

Shri V. Kishore Chandra Deo  
Minister for Tribal Affairs  
New Delhi

23 September 2011

Sub: Regarding written certificates from states for forest diversion

Dear Shri Deo

This is with reference to the Express India report, dated September 15, 2011, in which you have talked about ensuring compliance with Forest Rights Act (FRA) for forest diversion. In this news it is reported that you have suggested to MoEF about getting written certificates from State Governments before allowing any such diversion.

While this step may help prevent FRA violations to some extent, **there is a possibility that State Governments issue such certificates even where the Forest Rights Act process is not complete** for concerned affected villages. An example is the case of the POSCO project in Orissa where the State government issued certificate regarding completion of FRA process even though the legal process for recognition of rights was not complete.

With regard to the above concerns we would like to suggest you to take following steps to address the issue.

- MOTA should make it a rule under Forest Rights Act to ensure completion of the rights recognition process and getting informed consent of the Gram Sabhas for diversion of forest land. It should be ensured that **the compliance certificate is obtained from the Gram Sabhas and not from the State governments**. The State governments should only collect the compliance certificate and report accordingly to the MOEF and MOTA. The State report must attach the minutes of the gram sabha meetings and signatures of those who attended the meeting where the issue was discussed and the compliance was given.
- MOTA should put in place **an institutional mechanism to track and report compliance of FRA in diversion of forest land**. For this information and reports on the compliance status should be asked from the State Level Monitoring Committees set up under FRA and also from MOEF and reflected in the monthly report shared by MOTA on status of implementation of FRA in the states. Where necessary MOTA should institute inquiry into the reports of violation of FRA in the diversion of forest land and take steps accordingly.

You may recall that in our last meetings we have discussed about the issue of diversion of forest land and suggestions shared here. We would request you to kindly consider the suggestions and take necessary steps.

With Regards,  
Shiba Desor  
(On behalf of Kalpavriksh and Vasundhara)