

# 1. Application of Forest (Conservation) Act, 1980

## 1.1. Definition

(i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). All proposals for diversions of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

(ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act which may be in force in the forest area under question.

## 1.2 Clarifications

(i) The cases in which specific orders for dereservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders regarding dereservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.

(ii) Harvesting of fodder grasses, legumes etc. which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organisation or individual would necessarily require approval under the Act.

## 1.3 Investigation and Survey

(i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling etc. will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.

(ii) If, however, investigations and surveys involve clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.

(iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

(iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.

(v) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversion of forest land.

## 1.4 Explanation Regarding Non-Forest Purpose

(i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.

(ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:

(a) The species to be planted are indigenous to the area in question; and

(b) Such planting activity is part of an overall afforestation programme for the forest area in question.

## 1.5 Tusser Cultivation

(i) Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.

(ii) Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaken such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.

(iii) Plantation of mulberry for silkworm rearing is a non-forestry activity attracting the provisions of the Act.

### **1.6 Mining**

(i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.

(ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No.2349 of 1984 dated 7.5.1985 is at Annexure-III.

(iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

### **1.7 Clarification on Sub-clause 2(iii) of the Act**

(i) The Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government and/or the Central Government. Such Government owned, managed or controlled authority/corporation/agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.

(ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency/organisation not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

### **1.8 Clarification on Sub-clause 2(iv) of the Act**

(i) Sub-clause 2(iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.

(ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/Working Plans to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

(iii) All proposals in respect of sanction of Working Plans/Management Plants shall be finally disposed of by the Regional Office, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 ha. in the plains and 10 ha. in the hilly region, irrespective of density.

### **1.9 Clarification of Section 3 B of the Act**

- (i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.
- (ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facie responsible for the contravention of the Act.
- (iii) In case it is not possible to fix the responsibility for commission/omission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.
- (iv) Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

### **1.10 Diversion of Forest Land for Regularisation of Encroachments**

Detailed guidelines issued in this regard vide this Ministry's No.13.1/90-F.P.(1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.

## **2. Submission of Proposals**

### **2.1 General**

- (i) Rule 4 of the Forest (Conservation) Rules, 1981 prescribes the procedure for submission of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specifies the particulars to be furnished with the proposal. Only proposal in the prescribed format, and complete in all respects, will be considered.
- (ii) All proposals relating to diversion of forest land up to 20 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MOEF. All other proposals shall be sent to Secretary to the Government of India, MOEF.
- (iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commended upon by the Principal Chief Conservator of Forests/Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasis that a conscious decision has been taken in the matter.

### **2.2. Particulars to be Furnished along with the Proposal**

- (i) Map of the forest area required showing boundary of the adjoining forests, etc., is to be furnished along with the prescribed form. This should normally be on 1:50,000 scale. However, if maps on 1:50,000 scale not available, map on 1"=1 mile or 1"= 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.
- (ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.
- (iii) The projects for roads and railway line construction will be processed in their entirety. Therefore, proposals in piecemeal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposal.
- (iv) The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent alongwith the proposal.
- (v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.

### **2.3 Proposals Requiring Clearance from Environmental Angle**

- (i) The projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall require clearance separately from environmental angle, as per procedure laid down by the Environment Wing of the MOEF. Environmental clearance where required should be applied for separately and simultaneously.
- (ii) Notwithstanding the above, if in the opinion of the Ministry or the Advisory Committee, any proposal should be examined from the environmental angle, it may be required that the project proponent refer the case to the Environment Wing of the MOEF.
- (iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.

### **2.4 Simplified Procedure for Certain Categories of Proposals**

- (i) In respect of proposals for laying of transmission lines, pipelines for drinking water supply, laying of telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not involve any felling or cutting of tree, only the following particulars may be furnished in the prescribed form:
  - (a) Map of the area required along with geographical location of the project.
  - (b) Purpose for which forest land is required to be used.
  - (c) Extent of forest area to be diverted.
  - (d) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna.
  - (e) Legal status of forest land.
  - (f) Whether no alternative alignment is possible to avoid or minimise use of forest land and, whether, the required forest area is the minimum needed for the purpose. A certificate in this regard is to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.
  - (g) Compensatory afforestation scheme.
  - (h) A certificate stating specifically that no cutting or felling of trees is involved.
- (ii) Other cases involving forest area up to 2 ha. which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposals for mining and regularisation of encroachments. (Annexure-XVI)

### **2.5 Diversion of Forest Land for Widening or Expansion or Realignment of Road/Rail/Canal**

- (i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc. for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purposes of widening or expansion or re-alignment. However, the concerned agency will seek permission under local laws, if any, from appropriate authority.
- (ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.
- (iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/modernisation under intimation to the local State Forest Department and Central Government. (Annexure-XIV)

## **2.6 Cost-benefit Analysis**

- (i) While considering proposals for dereservation or diversion of forest land for non-forest use, it is essential that ecological and environmental losses and socio-economic distress caused to the people who are displaced are weighed against economic and social gains.
- (ii) Annexure VI (a) details the types of projects for which cost-benefit analysis will be required. Annexure VI (b) lists the parameters according to which the cost aspect will be determined, while Annexure VI (c) gives the parameters for assessing the benefits accruing.
- (iii) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for clearance under the Act.

## **2.7 Plan for Rehabilitation of Oustees**

- (i) If the project involves displacement of people, a detailed Rehabilitation Plan shall be submitted along with the proposal for diversion of forest land. The Scheduled Tribe and Scheduled Caste population should be separately considered, and a plan for their rehabilitation should be in consonance with their socio-economic, cultural and emotional lifestyle.
- (ii) The Government of India do not allow diversion of forest land for rehabilitation of people. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of a national park or reserve.

## **3. Compensatory Afforestation**

### **3.1 Compensatory Afforestation**

- (i) Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for dereservation or diversion of forest land for non-forest uses. It is essential that with all such proposals, a comprehensive scheme for compensatory afforestation is formulated and submitted to the Central Government.
- (ii) The detailed compensatory afforestation scheme along with details of non-forest/degraded forest area identified for compensatory afforestation, map, etc. is required to be submitted in the prescribed form.

### **3.2 Land for Compensatory Afforestation**

- (i) Compensatory afforestation shall be done over equivalent area of non-forest land.
- (ii) As far as possible, the non-forest land for compensatory afforestation should be identified contiguous to or in the proximity of Reserved Forest or Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) In the event that non-forest land of compensatory afforestation is not available in the same district, non-forest land for compensatory afforestation may be identified anywhere else in the State/UT as near as possible to the site of diversion, so as to minimise adverse impact on the micro-ecology of the area.
- (iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest twice in extent to the area being diverted or to the difference between forest land being diverted and available non-forest land, as the case may be.
- (v) The non-availability of non-forest land for compensatory afforestation would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.
- (vi) As an exception to 3.2(i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/dereserved in respect of following types of proposals :-
  - (a) For extraction of minor minerals from the river beds. (However, if forest area to be diverted is above 500 hectares, compensatory afforestation over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted subject to a minimum of 1000 hectares compensatory afforestation).

(b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area - in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

(c) For laying of transmission lines upto 220 KV.

(d) For mulberry plantation undertaken for silk-worm rearing without any felling of existing trees.

(e) For diversion of linear or 'strip' plantation declared as protected forest along the road/rail/canal sides for widening or expansion of road/rail/canal.

(f) Laying of telephone/optical fibre lines. (Annexure- XVI)

(vii) No compensatory afforestation shall be insisted upon in respect of the following :-

(a) For clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.

(b) Proposals involving diversion of forest land up to one hectare. (However, in such cases, plantation of ten times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order).

(c) For underground mining in forest land below 3 metres. (However, in respect of forest area required for surface right, compensatory afforestation shall be required as per relevant provisions).

(d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.

(viii) Special provisions for Central Government Projects.

(a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding non-availability of non-forest land for compensatory afforestation will not be insisted.

(b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.

(c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of central projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15.11.96.

(d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.

(e) While identifying the pool of degraded forest land, blank forest lands in reserved forests in compact/sizeable blocks should be identified as first priority as "plantation bank". An appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.

