



# COMPENDIUM OF FOREST CONSERVATION ACT, 1980 FOREST CONSERVATION RULES 2003 GOI GUIDELINES & CLARIFICATIONS (UP TO NOVEMBER 2013)

and  
Govt. of Andhra Pradesh orders on FC ACT,  
and  
Circular Instructions on FC ACT  
of Principal Chief Conservator of Forest  
Andhra pradesh









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**Compendium on the Forest** (Conservation) Act, 1980;  
the Forest (Conservation) Rules, 2003; Clarifications; Guidelines  
and  
Government of Andhra Pradesh Orders on Forest (Conversaion) Act & Rules  
and  
Principal Chief Conservator of Forests, AP, Circular Instructions on the Act & Rules

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**Andhra Pradesh Forest Department**  
**Aranya Bhavan, Saifabad**  
**HYDERABAD**  
**A.P. 500 004**

**Phone: 040-23231404 & 23231538**  
**Fax: 040-23231851 & 23240541**

**Website: [www.apforest.ap.nic.in](http://www.apforest.ap.nic.in)**  
**[www.apforest.gov.in](http://www.apforest.gov.in)**  
**Email: [prlccf\\_hf\\_apfd@ap.gov.in](mailto:prlccf_hf_apfd@ap.gov.in)**  
**[splccf\\_dev\\_apfd@ap.gov.in](mailto:splccf_dev_apfd@ap.gov.in)**  
**[apccf\\_fca\\_apfd@ap.gov.in](mailto:apccf_fca_apfd@ap.gov.in)**

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Designed & produced by Supriya Bhalerao of Bookslines, Publishing for a better life, A Unit of SRAS Foundation,  
A-502, Maheswari Towers, Road 1, Banjara Hills, Hyderabad 500 034.  
Ph: 040 6661 8506, 9866108574, 9849008016 email: [supriyabha@hotmail.com](mailto:supriyabha@hotmail.com) [sras.bookslines@gmail.com](mailto:sras.bookslines@gmail.com)  
website: [www.bookslinesindia.org](http://www.bookslinesindia.org)

## Preface

The Forest (Conservation) Act, 1980 had been enacted by the Government of India on October 25, 1980 through an Act of Parliament. Since then, a lot of development has taken place by way of framing of Forest Conservation Rules and issue of Guidelines from time to time. The GOI has come out with a compilation of the Act, Rules and Guidelines, first, in the year 1992. Subsequently, after a gap of more than a decade, the Ministry of Environment & Forests, GOI came out with a **Handbook** in June 2004, on Forest Conservation Act, 1980, Forest Conservation Rules 2003, Guidelines and Clarification from FC Act.

Later, many more amendments to the Act, Rules and Guidelines have been made by the Government of India and many clarifications issued, specially in the wake of PESA & ROFR Act, constitution of CAMPA on the directions of the Supreme Court of India, launch of e-Green Watch and emphasis on the digitisation of Forest Boundaries and more so in case of the Forest lands diverted and non-forests lands taken over towards Compensatory Afforestation and mandatory uploading of the new proposals on the portal specially developed for it. However, no comprehensive handbook has been brought out by the GOI covering all these aspects. Therefore, a need was felt for compilation of the Act, Rules, Guidelines and clarifications issued on various subjects by the Govt. of India.

In addition to the above, the Government of Andhra Pradesh has also issued orders connected to the above subjects and the office of PCCF has also issued Circular instructions to the field officers from time to time. Hence, it was decided to bring out a Compendium duly compiling all the above changes and information; so as to serve as a Ready Reckoner for the Forest Officers, User Agencies and the Public in general.

This was a herculean task, as records of more than last three decades had to be searched and organised in a subject-wise chronological order, to make it comprehensive and convenient to the users. In this regard, I place on record my special compliments to **Sri PK Sharma, IFS, Spl. PCCF (Dev) & Sri Surendra Pandey, IFS, Addl. PCCF & Advisor Forestry, SCCL**. I also compliment **Sri Md. Anwar Ali, PA to SPCCF (Dev.) & MV Vishnu Vardhan, Senior Assistant** of this office for tracing, digitising and organising the old records properly. But for their efforts it would not have been possible to bring out this Compendium. I am sure this will be highly appreciated by one and all.



