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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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Ministry of Environment and Forests

Notification

New Delhi, the 10th January, 2003

G.S.R.23(E):- In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.-

1. These rules may be called the Forest (Conservation) Rules, 2003.
2. They shall extend to the whole of India except the State of Jammu and Kashmir.
3. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires:-

- a. "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);
- b. "Committee" means the Advisory Committee constituted under section 3 of the Act;
- c. "Chairperson" means the Chairperson of the Committee;
- d. "Member" means a member of the Committee;
- e. "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;

- f. "Regional Office" means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
- g. "Section" means a section of the Act;
- h. "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

3. Composition of the Committee.-

(1) The Committee shall be composed of the following members:-

- i. Director General of Forests, Ministry of Environment and Forests - Chairperson.
- ii. Additional Director General of Forests, Ministry of Environment and Forests- Member.
- iii. Additional Commissioner (Soil Conservation), Ministry of Agriculture- Member.
- iv. Three eminent experts in forestry and allied disciplines (non-officials)- Members.
- v. Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests - Member Secretary

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

4. Terms of appointment of non-official members shall be as follows.-

- i. a non-official member shall hold his office for a period of two years;
- ii. a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;
- iii. a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;
- iv. any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.
- v. travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the

respective provisions of law pertaining to the member of the concerned State Legislature.

5. Conduct of business of the Committee.-

- i. The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.
- ii. The meeting of the Committee shall be held at New Delhi.
- iii. In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.
- iv. The Chairperson shall preside over every meeting of the Committee at which he is present.
- v. Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
- vi. The quorum of the meeting of the Committee shall be three.

6. Submission of the proposals seeking approval of the Central Government under section 2 of the Act.-

(1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act and Form 'B' for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorized in this behalf by the State Government, alongwith requisite information and documents, complete in all respects, well in advance of taking up any non-forest activity on the forest land.

(2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval under section 2 of the Act, shall send the proposal to the Central Government in the appropriate forms, within ninety days of the receipt of the proposal from the user agency for proposals seeking first time approval under the Act and within sixty days for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier:

Provided that all proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent in the form of Working Plan or Management Plan.

(3) The proposal referred to in sub-rule (2) above, involving forest land of more than forty hectare shall be sent by the State Government to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003, with a copy of the proposal (with complete enclosures) to the concerned Regional Office.

(4) The proposal referred to in sub-rule (2) above, involving forest land up to forty hectare shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

(5) The proposal referred to in sub-rule (2) above, involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

7. Committee to advise on proposals received by the Central Government.-

(1) The Central Government shall refer every proposal, complete in all respects, received by it under sub-rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.

(2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-

- a. Whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat or any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;
- b. Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project ;
- c. Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and
- d. Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.

(3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimise adverse environmental impact.

8. Action of the Central Government on the advice of the Committee.–

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within sixty days of its receipt.

9. Proceedings against persons guilty of offences under the Act.-

(1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person (s) or officer (s) or authority (s) against whom the allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

APPENDIX

(See Rule 6)

FORM – ‘A’

Form for seeking prior approval under section 2 of the proposals

by the State Governments and other authorities

PART-I

(to be filled up by user agency)

1. Project details:

(i) Short narrative of the proposal and project/scheme for which the forest land is required.

(ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.

(iii) Cost of the project:

(iv) Justification for locating the project in forest area.

(v) Cost-benefit analysis (to be enclosed).

(vi) Employment likely to be generated.

2. Purpose-wise break-up of the total land required:

3. Details of displacement of people due to the project, if any:

- i. Number of families.
- ii. Number of Scheduled Castes/Scheduled Tribe families
- iii. Rehabilitation plan. (to be enclosed)

4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).

5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).

6. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date:- _____

Place:- _____

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal _____

7. Location of the project/Scheme:

- i. State/Union Territory
- ii. District.
- iii. Forest Division
- iv. Area of forest land proposed for diversion (in ha.)
- v. Legal status of forest
- vi. Density of vegetation.
- vii. Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation / hydel projects enumeration at FRL, FRL-2 meter & FRL-4 meter also to be enclosed.)
- viii. Brief note on vulnerability of the forest area to erosion.
- ix. Approximate distance of proposed site for diversion from boundary of forest.
- x. Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
- xi. Whether any rare/endangered/unique species of flora and fauna found in the area- if so details thereof.
- xii. Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.

8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.

9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

10. Details of compensatory afforestation scheme:

- i. Details of non forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.

- ii. Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
- iii. Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
- iv. Total financial outlay for compensatory afforestation scheme.
- v. Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).

11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.

12. Division/District profile:

- i. Geographical area of the district.
- ii. Forest area of the district.
- iii. Total forest area diverted since 1980 with number of cases.
- iv. Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation,

(b) non-forest land.
- v. Progress of compensatory afforestation as on (date) _____
on

(a) forest land

(b) non-forest land.

13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature

Name

Official Seal

Date:- _____

Place:- _____

PART-III

(To be filled by the concerned Conservator of Forests)

14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.

15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.

16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature

Name

Official Seal

Date:- _____

Place:- _____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)

17. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature

Name & Designation

(Official Seal)

Date:- _____

Place:- _____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature

Name & Designation

(Official Seal)

Date:- _____

Place:- _____

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INSTRUCTIONS (for Part-I):-

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given - Col. 1 (iii).

4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

-

GENERAL INSTRUCTIONS:-

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

FORM – ‘B’

(See Rule 6)

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980

PART-I

(to be filled up by user agency)

1. Letter No. & date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (copy to be enclosed):

2. Project details:

(i) Short narrative of the proposal and project/scheme for which the forest land is required.

(ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.

(iii) Cost of the project:

3. Purpose-wise break-up of the total land required (already broken & to be broken):

4. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date:- _____

Place:- _____

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal _____

5. Location of the project/Scheme:

- i. State/Union Territory
- ii. District.
- iii. Forest Division
- iv. Area of forest land proposed for diversion (in ha.)

- v. Legal status of forest
- vi. Density of vegetation.
- vii. Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
- viii. Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).

6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.

8. Division/District profile:

- i. Geographical area of the district.
- ii. Forest area of the district.
- iii. Total forest area diverted since 1980 with number of cases.
- iv. Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation,

(b) non-forest land.

- v. Progress of compensatory afforestation as on (date) _____
on

(a) forest land

(b) non-forest land.

9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature

Name

Official Seal

Date:- _____

Place:- _____

PART-III

(To be filled by the concerned Conservator of Forests)

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.

11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.

12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature

Name

Official Seal

Date:- _____

Place:- _____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)

13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature

Name & Designation

(Official Seal)

Date:- _____

Place:- _____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

14. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature

Name & Designation

(Official Seal)

Date:- _____

Place:- _____

-

INSTRUCTIONS (for Part-I):-

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 2 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 2 (ii).
3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
4. Item-wise requirement (Col. 3) should be separately shown for broken up and fresh areas.
5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:-

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

(File No. 5-5/98-FC)

(DR. V.K. BAHUGUNA)

Inspector General of Forests (Forest Conservation)

Note:- The principal rules were published vide G.S.R. No. 719 dated the 1st August, 1981 in part II, Section 3, sub-section (i) of the Gazette of India and subsequently amended vide:

1. G.S.R. 14, dated the 28th December, 1987
2. G.S.R. 640(E), dated the 26th June, 1989
3. G.S.R. 563 (E), dated the 21st May, 1992.