(f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation with the concerned Chief Conservator of Forests (C), Regional Offices of the MOEF. (Annexure-IX)

### **3.3 Elements of Schemes for Compensatory Afforestation**

(i) The scheme for compensatory afforestation should contain the following details :-

(a) Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.

- (b) Delineation of proposed area on suitable map.
- (c) Agency responsible for afforestation.
- (d) Details of work schedule proposed for compensatory afforestation.
- (e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilized for raising afforestation.
- (f) Details of proposed monitoring mechanism.

### **3.4 Lands Identified for Compensatory Afforestation to be Transferred to the Forest Department**

- (i) Equivalent non-forest land identified for the purpose are to be transferred to the ownership of the State Forest Department, and declared as protected forests so that the plantation raised can be maintained permanently. The transfer must take prior to the commencement of the project.
- (ii) The compensatory afforestation should clearly be an additional plantation activity and not a diversion of part of the annual plantation programme.
- (iii) In each case where the afforestation target is over 500 hectares in plains, and 200 hectares in hills, a Monitoring Committee shall be established with a nominee of the Central Government to oversee that the stipulations, including those pertaining to compensatory plantation are carried out.

### **3.5 Special Fund**

- (i) The State/UT Government should create a special fund to which the individual user agency will make its deposits for compensatory afforestation. The Forest Department, or any other technically competent agency which is assigned the job of compensatory afforestation should fully utilise this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.

## **4. Some Clarifications**

### **4.1 Delegation of Powers**

- (i) All proposals involving diversion/dereservation of forest land up to 20 hectares, and proposals for clearing of naturally grown trees in forest area or portion thereof shall be sent by the concerned State/UT Government to the concerned Regional Office of MOEF.
- (ii) Chief Conservator of Forests of the concerned Regional Office shall be competent to finally dispose of all proposals (including decision regarding violation of Act) involving diversion/dereservation of forest land up to 5 hectares, except in respect of proposals for regularisation of encroachments and mining (including renewal of mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area or portion thereof for reforestation shall also be finally disposed of by the Chief Conservator of Forests of the concerned Regional Office, subject to guidelines/instructions issued in this regard (refer to para 1.8) and any other instructions issued from time to time.
- (iii) In the absence of Chief Conservator of Forests, these powers shall be exercised by the concerned Conservator of Forests of the Regional Office in case the post of Chief Conservator of Forests is vacant due to transfer, long leave, etc.  
(In respect of Regional Office at Chandigarh, these powers shall be exercised by Conservator of Forests of the Regional Office of Chandigarh).
- (iv) A list of all cases finally disposed of and a list of cases rejected along with reasons thereof for rejection would be required to be sent every month to the MOEF by the Regional Office.
- (v) In respect of proposals involving diversion of forest area above 5 hectares and up to 20 hectares and all proposals for regularisation of encroachments and mining up to 20 ha., the proposals shall be examined by the Regional Chief Conservator of Forests/Conservator of Forests in consultation with an Advisory Group consisting of representatives of the State Government from Revenue Department, Forest Department, Planning and/or Finance Department and concerned Department whose proposal is being examined. The views of the Advisory Group shall be recorded by the Regional Chief Conservator of Forests and along with the same, the

proposal shall be sent to Secretary, MOEF for considering and final decision. It is to be clarified that views of this Advisory Group in no way shall be binding while deciding the proposal. The meeting of the Advisory Group may be held at the State Capital. The proposal will not be deferred for want of quorum.

#### **4.2 Two Stage Clearance of Proposals**

Forestry clearance will be given in two stages. In Ist stage, the proposal shall be agreed to in principle, and after receipt of compliance report from the State Government in respect of compliance of the stipulated conditions regarding transfer and mutation of non-forest area identified for compensatory afforestation, if any, and transfer of funds in favour of Forest Department, etc., formal approval under the Act shall be issued.

#### **4.3 Anticipatory Action by the State / UT Governments**

Cases have come to the notice of the Central Government in which permission for diversion of forest land was accorded by the concerned State Government in anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act which clearly provides for prior approval of the Central Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation. However, penal compensatory afforestation would be insisted upon by the MOEF on all such cases of condonation.

4.3.1. The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area. (Annexure-XXI)

#### **4.4 Projects Involving Forest as well as Non-forest Lands**

Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till the approval of the Central Government for release of forest land under the Act has been given.

#### **4.5 Diversion for Construction of Houses**

(i) On a proposal for construction of houses the late Prime Minister had observed:

"Destruction of our forest has already caused great damage to our environment. Therefore, I am not at all in favour of use of forest land for construction of houses. The State Government should find other land for such purposes."

The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.

(ii) Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensaries, community halls, cooperatives, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case.

#### **4.6 Excavation of Minor Minerals from the River Beds**

(i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the river beds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife.

(ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.



(iii) Extraction of minor minerals shall be from the middle of the river bed after leaving one fourth of the river bed on each bank untouched.

#### **4.7 Safety Zone for Mining Operations**

Forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion. However, it should be indicated separately in the proposal. Such area will have to be fenced at the cost of the project authority. Further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere. (see Annexure-XXIV)

#### **4.8 Catchment Area Treatment Plan for Irrigation Projects**

Proposals for diversion of forest land for major and medium irrigation projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of minor irrigation project, catchment area treatment plan will not be insisted.

#### **4.9 Special Arrangement in case of Large Projects**

In case of large projects, depots for fuel wood should be set up by project authorities who will also arrange alternate fuel like coal, kerosene, biogas, LPG, electricity etc. The supply should be free of cost to the labourers and free or at subsidised rates to the other staff as may be determined by the project authorities.

#### **4.10 Site Inspection**

(i) The proposed forest area shall be inspected by a responsible Forest Officer of the State Government. If the area is very important from the forestry angle, the territorial Conservator should himself inspect the area and give complete information relating to the forest and aspects of wildlife. The scientific names of important timber species should be given while describing composition of the forest crop. If the area is relatively less important, the DFO could inspect the area. The Inspecting Officers should clearly record in item 13 of the proforma if any violation is observed like tree felling, land breaking etc., in that area by the user agency. In any case the recommendations of the Chief Conservator of Forests should be categorical and specific and should be sent with photographs of inspected sites, highlighting the aspects observed, especially when the area is large or is sensitive and fragile.

(ii) In respect of proposals involving diversion of forest land above 40 hectares, site inspection shall also be carried out by Regional Office of this Ministry. State/UT Governments are required to send copy of all such proposals to concerned Regional Office to facilitate timely inspection of such proposals.

#### **4.11 Complete Details**

While forwarding the proposal to the Central Government, complete details in all aspects of the case should be given. Incomplete and deficient proposal will not be considered and will be returned to the State Government in Original.

#### **4.12 Specific Time Limits**

(i) To ensure speedy disposal of proposals, specific time limits have to be laid down for disposal of references at various levels. Efforts should be made to dispose of each reference at the State Governments level within a maximum period of 60 days. Specific instructions may be issued in this regard to officers at all levels.

(ii) Cases which are complete in all respects shall be disposed of within 90 days by the Central Government.

#### **4.13 Quarterly Progress Report**

In all cases the States will submit quarterly reports regarding the implementation of the stipulations laid down by the Government of India while approving the project and future clearance of projects of the States and Union Territories concerned will depend upon the fulfillment of the stipulations.

#### **4.14 Rejection/Reopening of Cases**

In cases where the State Government is requested to furnish clarifications or additional information relating to a proposal, all particulars should be made available to the Central Government within 60 days. If such particulars are not received within a maximum of 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases could be reopened provided the following conditions are satisfied:

- (a) all the required information has been made available.
- (b) delay in providing the information is satisfactorily explained, and
- (c) there is no change in the proposal in terms of scope, purpose and other important aspects.