Date: 30-11-13  
Hyderabad

**B. Somasekhar Reddy, IFS**  
Principal Chief Conservator of Forests  
& Head of Forest Force





# Contents

•	<b>Introduction ...1</b>	
	PART - A: The Forest Conservation Act, 1980	<b>9</b>
<b>1.</b>	<b>The Forest Conservation Act, 1980 ...10</b>	
	PART - B: The Forest Conservation Rules, 2003	<b>13</b>
<b>2.</b>	<b>2.1 The Forest Conservation Rules, 2003 ...14</b>	
	<b>2.2 FORM-A: Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities (Part – I to V and General Instructions) ...17</b>	
	<b>2.3 FORM-B: Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities (Part – I to V and General Instructions) ...21</b>	
	<b>2.4 The Forest Conservation Amendment Rules, 2004 ...24</b>	
	<b>2.5 Corrigendum Dt. 09.02.2004 ...27</b>	
	PART - C: Application of Forest Conservation Act	<b>29</b>
<b>3.</b>	<b>Chapter 1- Application of Forest Conservation Act ...30</b>	
	<b>3.1 Appendix 4: Guidelines for diversion of forest land for non-forestry purpose under Forest (Conservation) Act, 1980 ...34</b>	
	<b>3.2 Appendix 8: Guidelines for diversion of forest land for non-forest purposes under forest (conservation) act, 1980-’Important modifications’, Dt: 20.10.2003 ...34</b>	
	<b>3.3 Appendix 12: Modification in Para 4.2 (i) regarding, Dt: 03.02.2004 ...37</b>	
	<b>3.4 Modification in Para 2.5 (ii), Dt: 29.06.2010 ...38</b>	
	<b>3.5 Revision of Para 4.4 of the guidelines regarding projects involving Forest as well as Non-forest lands, Dated 06.01.2011 ...38</b>	
	<b>3.6 General approval in the Tribal Areas, Dated 03.01.2005 ...39</b>	
	<b>3.7 Clarification regarding applicability of the Forest (Conservation) Act, 1980 on the plantations raised on revenue waste land... Dt: 30/31.08.2005 (With SCI Order) ...41</b>	
	<b>3.8 F.No.11-79/2005-FC, Dt: 27.10.2005 - Issue related to <u>imposition of additional conditions</u> by the State Government in respect of proposals involving forest land where permission for diversion of such forest lands has been granted by the Ministry of Environment and Forests ...44</b>	
<b>4.</b>	<b>Chapter 2- Submission of Proposals</b>	<b>45</b>
	<b>4.1 Appendix 11: Submission of DRP-F.No.5-5/98-FC (pt), Dt:15.12.2003 ...51</b>	
	<b>4.2 F.No.11-9/98-FC, Dt: 08.07.2011- Submission of Geo-referenced digital data for applications under Forest(Conservation)Act,1980 ...51</b>	
<b>5.</b>	<b>Chapter 3- Compensatory Afforestation</b>	<b>52</b>
	<b>5.1 ANNEXURE II B - ‘COMPENSATORY AFFORESTATION FUND’ ...55</b>	
	<b>5.2 Clarification on accepting Zudpi Jungle / Chhote Bade Jhad Ka Jungle towards CA, F.NO.5-1/2007-FC, Dt: 18.07.2007 ...56</b>	
	<b>5.3 Clarification on accepting Zudpi Jungle / Chhote Bade Jhad Ka Jungle towards CA, F.No.5-1/2007-FC, Dt: 28.12.2007 ...57</b>	
	<b>5.4 Non-availability of forest land for creation of compensatory afforestation, F.No.11-423/2011-FC, Dt: 13.02.2012 ...57</b>	

