. They would be sharing the same with MoTA for comments / suggestions and also rewording the same as per the requirement of the ministry.

Voluntary Relocation – It was shared by both MoTA and MoEF & CC that in many areas forest dwelling STs as well as OTFDs are volunteering to relocate from deep inside forest to either periphery of such forests or outside such forests though the areas of their original residence may or may not be in Protected Area or CWH. Officers of both ministries agreed to support such voluntary relocation and work towards facilitating the same under the relevant regulatory framework.

- (iii) Regarding the utilization of CAMPA fund, MoTA officers recalled the assurance given on the floor of the House of Parliament by the then Minister EF & CC Shri Anil Madhav Dave regarding approval of the Gram Sabah. Officers of MoEF & CC assured

that the commitment given by the then minister (Shri Anil Madhav Dave) still stands. Provision will be made in the Compensatory Afforestation Fund Rules, which is under preparation, to incorporate the above concern.

- (iv) MoEF & CC was requested to make Working Plans more explicit and also to add disclaimer therein to the effect that in the event of conflict with Tribal Rights, the latter shall prevail.

This was agreed to by MoEF & CC.

- (v) With regard to setting up of Land Bank, MoEF & CC officers explained that compensatory afforestation is generally taken up on non-forest land. The land so offered for compensatory afforestation need not necessarily be in the vicinity of the land being diverted for non-forest purposes, but may be located at some other place, which may be far away from the forestland diverted for non-forestry purpose.

Secretary (TA) desired that in order to have close monitoring on the land being diverted for non-forest purposes and land given in lieu thereof for compensatory afforestation, a robust land record management should be put in place by MoEF & CC. This suggestion was well taken by the MoEF & CC.

MoTA officers highlighted the need for a prior consultation by MoEF & CC before issuing any order having an impact on FRA process, outcome or on Tribal Rights. MoEF & CC agreed to evolve a mechanism of prior consultation in all such cases.

4. The meeting ended with Secretary (TA) and Senior officers of MoTA thanking the officers of MoEF & CC for making it convenient to attend the meeting wherein several important issues could be discussed and resolved.

XXXXXX