#### **4.15 Nodal Officer**

- (i) Separate cells for dealing with diversion of forest land cases should be opened at the State Government and PCCF levels. A whole-time senior officer not below the rank of Conservator of Forests should head the cell, who should be designated as the Nodal Officer.
- (ii) The Nodal Officer should receive cases from the user agencies and entertain all correspondence from them. He should scrutinise and process the case and after obtaining views/certificate of the Chief Conservator of Forests, should put up the case to State Government. Besides office staff, the Nodal Officer should also be given sufficient field staff to facilitate timely processing. The State Government while forwarding cases to the Central Government may endorse copies to the Chief Conservator of Forests and the Nodal Officer. The Central Government may also, while corresponding with the State Government, send copies to the Nodal Officer. The Nodal Officer should also obtain all additional information required by the Central Government about the proposals from the concerned authorities directly and endorse a copy directly to the Central Government.
- (iii) While approving a proposal the Government of India stipulates certain conditions to reduce the environmental damage on account of forest loss. The conditions must be enforced. Their non-compliance should be reported by the Nodal Officer to Regional Office who should inspect the site from time to time.
- (iv) In case of opencast mining, it should be the responsibility of the Nodal Officer and his staff to ensure that all necessary inputs like creation of nursery, storage of top soil for reuse and methodology for its reforestation, choice of species etc. are so planned and implemented that the mined area is fully afforested by the time mining operations are completed.
- (v) The Nodal Officer should monitor the implementation of the conditions of compensatory afforestation and the survival ratio of the seedlings planted.

#### **4.16 Lease period for mining lease**

- (i) The approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted/renewed under MMRD Act, 1957 or Rules framed thereunder, but not exceeding 30 years. While recommending cases for approval under the FC Act, the user agency/State Government shall indicate the period for which the mining lease is proposed to be granted/renewed under MMRD Act or Rules framed thereunder. However, in the event of non compliance of stipulations to the satisfaction of the MOEF, the clearance accorded may be summarily withdrawn.
- (ii) The conditions stipulated while giving approval under the Forest (Conservation) Act, 1980 for diversion/renewal of forest land for mining purposes shall be renewed/monitored every five years. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be revoked. Concerned Chief Conservators of Forests(C), Regional Offices of the Ministry will issue a certificate regarding fulfillment of these conditions after carrying out the monitoring. These guidelines shall be applicable retrospectively for all the mining leases which have more than five years of lease period left. (Annexure-XIII)
- (iii) The Regional Office will monitor the main parameters/conditions of formal approval as frequently as possible at least once in a year. At least once in five years a comprehensive monitoring as to the effect of mining on air and water pollution will also be carried out. Regional Offices should send such reports/certificates

in respect of the monitoring mechanism indicated above to this Ministry, so that a view can be taken on continuation of mining lease beyond five years.

#### **4.17 Renewal of Mining Lease - Temporary Working Permission**

In respect of renewal of mining leases, temporary working permission may be granted by the Central Government to continue working in already broken up area upto maximum period of one year, even without formal approval for the renewal, provided:

- (a) The user agency has submitted the required proposal with complete details to the Forest Department at least one year prior to the expiry of existing lease period.
- (b) The state Government has sent the formal proposal to the Central Government for renewal of mining lease prior to the expiry of the existing lease, alongwith particulars and reports as are required to be furnished in the normal course of renewal.
- (c) The temporary working permission will be confined to areas already broken up prior to the expiry of the lease, and no fresh area will be broken up until formal renewal is granted.

**4.18** In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission for already broken up areas so as to enable the State Government to comply with the conditions. This period can be extended by one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the stipulated conditions. (Annexure-XIX)

### **ANNEXURE-I**

Forest (Conservation) Act, 1980 with Amendments Made in 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows :-

#### **1. Short title, extent and commencement-**

- (1) This Act may be called the Forest (Conservation) Act, 1980
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October, 1980.

**2. Restriction on the dereservation of forests or use of forest land for non-forest purpose -** Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved ;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- (iii) that any forest land or any portion may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not managed or controlled by Government;
- (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

*Explanation* - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

**3. Constitution of Advisory Committee** - The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

(i) the grant of approval under Section 2 ; and

(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

**3A. Penalty for contravention of the provisions of the Act** - Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

**3B. Offences by authorities and Government Departments** - (1) Where any offence under this Act has been committed -

(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of , and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of authority, any persons other than the persons referred to in clause(b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**4.(1) Power to make rules** - The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**5. Repeal and saving** - (1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**ANNEXURE-II**  
**Forest (Conservation) Rules, 2003**  
**Ministry of Environment and Forests**  
**Notification**

New Delhi, the 10<sup>th</sup> 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.-**

These rules may be called the Forest (Conservation) Rules, 2003.

They shall extend to the whole of India except the State of Jammu and Kashmir.

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:-

"Act" means the Forest (Conservation) Act, 1980 (69 of 1980);

"Committee" means the Advisory Committee constituted under section 3 of the Act;

"Chairperson" means the Chairperson of the Committee;

"Member" means a member of the Committee;

"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;

"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;

"Section" means a section of the Act;

"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.

**Composition of the Committee.-**

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

Director General of Forests, Ministry of Environment and Forests - Chairperson.

Additional Director General of Forests, Ministry of Environment and Forests- Member.

Additional Commissioner (Soil Conservation), Ministry of Agriculture- Member.

Three eminent experts in forestry and allied disciplines (non-officials)- Members.

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.-**

a non-official member shall hold his office for a period of two years;

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;

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;

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.

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.-**

The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.

The meeting of the Committee shall be held at New Delhi.

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.

The Chairperson shall preside over every meeting of the Committee at which he is present.

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.

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 reforestation 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 reforestation 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:-

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;

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 ;

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

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.

**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.

**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:

Number of families.

Number of Scheduled Castes/Scheduled Tribe families

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).

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:

State/Union Territory

District.

Forest Division

Area of forest land proposed for diversion (in ha.)

Legal status of forest

Density of vegetation.

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.)

Brief note on vulnerability of the forest area to erosion.

Approximate distance of proposed site for diversion from boundary of forest.

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).

Whether any rare/endangered/unique species of flora and fauna found in the area- if so details thereof.

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:

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

Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.

Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.

Total financial outlay for compensatory afforestation scheme.

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).

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:

Geographical area of the district.

Forest area of the district.



Total forest area diverted since 1980 with number of cases.

Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation,

(b) non-forest land.

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:- \_\_\_\_\_

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### 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:- \_\_\_\_\_

INSTRUCTIONS (for Part-I):-

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.  
Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).  
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).  
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.  
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.  
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:-

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.  
If the space provided above is not sufficient to specify any information, please attach separate details/documents.  
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.  
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:

State/Union Territory

District.

Forest Division

Area of forest land proposed for diversion (in ha.)

Legal status of forest

Density of vegetation.

Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.

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:

Geographical area of the district.

Forest area of the district.

Total forest area diverted since 1980 with number of cases.

Total compensatory afforestation stipulated in the district/division since 1980 on (a) forest land including penal compensatory afforestation,

(b) non-forest land.

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):-

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.

Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 2 (ii).

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.

Item-wise requirement (Col. 3) should be separately shown for broken up and fresh areas.

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:-

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.

If the space provided above is not sufficient to specify any information, please attach separate details/documents.

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.

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)

Sd/-  
(DR. V.K. BAHUGUNA)  
Inspector General of Forests (Forest Conservation)

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

G.S.R. 14, dated the 28<sup>th</sup> December, 1987

G.S.R. 640(E), dated the 26<sup>th</sup> June, 1989

G.S.R. 563 (E), dated the 21<sup>st</sup> May, 1992.

### **ANNEXURE-III LAW DEPARTMENT'S ADVICE IN REGARD TO MINING LEASES**

- i. In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest (Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Govt. under Section 2 of the said Act is not required.
- ii. A renewal of a lease is really the grant of a fresh lease. [See State of Tamil Nadu Vs Hind Stones etc. delivered on February 5, 1981 (S.C. Reports pp 742-70) and Samatha Vs State of Andhra Pradesh and others delivered on July 11, 1997]. The prior approval of the Central Govt. in terms of section 2 of the Forest (Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.
- iii. As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (supra), prior approval of the Central Govt. in terms of Section 2 of the Forest (Conservation) Act, 1980 would not be required for mining and winning any new mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Govt. under Section 2 of the said Act would be required.

### **ANNEXURE-IV REGULARISATION OF ENCROACHMENTS ON FOREST LAND**

1. Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Government to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2 The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:

### **1. PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULARIZE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.**

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Department for this work and complete it as a time-bound programme.

1.3 In case where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.1980. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases purposed to be regularised under this category should be covered in one proposal and it should give district-wise details.