<b>6.</b>	<b>Chapter 4- Some Clarifications</b>	<b>59</b>
<b>6.1</b>	Clarification for planting <b>Jatropha</b> on Forest land, F.No.2-1/2003-FC(Pt.III) <b>Dated 05.09.2005</b> ...65	
<b>6.2</b>	Guidelines for <b>Re-diversion of forest land</b> under the Forest (Conservation) Act, 1980, F.No.8-66/2009-FC(Pt), <b>Dated 30.09.2011</b> ...66	
<b>6.3</b>	Guidelines for construction of school buildings for the benefit of the people, F.No.5-3/2007-FC, <b>Dated 10.01.2011</b> ...3066	
<b>7.</b>	<b>Chapter 5- Conditions stipulated</b>	<b>69</b>
<b>7.1</b>	<b>Annexure I, IIA &amp; IIC : SCI Orders on Forests, Protected Areas &amp; NPV</b> ...70	
<b>7.2</b>	<b>Annexure III- Law department's advice in regard to 'Mining Leases'</b> ...71	
<b>7.3</b>	<b>Annexure IV- Regularisation of Encroachments</b> ...71	
<b>7.4</b>	<b>Annexure IVA-INFORMATION FOR PROPOSAL FOR REGULARISATION OF ENCROACHMENTS</b> ...74	
<b>7.5</b>	<b>Annexure IVB- Review of disputed Claims over Forest lands arising out of Forest Settlement</b> ...74	
<b>7.6</b>	<b>Annexure IVC- Review of disputed claims over forestland arising out of Forest Settlement</b> ...76	
<b>7.7</b>	<b>Annexure IVD- Conversion of Forest Villages into Revenue Villages and settlement of other old habitations</b> ...77	
<b>7.8</b>	<b>Annexure V-Guidelines for laying Transmission lines through forest areas</b> ...78	
<b>7.9</b>	<b>Annexure VIa- Applicability of CB Analysis</b> ...79	
<b>7.10</b>	<b>Annexure VIb- Parameters for 'Evaluation of Loss of Forests'</b> ...80	
<b>7.11</b>	<b>Annexure VIc- Parameters for 'Evaluation of benefit' notwithstanding loss of forests</b> ...81	
<b>7.12</b>	<b>Annexure VII- Proforma for District profile</b> ...82	
<b>7.13</b>	<b>Annexure VIII- Guidelines For Participation Of Private Sector through involvement Of NGOs &amp; Forest Department in Afforestation/ Rehabilitation Of Degraded Forest</b> ...83	
<b>7.14</b>	<b>Annexure IX- Guidelines For Preparation Of 'Cluster Mining' Proposals</b> ...84	
<b>7.15</b>	<b>Annexure X- Proforma for Site Inspections Reports By Regional Offices</b> ...84	
<b>7.16</b>	<b>Appendix 48- Reporting of violations under the FCA</b> ...85	
<b>7.17</b>	<b>Appendix 7- MINISTRY OF ENVIRONMENT AND FORESTSNOTIFICATION</b> ...86	
<b>8.</b>	<b>ENCROACHMENTS</b>	<b>87</b>
<b>8.1</b>	<b>Eviction of illegal encroachment</b> on forest lands in various States/UTs time bound action plan, F.No.7-16/2002-FC, <b>Dt.03.05.2002</b> ...88	
<b>8.2</b>	<b>Eviction of illegal encroachment on forest lands in various States/UTs - Time Bound Action Plan – Clarification thereof, F. No. IGF/FC/2002, Dt: 30.10.2002</b> ...89	
<b>9.</b>	<b>PROTECTED AREAS</b>	<b>90</b>
<b>9.1</b>	<b>Appendix 1- For diversion of FLs in PAs only with the prior permission of SCI, F.No.11-9/98-FC, Dt: 04.05.2001</b> ...91	
<b>9.2</b>	<b>Appendix 10- Mining Leases in NPs &amp; WLS, F.No.11-9/98-FC (Pt-II) Dated 20/24.10.2003</b> ...91	
<b>9.3</b>	<b>Appendix 15- No de-reservation of NPs &amp; WLs, F.No.2-1/2004-FC, dated.10.03.2004</b> ...91	
<b>9.4</b>	<b>F.No.11-66/2004-FC, Dated: 13.11.2007 – applicability of F(C)Act, 1980 for activities that are necessary for ex-situ conservation of wild animals including upkeep and management of animals through Zoological park/Zoos/ Biological parks over forest land</b> ...92	
<b>9.5</b>	<b>F.No.6-10/2011/WL, dated.12/12 – Guidance documents for taking up non-forestry activities in Wild Life Habitats</b> ...94	
<b>10.</b>	<b>NET PRESENT VALUE (NPV)</b>	<b>97</b>
<b>10.1</b>	<b>Appendix 5 (A) -Guidelines for collection of Net Present Value, F.No.5-1/98-FC (Pt. II) Dated: 17/18.09. 2003.</b> ...98	
<b>10.2</b>	<b>Appendix 5 (B) -Guidelines for collection of Net Present Value, F.No.5-1/98-FC (Pt. II) Dated 19/22 .09. 2003</b> ...98	



