

GOVERNMENT OF TELANGANA
FOREST DEPARTMENT

Rc.No. 15111/2019/FCA6 (ii)
Dated. 30/05/2022

Office of the Prl. Chief Conservator of Forests,
Telangana, Aranya Bhavan, Saifabad, Hyderabad.

**Sri. R.M Dobriyal, IFS,
Prl. Chief Conservator of Forests
(Head of Forest Force)(FAC)**

Sub: TSFD - F(C) Act, 1980 – Drilling of bore-wells with energization in the lands of beneficiaries in Telangana whose rights have been recognized under Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 –
Instructions and clarifications issued - Reg.

Ref: 1. RoFR Act 2006, RoFR Rules 2008, Clarifications and amendments issued therein
2. Ministry of Tribal Welfare, Government of India, F.No.23011/18/2018-FRA, 07.12.2018
3. PCCF(HoFF), Telangana Rc.No.6753/2014/FCA-5, Dt.24.04.2021.
4. MoEF&CC, GqI, New Delhi, F.No.8-6/2020-WL, Dt.28.10.2020.
5. PCCF (HoFF), Telangana Rc.No.15111/2019/FCA-6, Dt.18.09.2021.
6. DFO, Jayashankar Bhupalapally Rc.No.590/2016/TO, Dt.03.03.2022 addressed to Chief Conservator of Forests, Warangal Circle

Attention of the Officers noted in the entry is invited to subject and references cited.

Vide ref 8th cited, District Forest Officer, Jayashankar – Bhupalpally (DFO) has informed that the GoI, in the Ministry of Tribal Welfare, Government of India, F.No.23011/18/2018-FRA, Dt:7.12.2018 has given clarification for providing bore wells with energization in the lands of RoFR beneficiaries whose rights have been recognized, being a developmental facility, is duly covered under sub-sections (e), (g) and (h) of Section 3(2) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006 subject to certain conditions.

Further, the DFO has informed that, the District Collector, Jayashankar Bhupalpally District has desires to implement individual bore-wells in the lands of RoFR beneficiaries whose rights have been recognized, under government scheme. Section 3 (2) of FRA 2006, refers to the diversion of forest land for non-forestry purposes to create facilities being managed by Government.

Finally, DFO has requested to kindly clarify on six points for providing individual bore-wells with energization in the lands of RoFR beneficiaries whose rights have been recognized under FRA, 2006.

The clarifications sought by DFO is examined and following clarifications/ instructions are issued:

S.No.	Clarification sought	Clarification/ instructions issued
1	Whether can we process proposals for drilling of bore well in RoFR beneficiary lands as individual claim or community claim under section 3(2) of FRA Act,2006?	Drilling of bore wells is not permitted U/s.3(2) of Forest Rights Act, 2006 and Forest Rights Act Rules,2008 and amendments issued therein; but permissible under Rule 16 of FRA Rules 2008 (as a post claim support) on lands where RoFR rights are conferred.
2	If it is permitted as individual claim, what is the minimum/ maximum holding area by individual RoFR beneficiary to allow (1) bore well per (1) farmer. And also, what is the minimum distance between two bore wells to be considered in case of individual claims as it impacts ground water table.	GoI has been requested to issue clarification; and once received same will be intimated
3	If it permitted as community claim, what is the unit to be considered for processing the community claims i.e., whether it is habitation or gram panchayat? And also, what is the permissible limit of bore wells for each habitation or gram panchayat?	GoI has been requested to issue clarification; and once received same will be intimated
4	Also, the GoI, in the reference cited (Ministry of Tribal Welfare, Government of India,F.No.23011/18/2018-FRA,dt:7.12.2018) has given clarification for providing bore wells with energization in the lands of RoFR beneficiaries. So do we need to process the claims by combining bore wells and electricity connection to the bore wells together as a single claim or we need to process them separately?	There is no such express provision in the FRA,2006 as stated buy MoTA. Energizing of bore wells require laying of transmission lines and to be dealt as per section 3(2) Forest Rights Act, 2006 if permissible, with permission under Wildlife (Protection) Act,1972 wherever applicable; else to be dealt under Forest (Conservation) Act, 1980 &Wildlife (Protection) Act,1972. The concerned user Agency needs to submit the proposals for diversion of forest lands in prescribed format. MoEF&CC has been addressed to issue clarification on the guidelines issued by MoTA addressed to TW department of Telangana; once received same will be intimated.
5	Also, section 3(2) (g) and (h) talks about providing drinking water suply and water pipelines and water or rain water harvesting structures; hence kindly clarify that whether bore wells can be used for agriculture purpose or not?	The forest lands diverted under section 3(2) (g & (h) are for providing drinking water supply and water pipelines and water or rain water harvesting structures and bore-wells don't fall under this category
6	Any other conditions to be included while	To be followed as per the provisions contained

processing the claims under FRA,2006 to individual/ gram panchayat/ user agency.	in the connected Acts, Rules and Guidelines
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Signed by Rakesh Mohan

Dobriyal

Date: 30-05-2022 12:24:11

Reason: Approved

Principal Chief Conservator Of Forests &
(Head of Forest Force)(FAC)

To

The District Forest Officer, Jayashankar –Bhupalpally

Copy to Conservator of Forests, Warangal Circle, Warangal for information and necessary
action.

Vp
30/5/2022

N.C.B.O.//

D. Subrah 30/5/22
Superintendent