1.11 All cases of proposed regularisation of encroachments should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

### **2. 'INELIGIBLE' CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980.**

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

### **3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.1980.**

3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UT Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/89-FP dated 1.6.90, but such benefits should not extend to fresh encroachers.

#### **CLARIFICATION**

A reference is invited to the guidelines issued by this Ministry for regularisation of certain cases of forest encroachments reproduced above. The relevant paragraph 1.1 of the guidelines, which clarifies the cases of encroachments, which subject to specified conditions, would be eligible for regularisation, is reproduced below:

"Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act on 25.10.1980.

2. Doubts have been raised as to whether all encroachments that had taken place up to 25.10.1980 could be regularised in accordance with an eligibility formula by which some earlier encroachments were regularised.

3. A perusal of the paragraph reproduced above will make it clear that there are 2 pre-conditions for any encroachments to be considered for regularisation. These are:-

(a) The State Government should have taken the decision on regularisation of encroachments before 25.10.1980; and

(b) that the decision should be with reference to some eligibility criteria (normally expected to be related to social and economics status of encroachers, location and extent of encroachment, cut off date of encroachment, etc.)

4. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per decision taken before 25.10.1980 for regularisation of encroachments. The objective is limited to permitting implementation of decisions taken before 25.10.1980 which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is therefore quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation - they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before 25.10.1980. Thus, if the decision on regularisation of encroachments in a State covered only encroachments up to a date earlier than 25.10.1980, the guidelines on regularisation of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments though occurring before 25.10.1980 are not covered by any regularisation decision taken prior to that date and hence can not be considered for regularisation at this juncture.

5. Accordingly, the State Governments may take up for implementation only such decision of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No encroachments not covered by any pre 25.10.1980 decisions - even though they might have occurred prior to that - should now be considered for regularisation in terms of our guidelines.

**ANNEXURE-V**  
**GUIDELINES FOR LAYING TRANSMISSION LINES**  
**THROUGH FOREST AREAS**

1. Where routing of transmission lines through the forest areas can not be avoided, these should be aligned in such a way that it involves the least amount of tree cutting.
2. As far as possible, the route alignment through forest areas should not have any line deviation.
3. (i) The maximum width of right of way for the transmission lines on forest land shall be as follows:

Transmission Voltage (KV)	Width of Right of Way (Mts)
11	7
33	15
66	18
110	22
132	27
220	35
400	52
800	85

(ii) Below each conductor, width clearance of 3 mts. would be permitted for taking the tension stringing equipment. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.

(iii) In the remaining width the right of way up to a maximum of 85 metres (for 800 KV lines) trees will be felled or lopped to the extent required, for preventing electrical hazards by maintaining the following:

Voltage (KV)	Minimum clearance between conductors and trees (Mts)
11	2.6
33	2.8
66	3.4
110	3.7
132	4.0
220	4.6
400	5.5



The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above.

(iv) in the case of transmission lines to be constructed in hilly areas, where adequate clearance is already available, trees will not be cut.

4. Where the forest growth consists of coconut groves or similar tall trees, widths of right of way greater than those indicated at SI. No.3 may be permitted in consultation with the CEA.

**ANNEXURE-VI (a)**  
**Category of Proposals for which**  
**Cost-benefit Analysis is Applicable**

SNo	Nature of Proposal	Applicable/not applicable	Remarks
1.	All categories of proposals involving forest land up to 20 hectares in plains and up to 5 hectares in hills.	Not applicable	These proposals are to be considered on case by case basis and value judgement.
2.	Proposal for defence installation purposes and oil prospecting (prospecting only)	Not applicable	In view of National Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land above is diverted for non-forest use.
3.	Habitation, establishment of industrial units, tourist lodges/complex and other building construction	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4.	All other proposals involving forest land more than 20 hectares in plains and more than 5 ha. in hills including roads, transmission lines, minor, medium and major irrigation projects, hydel projects mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centres, T.V. towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use is in the overall public interests.

**ANNEXURE-VI (b)**  
**Parameters for Evaluation of Loss of Forests**

Nature of proposal				
SNo.	Parameters	Roads, Tr.lines & Railway lines	Minor irrigation projects, quarrying of stones/metals	Medium & major Irrigation, hydro electric, large mining & other mic. projects
1.	Loss of value of timber, fuelwood and minor forest produce on an annual basis, including loss of man-hours per annum of people who derived livelihood & wages from the harvest of these commodities	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms
2.	Loss of animal husbandry productivity, including loss of fodder	- do -	- do -	- do -
3.	Cost of human resettlement	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms
4.	Loss of public facilities and administrative infrastructure (Roads, buildings, schools, dispensaries, electric lines, railway etc) on forest land, or which would require forest land if these facilities were diverted due to the project.	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms
5.	Environmental losses : (Soil erosion, effect on hydrological cycle, wildlife habitat, microclimate upsetting of ecological balance).		Though technical judgment would be primarily applied in determining the losses, as a thumb rule the environmental value of one hectare of fully stocked forest (density 1.0) would be taken as Rs. 126.74 lakhs to accrue over a period of 50 years. The value will reduce with density, for example, if density is 0.4, the value will work out at Rs. 50.696 lakhs. So if a project which requires disforestation of 1 hectare of forest of density 0.4 gives monetary returns worth over Rs. 50.6966 lakhs over a period of 50 years, may be considered to give a positive cost benefit ratio. The figure of assumed environmental value will change if there is an increase in bank rate; the change will be proportional to percentage increase in the bank rate.	
6.	Suffering to oustees		The social cost of rehabilitation of an oustee (in addition to the cost likely to be incurred	

			in providing residence, occupation and social services to him) be worked out as 1.5 times of what he should have earned in two years had he been not shifted.
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**ANNEXURE-VI (c)**  
**Parameters for Evaluation of Benefit,**  
**notwithstanding Loss of Forests**

Nature of proposal				
SNo.	Parameters	Roads, Tr. lines & Railway lines	Miner projects	Irrigation/hydel projects & others
1.	Increase in productivity attributable to the specific project.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.	To be quantified & expressed in monetary terms.
2.	Benefits to economy	Value judgement	- do -	- do -
3.	No. of population benefited	- do -	Value judgement	Value judgement
4.	Employment potential	- do -	- do -	- do -
5.	Cost of acquisition of facility on non-forest land wherever feasible	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms
6.	Loss of (a) agricultural & (b) animal husbandry production due to diversion of forest land	- do -	- do -	- do -
7.	Cost of rehabilitating the displaced persons as different from compensatory amounts given for displacement	To be quantified & expressed in monetary terms	To be quantified & expressed in monetary terms	- do -
8.	Cost of supply of free fuel-wood to workers residing in or near forest area during the period of construction	- do -	- do -	- do -

## Annexure-VII

Telegram : PARYAVARAN,  
NEW DELHI

Telephone: 4360704  
Telex:(bi-lingual):W-66185 DOE IN  
FAX: 4360678

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS  
PARYAVARAN BHAVAN, C.G.O. COMPLEX  
LODHI ROAD, NEW DELHI - 110 003

No.11-13/96-FC Dated the 4th June, 1996

To

Chief Conservator of Forests  
All Regional Offices.

Subject:Site inspections reports received from Regional Offices for various developmental projects -  
instructions regarding.

Sir,

I am directed to state that site inspection reports for various developmental projects received from Regional Offices were not in the proper format lacking essential points in the report. It has now been decided by the Ministry that Regional Chief Conservator of Forests shall send the site inspection report for various developmental projects received from States/UTs under Forest (Conservation) Act, 1980 in the following format :

1. Legal status of the forest land proposed for diversion.
2. Itemwise break-up details of the forest land proposed for diversion.
3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.
4. Total cost of the project at present rates.

5. Wildlife

Whether forest area proposed for diversion is important from wildlife point of view or not.

6. Vegetation

Total number of trees to be felled. Effect of removal of trees on the general ecosystem in the area.

Important species

Number of trees to be felled of girth below 50 cm.

Number of trees to be felled of girth above 60 cm.

7. Background note on the proposal.

8. Compensatory afforestation :

Whether land for compensatory afforestation is suitable from plantation and management point of view or not.

Whether land for compensatory afforestation is free from encroachments/other incumbencies.