- 10.3** Appendix 18- Guidelines for collection of **Net Present Value**, F.No.5-1/98-FC (Pt. II) Dt: 25.05.2004 ...99
- 10.4** NPV of diverted forest land for underground works, F.No.11-13/2004-FC, Dt: 23.06.2004 ...99
- 10.5** Exemption of certain Government projects from payment of **NET PRESENT VALUE (NPV)**, F.No.5-1/98-FC (Pt-II) Dt:19.12.2005 ...100
- 10.6** D. No. 597/1995/SC/PILC, Supreme Court of India, Dt: 04.10.2005 ...101
- 10.7** Extract of Hon'ble Supreme Court of India D.No.597/1995/SC/PILC Dt:04.10.2005, Order Dt: 26.09.2005 ...101
- 10.8** F.No.5-2/2006-FC –CAMPA (Ad-hoc body), Dt: 03.10.2006 – Recovery of NPV of the forest land diverted under the F(C) Act - In compliance to orders dated 15.09.2006 of Hon'ble Supreme Court of India ...103
- 10.9** F.No.5-1/1998-FC (Pt-II), Dt: 7.05.2005 - Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980; **NET PRESENT VALUE** ...104
- 10.10** F.No.5-1/98-FC (Pt. II) Dt:13.06.2008 - Guidelines for collection of **NET PRESENT VALUE** in case of projects engaged in the production of **WIND ENERGY** ...104
- 10.11** Order Dt: 09.05.2008. D.No.597/1995/SC/PILC – Orders regarding collection of NPV ...105
- 10.12** Order Dt: 28.03.2008. D.No.597/1995/SC/PILC - Orders regarding collection of NPV ...107
- 10.13** F.No.5-3/2007-FC, Dt 05.02.2009- Guidelines for collection of **NET PRESENT VALUE** ...111

## 11. LINEAR PROPOSALS

115

- 11.1** F.No.11-9/98-FC, Dt: 16.10.2000 - General approval for laying of underground- optical fiber cables, electric cables, telephone lines and drinking water supply pipelines ...116
- 11.2** Appendix 6- For laying of underground- optical fiber cables, electric cables, telephone lines and drinking water supply pipelines, F.No.11-9/98-FC Dt:19.09.2003 ...116
- 11.3** Clarification on Repair And Maintenance of Roads Constructed on Forest Lands for Public Purpose prior to 1980, F.No.11-48/2002, Dt:14.09.2004 ...117
- 11.4** Laying of underground telephone lines and drinking water supply pipelines, F.No.11-9/98/FC, Dt:15.06.2004 ...118
- 11.5** F.No.1-14/2003-FC Dated: 23.6.2004 - Clarification regarding processing of proposals for **approach roads of the petrol pumps** ...118
- 11.6** F.No.11-48/2002-FC Dt:29/30.04.2005 - Guidelines under Forest (Conservation) Act, 1980, for **up-gradation of 'Kutchra roads constructed prior to 1980 in forest areas...** ...119
- 11.7** F.No.11-9/98-FC, Dt: 21.11.2005 - General approval for laying of underground- optical fibre cables, electric cables, telephone lines and drinking water supply pipelines ...120
- 11.8** F.No. 11-47/2006-FC, Dt:06.10.2006 – Guidelines for preparation of projects under Forest (Conservation) Act for diversion of Forest Land for construction of roads passing through Divisions /Districts/ States ...120
- 11.9** F.No. 11-9/98-FC, Dt: 14.09.2006 – clarification on the general approval issued by GoI vide letter dated.03.01.2005 ...121
- 11.10** F.No.11-9/98-FC, Dt: 08.04.2009 - General approval for laying of underground- optical fibre cables, electric cables, telephone lines and drinking water supply pipelines ...122
- 11.11** Procedure for utilizing the forest land for **approach / exit road to petrol / CNG pumps**, F.No.5-3/2007-FC (Pt-I) Dt:18.03.2010 ...122
- 11.12** Guidelines for **Black topping and bituminous work** under Pradhan Mantri Gramin Sadak Yojana using cold mix, F.No.5-3/2007-FC, Dt:17.01.2011 ...123
- 11.13** F.No.8-44/2002/FC(Pt), Dt: 24.01.2012 - Guidelines for maximum allowable width of Right of Way for transmission lines in forest area ...123
- 11.14** F. No. 11-91/ 2012-FC (pt)(1) Dt: 08.04.2013 – Recommendations of the Forest Advisory Committee – to mention the number of trees required to be felled and enumerated... ...125