Whether land for compensatory afforestation is important from Religious/Archaeological point of view.

Land Identified for raising compensatory afforestation is in how many patches, whether patches are compact or not.

Map with details.

Total financial outlay.

9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not.

Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating oustees in around the said forest.

11. Relcamation plan:

Details and financial allocation.

12. Details on catchment and command area under the project. Catchment area treatment plan to prevent siltation of reservoir

13. Cost benefit ratio.

14. Recommendations of the Principal Chief Conservator of Forests/State Government.

15. Recommendations of Regional Chief Conservator of Forests alongwith detailed reasons.

16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignment for locating the project on the non-forest land.

17. Utility of the project.

Numbers of Scheduled caste/Scheduled Tribes to be benefitted by the project.

18. Whether land being diverted has any socio-cultural/religious value.

Whether any scared grove or very old growth trees/forests exist in the areas proposed for diversion.

Whether the land under diversion forms part of any unique eco-system.

19. Situation w.r.t. any P.A.

20. Any other information relating to the project.

Yours faithfully,

sd/-

(INDER DHAMIJA)

Sr. Asstt. Inspector General of Forests.

### **Annexure-VIII**

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAVAN,  
CGO COMPLEX, LODI ROAD,  
NEW DELHI - 110003

NO. 11-9/96-FC Dated : 7.1.1997

To

The Secretary (Forests),  
All States.

Sub : Use of forest land for field firing ranges by Indian Army.

Sir,

I am directed to inform that after discussing the issue of use of forest land for field firing ranges on notification basis with the Ministry of Defence, it has been decided that the following guidelines may be followed while formulating the proposals under the Forest (Conservation) Act, 1980 in this regard:

- (i) In all such cases, the legal status of forest land shall remain unchanged.
- (ii) Forest area involved will remain in possession of the State Forest Department and only its temporary use will be permitted as and when practice is required to be carried out by Army authorities.
- (iii) Compensatory afforestation will be insisted over degraded forest land equivalent in extent to the 10% of forest area of field firing range.
- (iv) Army authorities will be permitted to pay the cost of compensatory afforestation to the concerned State Forest Department in a phased manner, say 5-10 years.
- (v) The condition of compensatory afforestation would be one time affair in respect of particular field firing range.

(vi) The State Govt. will, however, be free to realise the compensation for damage caused, if any, during the field firing practices as per norms of the State Government.

(vii) The notification of an area of field firing range should preferably be proposed for a period of 10 years.

Yours faithfully,

sd/-

(A.N. SHARAN)

ASSTT. INSPECTOR GENERAL OF FORESTS

### **Annexure-IX**

C.P. OBERAI INSPECTOR GENERAL OF FORESTS  
SPECIAL SECRETARY  
GOVERNMENT OF INDIA

No.11-30/96-FC

April 10, 1997

Dear Shri

As you are well aware, there have been difficulties and delays in identifying non-forest lands for raising compensatory afforestation under Forest (Conservation) Act, 1980. Our preferred option has been to carry out afforestation over non-forest area equivalent to forest area being diverted. However, in case of non-availability of non-forest land, as certified by the respective Chief Secretaries, compensatory afforestation over degraded forest land twice in extent of area being diverted has been provided for.

2. Over a period of time, it has been observed that many important development projects in the central sector, which are of vital national importance, either get delayed, or remain a non-starter, due to delay in identifying and transferring suitable equivalent non-forest land to the concerned Forest Department. Be that as it may, it has also resulted in severe criticism of the Ministry as being instrumental in delaying such projects, resulting in cost and time escalations of the projects.

3. The issue was considered recently in the Committee of Secretaries (COS), Govt. of India, who have inter alia recommended that to avoid such delays in central sector projects, diversion of forest land may be permitted against compensatory afforestation on double the degraded land in the first instance.

4. After giving considerable and careful thought to the recommendations, the Ministry has decided to insert para 3.2 (viii) in the existing guidelines for central projects. The preamble alongwith a copy of the additional guideline is enclosed for ready reference and further necessary action at your end.

5. The Government of Madhya Pradesh and Rajasthan have indicated their willingness to create a "degraded forest plantation bank" which can be even availed of by the proponents of the central sector projects in other states, if the state governments, where such projects are sited, cannot undertake the compensatory afforestation within their own forest areas.

6. Keeping in view the revised guidelines, I request you to henceforth submit the proposals for central sector projects providing for compensatory afforestation on double the degraded land, without insisting upon a certificate from the State Chief Secretaries as hithertofore. In case, you find it difficult to locate suitable degraded forest land for compensatory afforestation for such central projects within the time frame, this may kindly be indicated in the body of the proposal itself. In such exigencies, the Ministry will allot areas for compensatory afforestation in degraded forest land bank already identified in either of the states of Madhya Pradesh and Rajasthan as per the cost norms indicated by the concerned government from time to time.

With regards,  
Yours sincerely,  
Sd/-  
(C.P. OBERAI)  
Encl. : as above

To Forest Secretaries of All States/UTS

## **PREAMBLE**

National Forest Policy, 1988 envisages that one third of the total geographical area of the country should be brought under forest/tree cover. The total recorded forest cover in the country is 7,65,210 sq km. which is about 23% of the geographical area.

According to the State of Forest Report, 1995 of Forest Survey of India, out of the total recorded forest cover:-

- 60,528 sq km is having less than 10% crown density; and
- 2,49,311 sq km has crown density of more than 10% but less than 40%

Thus, altogether nearly 3,09,839 sq km (i.e. 24.7%) forest land of the country are degraded, albeit to varying extent, and need urgent attention and sufficient monetary input to be brought under vegetative cover. Such degraded areas have been broadly located by Forest Survey of India all over the country. These forest areas were endowed with diverse biological diversity and it is our immediate concern to rejuvenate them at the earliest. On account of several factors degradation of these is still going on and the rate is likely to accelerate with the passage of time due to escalating biotic pressure (both human and animal).

Whereas this Ministry is greatly concerned over the slow rate of afforestation owing to financial and other constraints, afforestation has gone down from 89,000 sq km in the Seventh Five Year Plan to 59,000 sq km in the first four years of the Eighth Plan. During the current year only about 12,500 sq km area will be brought under afforestation, thus making the total afforestation in the Eighth Plan around 72,000 sq km; i.e. reduction of almost 20% over the previous plan. With increasing costs (wages, material), the annual average may even plummet further.

Even if it is hypothesised that there will be no further degradation of forest areas, with the present rate of afforestation it may take more than 25 years to (re) stock the degraded forest areas alone. Even with a conservative norm of Rs. 10,000/- per ha., it will require a budgetary allocation of Rs. 310 billion.

Whereas the National Forest Policy, 1988, also enjoins substantially increasing the forest/tree-cover on all denuded and degraded lands as one of the basic goals.



Whereas compensatory afforestation is an innovative feature, and one of the most important conditions stipulated under Forest (Conservation) Act, 1980, while approving proposals for diversion of forest land for non-forest use, in order to ensure that the recorded forest area does not get depleted, as a preferred option, compensatory afforestation is required to be carried out over equivalent non-forest area. Such lands should, as far as practicable, be

- (i) contiguous to existing block of forest to facilitate future management.
- (ii) nearest to the site of diversion to mitigate/minimise the adverse impact on the micro-ecology of the area.

At the same time in case of non-availability of non-forest land, compensatory afforestation is stipulated on degraded forest lands twice in extent of area being diverted so that the basic objective of the forest policy to improve the forest/tree-cover on degraded forest land is achieved.

Whereas it has been found over a period of time that identification of suitable non-forest land in most of the State(s) is becoming increasingly more difficult and in most cases where non-forest lands are offered, they are generally far away from the forest boundaries and, more often than not, available in chunks, thereby their management become difficult and consequently even projects of national priority are getting delayed.