<b>12. DEVELOPMENT OF TRIBAL AREAS</b>	<b>126</b>
<b>12.1</b> Appendix 9- Stepping Up The Development Projects In Tribal Areas, F.No.2-1/2003-FC, Dt:20.10.2003 ...127	
<b>12.2</b> Appendix 14- Regularization of the Rights of The Tribals on the Forest Lands, F.No.2-1/2002-FC (Pt) Dt: 05.02.2004 ...128	
<b>12.3</b> Review of Para (vi) of the guidelines for stepping up the development projects in tribal areas thereof, F.No.2-1/2003-FC, Dt:15.04.2005 ...130	
<b>13. CONVERSION OF FOREST VILLAGES INTO REVENUE VILLAGES</b>	<b>131</b>
<b>13.1</b> Appendix 13- Stepping Up the process of conversion of Forest villages into Revenue villages, F.No.11-70/2002-FC (pt) Dt: 03.02.2004 ...132	
<b>13.2</b> F.No.2-1/2003-FC, Dt: 13.11.2009 -Review of Para(vi) of the guidelines dated 20.10.2003 for stepping up the development projects in tribal areas thereof – clarification ...135	
<b>14. CAMPA</b>	<b>134</b>
<b>14.1</b> Appendix 16- GOI Gazette Extraordinary, Part II–Section 3–sub-section (ii), MoEF Order Dt: 23.04.2004 ...30	
<b>15. WIND ENERGY</b>	<b>141</b>
<b>15.1</b> Appendix 17- For projects utilizing wind energy, F.No.8-84/2002-FC, Dt:14.05.2004 ...142	
<b>15.2</b> Clarification regarding Para 3 (ii) of the guidelines for projects utilizing Wind Energy, F.No.8-84/2002/FC, Dt:10.06.2004 ...144	
<b>15.3</b> Clarification regarding Para 3 (v) of the guidelines for projects utilizing Wind Energy, F.No.8-84/2002/FC, Dt: 06.04.2005 ...145	
<b>15.4</b> F.No.8-84/2002-FC, Dt:16.12.2005, clarification regarding charging of lease rent for projects utilizing Wind Energy ...145	
<b>15.5</b> F.No.8-84/2002-FC, Dt:20.02.2006, procedure for transfer of lease from the User Agency to investors/ power producers -for projects utilizing Wind Energy ...146	
<b>15.6</b> F.No.8-84/2002-FC, Dt: 22.06.2007 establishment of Wind Power Projects, maximum allowable base area for installing individual Wind Met-mast. ...148	
<b>15.7</b> F. No. 8-47/2008-FC, Dt: 16.03.2008 ToR for studies on potential impact on wind mills on birds and bats ...148	
<b>15.8</b> F.No.11-113/2008-FC, Dt.30.12.2008, Issue of Facilitation letter for project utilizing Wind Energy ...150	
<b>15.9</b> F.No.8-47/2008-FC, Dt.30.01.2009, Proposals seeking diversion of forest land for setting up the Wind Energy Projects – guidelines regarding Impact on birds ...151	
<b>15.10</b> F.No.8-84/2009-FC, Dt.05.08.2009 – Establishment of Wind Power Project – guidelines for routing the proposal through NREDCAP ...152	
<b>15.11</b> F.No.8-84/2009-FC, Dt.11.08.2009 – Establishment of Wind Power Project – guidelines for routing the proposal through NREDCAP - clarification ...152	
<b>16. MINING</b>	<b>153</b>
<b>16.1</b> For installation of temporary Crushing and Screening Plants in the mining lease areas already approved, F.No.11-1/2004-FC, Dt: 09.06.2004 ...154	
<b>16.2</b> Inclusion of Central Mine Planning and Design Institute Ltd., (CMPDI) for subsidence prediction plan in respect of underground mining, F.No.2-1/2003/FC (Pt.III), Dt: 10.06.2004 ...155	
<b>16.3</b> Guidelines in respect of pre-1980 underground mining leases for action of minerals... F.No.2-1/2003/FC, Dt: 06/07.12.2004 ...155	
<b>16.4</b> Revision of the Para 4.17 of the guidelines regarding grant of Temporary Working Permission (TWP)... F.No.2-1/2003/FC (Pt.II),Dt:14.12.2004 ...155	
<b>16.5</b> Format of Application For Temporary Working Permission(TWP) ...157	
<b>16.6</b> F.No.7-19/2004-FC - Orders passed by Supreme Court of India in IA No.1413,1414,1415, in IA No.1413, 1426, 1428, 1439, 1440, 1444-1445 & 1460 in Writ Petition (C) No.202 of 1995 ...158	



- 16.7** F.No.15-26-ROHQ/2004-FC, Dt: **14.04.2006** – clarification regarding removal of already quarried and stacked material / mineral from Mining Lease. ...**161**
- 16.8** F.No.5-3/2007-FC, Dt:**16.12.2008** - Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – for stipulating the norms for **SURVEY AND INVESTIGATION(PROSPECTING OF ORES)** on forest land ...**162**
- 16.9** F.No.5-3/2007-FC, Dt: **19.08.2010** - Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act,1980 – for stipulating **the norms for Survey and Investigation (Prospecting of ores)** on forest land ...**163**
- 16.10** Guidelines for ‘**Transfer of Lease**’ from one user agency to another user agency, F.No.11-9/98-FC, Dt: **03.05.2010** ...**163**
- 16.11** Diversion of forest land for **mining** and other non-forestry purposes under the Forest (Conservation) Act, 1980 – **Stipulation of additional conditions**, F.No.11-9/1998-FC, Dt: **04.01.2011** ...**164**
- 16.12** Guidelines for diversion of forest land for mining purposes– **Submission of mining plans**, F.No.11-168/2009-FC(pt.) Dt: **02.02.2012** ...**165**
- 16.13** F.No.8-25/2010-FC, Dt: **12.07.2012** - Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980 ...**166**
- 16.14** Submission of proposals to obtain approval for diversion of **entire forest land located within the mining lease** and grant of **Environment Clearance to mining projects**, F.No.11-362/2012-FC, Dt: **01.02.2013** ...**166**
- 16.15** Simplified procedure for grant of approval in certain cases for renewal of minising leases, F.No. 11-285/2011-FC, Dt: 05-11-2013 ...**167**