## **PROPOSAL**

The Committee of Secretaries has carefully considered this paradox of looking for elusive non-forest land whereas huge tracts of totally degraded forest lands are crying for bio-ecological upgradation. After considering all relevant issues including delays which lead to cost and time overruns in processing requests for diversion of forest lands, the Committee of Secretaries recommended that in case of central sector projects, certification by the Chief Secretary about non-availability of non-forest land should be dispensed with and compensatory afforestation may be accepted on double the degraded forest area. States of Madhya Pradesh and Rajasthan have offered creation of "degraded forest land bank" for accommodating the demand of compensatory afforestation against central sector projects, even if the respective state(s) where the projects are located find it difficult to raise compensatory afforestation or fail to respond within one month time frame. To implement this scheme, a new para in guidelines (Para 3.2 (viii)) is being added.

### **3.2 (viii) Special provisions for Central Government Projects.**

- (a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding non-availability of non-forest land for compensatory afforestation will not be insisted.
- (b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.
- (c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of central projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15.11.96.
- (d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as

mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.

(e) While identifying the pool of degraded forest land, blank forest lands in reserved forests in compact/sizeable blocks should be identified as first priority as "plantation bank". An appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.

(f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation with the concerned Chief Conservator of Forests (C), Regional Offices of the MOEF.

### **Annexure-X**

Telegram : Paryavaran,  
New Delhi  
Telephone :  
Telex : W-66185 DOE in  
Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No. 11-33/96-FC 13.8.97

All Regional CCFs

Sub: Regarding proposals received for forestry clearance under the Forest (Conservation) Act, 1980.

Dear Sir,

IGF and Special Secretary has observed that the recommendation of the Regional Offices in some cases processed by the SAG are ambiguous. Since the entire processing of the proposal is done at the regional level, it is essential that a clearcut recommendation needs to be made by the Regional Offices to facilitate decision making in the Ministry. He has also observed that while carrying out site inspections not much emphasis has been given to the sites (equivalent non-forest land) proposed for compensatory afforestation. It is desirable to have such sites in a compact block and contiguous to, or in close proximity to regular forest areas for ensuring better management. The map submitted in the proposal must indicate these sites clearly with respect to existing forest area. These maps could be in 1:50,000 or 1:25,000 scale.

2. The Regional Offices should not await instruction of the Ministry for site inspection for proposals involving forest land above 40 ha as this report from Regional Offices is mandatory. Please take up site inspection as soon as a copy of the proposal is received in the Regional Offices.

3. Reference is also invited to the guidelines (para 2.3(i)). All hydel projects, irrigation projects having a command area of over 10,000 ha and all mining projects involving diversion of more than 5 ha require

clearance from the environmental angle. It may be ensured that all proposals attracting guideline 2.3(i) should be accompanied by an Environment Impact Assessment report in the first instance to save delay and back referencing.

4. Proposals falling near the coastal areas, on shore of creeks, backwaters, bays etc., also need clearance under CRZ Regulations, 1990.

5. You are therefore advised to keep the above points in mind while recommending the proposal and submitting the site inspection report.

Yours faithfully,

Sd/-

(AN Prasad)

Deputy Inspector General of Forests

### Annexure-XI

Telegram : Paryavaran,  
New Delhi

Telephone :

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Government of India

Ministry of Environment & Forests

Paryavaran Bhavan, C.G.O. Complex

Lodhi Road, New Delhi - 110 003

hovanmining.com

No.11-30/96-FC(Pt) Dated : 11.09.1997

To

The Secretary (Forests),

Govt. of Bihar,

PATNA.

Sub : Para 3.2(vii) of Forest (Conservation) Act, 1980, Rules and Guidelines regarding compensatory afforestation for central Government Projects.

Sir,

I am directed to refer to your letter no. 6/97-663-E/V.P. on dated 9.6.97 on the above mentioned subject and to say that projects of Government of India undertakings are included in Central Government Projects for the purpose of Para 3.2(viii) of Forest (Conservation) Act, 1980 Rules & Guidelines issued vide this Ministry's letter of even number dated 10.4.97.

Yours faithfully,

Sd/-  
(A.N. SHARAN)  
ASSTT. INSPECTOR GENERAL OF FORESTS

**Annexure-XII**

Telegram : Paryavaran,  
New Delhi

Telephone :  
Telex:(bi-lingual):W-66185 DOE IN  
Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

To,

CCF(C)/CF(C)  
All Regional Offices  
Bhopal

No. 8C/5/321/95-FCW 3rd Oct, 97

Dear Sir,

I am directed to refer to the proposals for diversion of forest land for mining purposes received from Regional Offices after processing in consultation with the State Advisory Groups.

2. It has come to the notice of the Ministry that a number of times, even such mining projects, after due processing, are recommended by Regional Offices, which are deep inside the forest areas. As you are aware that mining activity located deep inside any forest will not only damage that area but also the surrounding forests, such cases should be rejected outright.

3. It is, therefore, suggested that in future, Regional Offices should be more careful while recommending cases for diversion of forest land for mining purposes.

Yours faithfully,

Sd/-  
(A.N. PRASAD)  
Deputy Inspector General of Forests

## Annexure-XIII

Telegram : Paryavaran,  
New Delhi  
Telephone :  
Telex : (bi-lingual) : W-66185 DOE IN  
Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No. 5-5/86-FC (Pt.) Dated : 12th December, 1997

To

Chief Secretary  
All States/UTs

Sub : Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.

Sir,

A detailed consolidated guidelines for submission of proposals for diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 were issued vide letter of even no. dated 25.10.92. Certain amendments to these guidelines were subsequently issued on 25.11.94. After further review it has been decided to add para 4.16 (ii) after the para 4.16 of the guidelines issued on 25.11.94;

4.16(ii) The conditions stipulated while giving approval under the Forest (Conservation) Act, 1980 for diversion/renewal of forest land for mining purposes shall be renewed/monitored every five years. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be revoked. Concerned chief Conservators of Forests (C), Regional Offices of the Ministry will issue a certificate regarding fulfillment of these conditions after carrying out the monitoring. These guidelines shall be applicable retrospectively for all the mining leases which have more than five years of lease period left.

Yours faithfully,

sd/-  
(R.K. CHAUDHRY)  
Asstt. Inspector General of Forests

## Annexure-XIV

No.4-1/97-FC  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

Dated: 18.02.1998

To

Secretary (Forests),  
All States/UTs.

Sub:- Regarding revised guidelines for applicability of Forest (Conservation) Act, 1980 on liner plantations for widening/modernisation.

Sir,

I am directed to refer to Para 2.5 of the existing guidelines issued under the Forest (Conservation) Act, 1980 for diversion of forest land widening/expansion of roads, rail lines and canals. After careful consideration, and taking into account the difficulty faced by the concerned departments for undertaking widening/modernisation on lands primarily acquired by these departments for these purposes, the Ministry has decided to substitute the existing Para 2.5 with the new guideline as enclosed.

Yours faithfully,

Sd/-  
(R.K. CHAUDHRY)  
ASSTT. INSPECTOR GENERAL OF FORESTS

Encl: As above

Applicability of Forest (Conservation) Act, 1980 on linear plantations for widening / modernisation.

This Ministry has been receiving large number of proposals under Forest(Conservation) Act, 1980 which pertain to widening/expansion of roadsides/railsides/canalsides. Large scale plantations along these linear strips have been taken up by different state governments under social forestry and other programmes. In order to have a better control and management of these linear patches in many places these have been notified as protected forests. Recently, the Union Cabinet has taken a decision that in case of widening/modernisation of existing roads, forest and environmental clearance should not be required.

The main spirit behind Forest (Conservation) Act, 1980 is conservation of natural forests whereas most of the linear plantations have been done on the land belonging to either Road or Irrigation or to the Railway

Department using ornamental and shade bearing trees. According to the definition of "forests" by the Hon'ble Supreme Court, these plantations could come under the purview of Forest (Conservation) Act, 1980. There are certain statutory provisions under the Rules and Guidelines which have to be followed for granting approval under the Forest (Conservation) Act, 1980. Of late there has been a spurt of activity in improving infrastructure. A delay in granting clearance/approval under Forest (Conservation) Act, 1980 would lead to time and cost escalation.

Keeping this preamble in view the following guidelines are, therefore, promulgated with immediate effect which will substitute the existing provision in para 2.5 of the guidelines as under:-

#### Para 2.5

(i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc. for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purposes of widening or expansion or re-alignment. However, the concerned agency will seek permission under local laws, if any, from appropriate authority.

(ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.

(iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/modernisation under intimation to the local State Forest Department and Central Government.

#### **Annexure-XV**

Telegram : Paryavaran,  
New Delhi

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Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No.8-79/91-FC Dated : 15th April, 1998

To

Chief Conservator of Forests(C)  
All Regional Offices

Sub : Guidelines on monitoring of conditions of mining cases.

Sir,

In respect of the mining cases on forest land approved by the Ministry under the Forest (Conservation) Act, 1980, I am directed to convey that the Regional Office will monitor the main parametres/conditions of formal approval as frequently as possible at least once in a year. At least once in five years a comprehensive monitoring as to the effect of mining on air and water pollution will also be carried out. Regional Offices should send such reports/certificates in respect of the monitoring mechanism indicated above to this Ministry, so that a view can be taken on continuation of mining lease beyond five years.

Yours faithfully,

sd/-

(R.K. CHAUDHRY)

Asstt. Inspector General of Forests

Annexure-XVI

Telegram : PARYAVARAN  
NEW DELHI.

Telephone :

Telex (bi-lingual) : W-66185 DEO IN

Fax: 4360678

Government of India,  
Ministry of Environment and Forests  
Paryavaran Bhawan, CGO Complex  
Lodhi Road, New Delhi - 110 003.

No.11-9/98-FC Dated : 23.7.1998

To

The Secretary (Forests)  
(All States/Uts)

Sub : Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 have been prepared on 25.10.1992 and issued to all the State Governments. A



review of these guidelines have also been done from time to time. After a recent review, the Ministry has decided to modify the following two existing paras of the guidelines as under:

#### 2.4. Simplified Procedure for Certain Categories of proposals

i) In respect of proposals for laying of transmission lines, pipelines for drinking water supply, laying of telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not involve any felling or cutting of tree, only the following particulars may be furnished in the prescribed form;

a) Map of the area required alongwith geographical location of the project.

b) Purpose for which forest land is required to be used.

c) Extent of forest area to be diverted.

d) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna.

e) Legal status of forest land.

f) Whether no alternative alignment is possible to avoid or minimise use of forest land and, whether, the required forest area is the minimum needed for the purpose. A certificate in this regard is to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.

g) Compensatory afforestation scheme.

h) A certificate stating specifically that no cutting or felling of trees is involved.

ii) Other cases involving forest area upto 2 ha. which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposals for mining and regularisation of encroachments.

#### 3.2 Land for Compensatory Afforestation.

vi) As an exception of 3.2 (i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/dereserved in respect of following types of proposals:

a) as already existing.

b) - do -

c) - do -

d) - do -

e) - do -

f) laying of telephone/optical fibre lines.

Yours faithfully,

sd/-

( R.K. CHAUDHRY )  
ASSTT. INSPECTOR GENERAL OF FOREST

## ANNEXURE-XVII

M.K. SHARMA  
ADDL INSPECTOR GENERAL OF FORESTS

Government of India,  
Ministry of Environment and Forests  
Paryavaran Bhawan, CGO Complex  
Lodhi Road, New Delhi - 110 003.  
4362785  
/4363232

No. 8C/5/574/98-FCW

October 22, 1998

Dear

This has reference to the mining proposals received from the Regional Offices after discussing in the State Advisory Group meetings. In a number of cases it has been observed that the proposals for grant of fresh mining leases in forest land have also been recommended by CCFs(C)/SAGs.

2. As you are aware that any mining activity on forest land causes the maximum damage to the area and its surroundings, it would be desirable not to permit this activity unless it becomes inescapable for extraction of some rare minerals needed for overall interest/security of the country. Therefore, this should be discouraged.

Yours sincerely,

Sd/-  
(M.K. SHARMA)

CCFs(C)  
All Regional Offices (By name)

## ANNEXURE-XVIII

Telegram : Paryavaran,  
New Delhi

Telephone :  
Telex : W-66185 DOE IN  
Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex

Lodhi Road, New Delhi - 110 003

No. 5-5/86-FC(Pt.) Dated : 30.10.98

To

The Chief Secretary  
All States/UTs

Sub : Guidelines for diversion of forest lands for non-forest purposes under Forest (Conservation) Act, 1980.

Sir,

As per the Forest (Conservation) Act, 1980 the Rules and Guidelines, all proposals involving diversion/dereservation of forest land upto 20 ha. are being sent by State/UT to the concerned Regional Office of Ministry of Environment & Forests and proposals involving more than 20 ha. are directly sent to Ministry at Delhi. Regional Offices conduct site inspection of proposal involving more than 40 ha. forest land and send report to Ministry for further processing. It has been observed that for proposals involving areas between 20 ha. to 40 ha., Regional Offices have also been requested from time to time to conduct site inspection.

In order to cut short the delays, the State Govts. /UTs are advised to send a copy of all proposals (irrespective of area) also to the concerned Regional Office. It is also requested to mention "Attention - FC Division" on covering letter as well as on envelope through which proposals are being sent to Secretary to Govt. of India, Ministry of Environment & Forests, New Delhi.

Yours faithfully

hovanmihing.com

Sd/-

(V.B. KUMAR )

Asstt. Inspector General of Forests.

#### ANNEXURE-XIX

Telegram : Paryavaran,  
New Delhi

Telephone :

Telex : W-66185 DOE IN

Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No. 5-5/86-FC(Pt.) Dated : 30.10.98

To

The Chief Secretary  
All States/UTs

Sub: Guidelines for diversion of forest lands for non-forest purposes under Forest (Conservation) Act, 1980.

Sir,

The detailed consolidated guidelines for submission of proposals for diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 were issued vide letter of even no. dated 25.10.92. Certain amendments to these guidelines were issued subsequently from time to time. After further review it has been decided to add Para 4.18 to the guidelines issued on 12th December, 1997 :-

"4.18 In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission for already broken up areas so as to enable the State Government to comply with the conditions. This period can be extended by one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the stipulated conditions."

Yours faithfully

Sd/-  
(V.B. KUMAR)  
Asstt. Inspector General of Forests

haveamining.com  
ANNEXURE-XX

Telegram : Paryavaran,  
New Delhi

Telephone :  
Telex : W-66185 DOE IN  
Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No. 11-9/98-FC Dated : 4.12.1998

To The Secretary (Forests)  
All States & Union Territories

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 that are part of National Parks and Wildlife Sanctuaries.

Sir,

This Ministry has already circulated detailed consolidated guidelines for submission of proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. Ministry has taken a decision not to permit development activities inside National Park/Sanctuaries and Tiger Reserve areas that are not in consonance of section 29 of the Wildlife Protection Act, 1972.

This Ministry has been receiving proposals from various States and Union Territories for permission to use forest land for non-forestry uses even in such areas. It is suggested that States and Union Territories should avoid recommending use of forest areas inside sanctuaries, national parks and project tiger areas for non forest purposes. Wherever it is inescapable, the State Govt. is advised first to get consent of Indian Board of Wildlife for getting approval of the State Legislature for denotification of the area as sanctuary. Only after receiving the clearance from concerned Board, the proposal under F(C) Act, 1980 may be submitted to Central Government for consideration. The proposals which are received without the approval as mentioned above shall not be considered for clearance under F(C) Act.

It has also been observed that in respect of certain proposals which do not involve sanctuary or national park areas but is reported to be rich in wildlife in the proposal or forms corridor for movement/migration of wild animals. It is decided that in such cases, the State Govt. should furnish specific comments of Chief Wildlife Warden on the proposal submitted under Forest (Conservation) Act, 1980 for approval. This will avoid back references and delay in decision can be avoided.

Yours faithfully

Sd/-  
(V.B. KUMAR)  
Asstt. Inspector General of Forests

  
**ANNEXURE-XXI**

Telegram : Paryavaran,  
New Delhi

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Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No. 5.5/86-FC(Pt.) Dated :28.01.99

To

The Chief Secretary  
All States/UTs.

Sub: Guidelines for diversion of forest lands for non-forest purpose under Forest (Conservation) Act, 1980.

Sir,

The detailed consolidated guidelines for submission of proposals for diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 were issued vide letter of even no. dated 25.10.92. Certain amendments to these guidelines were issued subsequently from time to time. After further review it has been decided to modify Para "4.3.1. as follows :

"4.3.1. The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area."

Yours faithfully

Sd/-

(V.B. KUMAR)

Asstt. Inspector General of Forests

**ANNEXURE-XXII**

Telegram : Paryavaran,  
New Delhi

Telephone :

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Fax : 4360678

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT AND FORESTS  
PARYAVARAN BHAVAN, CGO COMPLEX  
LODHI ROAD, NEW DELHI-110 003

No.11-30/96-FC(Pt.) Dated: 26.02.99

To

The Chief Secretary  
All States/UTs

Sub: Scrutiny of proposals submitted for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980

Sir,

Ministry has been issuing guidelines for submission of proposal for diversion of forest land for non forestry purposes under the Forest (Conservation) Act, 1980 from time to time. In order to ensure that the forest lands are diverted only for site specific projects, that too where it is inescapable, so that the ecological balance of the country is well protected, Ministry would like to draw the attention of the State/Union Territory Governments to some of the issues given below. It is requested that while submitting the proposals, the respective State/UT Administration should give due consideration to these and should submit proposal accordingly after detailed scrutiny.

### 1. Diversion of forest land in Sanctuaries, National Parks and Biosphere Reserves

Ministry had already issued a guideline on this issue vide No.11-9/98-FC dated 4.12.98. The procedure suggested in this guideline must be strictly followed. Central Government will like that these areas should be kept inviolate and should not be recommended for diversion. However, in some exceptional cases, where it is totally unavoidable to use forest land and the project is of national importance, proposal should be submitted as per the procedure suggested in the guideline including assessment of restrictions imposed by Section 29 of the Wildlife (Protection) Act, 1972.

### 2. Diversion of forest land within Reserve Forest

As per the Status of Forest Report, 1997 published by Forest Survey of India, out of 76.25 million ha. of total forest area, roughly 54.4% is Reserve Forest area. These forests are considered as good forests with plenty of bio diversity and it is necessary to keep these forests intact. As such, any proposal for diversion in Reserve Forest should be very carefully examined and detailed justification after exhausting all alternatives for locating the project in this forest area should be given while forwarding the proposal. Unless it is convincingly justified vis-a-vis alternative sites, Central Govt. may not consider clearance of projects on forest lands.

### 3. Regarding Mining proposals

It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. It has also been observed that whatever area has already been opened up for mining of different minerals, have not been worked and reclaimed systematically and scientifically. There is a tendency to open up new pits without exhausting the existing ones to its full depth/potential. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production and the present level of average annual production and location of these pits. Alongwith this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral, also give status of reclamation of forest land that are exhausted of minerals. Unless the State Government justifies the need to open up new mines with details, it shall not be possible for the Central Government to consider it.

Even in the case of renewals, it has been observed that the State Governments are not giving complete picture of mining activity in the particular block or compartment of the forest block. It is requested that whenever such proposal is sent, complete details of existing or proposed leases in that particular forest area with their present status should be indicated on Survey of India topo-sheet on 1:50,000 scale.

#### 4. Diversion for non-site specific projects

It has been observed that Central Government is receiving a large number of proposals for diversion of forest land for non-site specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons etc. Attention is drawn to column 1(iv) of the format in which the proposal is to be submitted by the State Government. In this column, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, it is observed that this column is not conclusively filled by the State Government. Normally, there should not be any justification for locating non site-specific projects on forest land. Therefore, it is once again re-iterated that the State Government scrutinise the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area. It will be appreciated if proposals are scrutinised from this angle at the State Government level itself and should not be sent to the Central Government.

5. It has been observed that in respect of a large number of proposals the Central Government is receiving representation from NGOs/local public bodies against the diversion of forest land on loss of forest land, environment and ecological grounds. Therefore, the Central Government feels that it is essential to have the opinion of the local people whenever a project is coming up in that area. Therefore, it has been decided that whenever any proposal for diversion of forest land is submitted, it should be accompanied by a resolution of the 'Aam Sabha' of Gram Panchayat/Local Body of the area endorsing the proposal that the project is in the interest of people living in and around the proposed forest land.

Yours faithfully,

Sd/-  
(V.B. KUMAR)  
Asstt. Inspector General of Forests

hovanmining.com

#### ANNEXURE-XXIII

Telegram : Paryavaran,  
New Delhi

Telephone :  
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Fax : 4360678

Government of India  
Ministry of Environment & Forests  
Paryavaran Bhavan, C.G.O. Complex  
Lodhi Road, New Delhi - 110 003

No.5-5/86-FC (Pt.) Dated : 26.02.99

To

The Forest Secretary,  
All State/UTs



Sub : Guidelines for diversion of forest lands for non-forest purpose under Forest (Conservation) Act, 1980.

Sir,

I am directed to invite your attention to the guidelines issued under the Forest (Conservation) Act, 1980 from time to time. It has been brought to the notice of the Central Govt. that on such issues like submission of interim replies to the clarifications, compliance report of conditions stipulated in the State-I, procedure for submitting information regarding violation of the FC Act, 1980 etc., are not very clear to the State Govt. It is, therefore, clarified that :

(i) As far as the submission of proposals for diversion of forest land for non-forestry purposes under the FC Act, 1980 is concerned, the proposal has to be submitted by the State Govt. as per Rule 4 of the F(C) Rules, 1980 in the prescribed format.

(ii) Para 4.15 of the existing guidelines defines the functions of the Nodal Officer. The Nodal Officer may also report compliance of State-I conditions after getting it vetted by the State govt. wherever it is called for mainly dealing with land and fund matters.

(iii) The Nodal Officer may also inform violations/non-compliance of stipulations/conditions prescribed by the Central Govt. so that remedial actions could be taken up early since it is likely to be further delayed after these violations/non-compliance are to be received only from the State Govt. level. In case of gross violations, for which delay/time lag is crucial, such reports from territorial CCF/CF shall also be entertained by Government of India.

(iv) Ministry is receiving a large number of proposals for grant of/renewal of mining leases. As you are aware, approval for every mining lease, a mining plan has to be prepared and got approved by Indian Bureau of Mines, Nagpur. In order to take a holistic view and to justify the columns given in column 10 of the format, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal alongwith map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest area and other mining leases of forest block within that sheet.

Yours faithfully

sd/-

(V.B. KUMAR)

Asstt. Inspector General of Forests

#### ANNEXURE-XXIV

Telegram:PARYAVARAN,  
NEW DELHI

Telephone:

Telex:W-66185 DOE IN

FAX: 4360678

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAWAN, CGO COMPLEX  
LODHI ROAD, NEW DELHI - 110 003

No. 11-17/98-FC May 25, 1999

To

All the Forest Secretaries,  
State Government.

Subject: Clarification regarding Safety Zone.

Sir,

I am directed to invite your attention on the above mentioned subject and to say that the attention of the Ministry has been drawn by several user agencies as well as Federation of Indian Mining Industries (FIMI) that safety zones area calculation is not being done in a very uniform manner in different States. It has also been observed by this Ministry that while submitting proposals under Forest (Conservation) Act, 1980, different norms of safety zone calculations have been adopted for different proposals. It has been seen that in some proposals safety zone around magazine and safety zone requirement for blasting has been taken as safety zone area under Forest (Conservation) Act, 1980.

2. Ministry will like to clarify that the concept of safety zone, as envisaged in the guidelines under the Forest (Conservation) Act, 1980 is different from the safety zone requirements under different mines and minerals regulations. Safety zone area calculation in the proposal should be done taking 7.5 metres strip of the forest land all along the outer boundary of the mining lease area. If it is a cluster proposal, then the outer boundaries of the cluster should be taken as the safety zone.

3. In some of the mining lease areas, public roads, forest roads, natural streams and nallahs are also located. In order to safeguard these from the mining activities, it is necessary that no mining activities should be carried out up to certain reasonable extent. This area can also be included in the safety zone calculation and provision for its fencing and regeneration should be made in the proposal.

4. It is further clarified that area under safety zone has to be indicated separately in the proposal and will not be included in the area demanded for diversion. This area will remain under control of the Forest Department and its fencing, regeneration etc. will be done by the Department from the fund released from the user agency.

Yours faithfully,

Sd/-  
(V.B. KUMAR)  
ASSTT. INSPECTOR GENERAL OF FORESTS