## **17. TUSSEY CULTIVATION**

**169**

- 17.1** **Appendix 19-** Revised guidelines for **Tusser Cultivation** (Vanya Silk Cultivation), F.NO. 2-1/2003-FC (Pt.III), Dt: **07.06.2004** ...**170**

## **18. CATCHMENT AREA TREATMENT PLAN**

**173**

- 18.1** Preparation and implementation of **Catchment Area Treatment (CAT) Plan**, F.No.8-227/87-FC, Dt: **15.06.2004** ...**174**
- 18.2** F.No.11-54/2012-FC, Dt: **09.11.2012**–guidelines for realization of amount required for **implementation of CAT Plan** in more than one instalment for small Hydel projects having installed capacity less than 25 MW ...**175**

## **19. TRADITIONAL RIGHTS OF TRIBALS**

**176**

- 19.1** Traditional rights of tribals on forest lands – **Discontinuance of Eviction of Tribals**, F.No.2-3/2004-FC(Pt.II), Dt: **21.12.2004** ...**177**
- 19.2** **Rights of the forest dependent rural poor** including **tribals** recognized under Indian Forest Act, 1927, **to collect stones/slates/boulders etc. for bonafide use** from forests, F.No.11-9/1998-FC, Dt: **09/10.06.2005** ...**179**
- 19.3** Traditional rights of tribals on forest lands – **Discontinuance of Eviction of Tribals** –clarification F.No.2-3/2004-FC, Dt:**12.05.2005** ...**180**

## **20. DISPOSAL OF TREES STANDING ON DIVERTED AREAS**

**181**

- 20.1** F.No.5-1/98 FC (Pt. II), Dt: **25.03.2005** - Disposal of the trees standing on the forest land diverted for non-forestry use ...**182**
- 20.2** F.No.5-1/98 FC (Pt. II), Dt: **11.12.2008** – clarification regarding disposal of the trees standing on the forest land diverted for non-forestry use ...**183**

## **21. RoFR ACT IMPLEMENTATION**

**184**

- 21.1** **Verification / Recognition of Rights of Tribals and Forest Dwellers on forest land**, F.No.2-3/2004-FC, Dt: **03.11.2005** ...**185**
- 21.2** F.No.11-9/1998-FC(pt), Dt: **30.07.2009** - ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 ...**190**

- 21.3** F.No.01-9/1998-FC(pt), Dt: **03.08.2009** - Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980– **ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 ...191**
- 21.4** F.No.23011/15/2008-SG.II, Dt: **18.05.2009** - Procedure for seeking prior approval for diversion of forest land for non-forest purposes for **facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 ...192**
- 21.4 a** APPENDIX : FORM-A, FORM-B ...**193, 194**
- 21.5** F.No.11-9/98-FC, Dt: **11.09.2009**- **General Approval** under Section 2 of Forest (Conservation) Act, 1980, thereof ...**194**
- 21.6** F.No.11-9/98-FC (pt), Dt: **17&25.08.2010**-Clarification regarding raising of non-forestry crops on patta land allotted under FRA 2006 ...**195**
- 21.7** F. No. 11-9/98-FC (pt.), Dt: **05.02.2013**- ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 ...**196**
- 21.8** F. No. 11-9/98-FC (pt.), Dt: **05.07.2013** –guidelines for ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ...**197**
- 21.8 a** Annexure I: Form–I (for Linear Project) ...**197**
- 21.8 b** Annexure II: Form–II (For projects other than Linear projects) ...**198**
- 21.9** F.No.11-623/2013-FC, Dt: **09.10.2013** - guidelines for ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 – clarification ...**199**

## **22. FOREST CLEARANCE OF PROJECTS LOCATED IN NPs & WLS 200**

- 22.1** Proformae for proposals for taking up non forestry activities in **National Parks/ Sanctuaries**, Dt:**05.10.2006 ...201**
- 22.1 a** Part I ...**201**
- 22.1 b** Part II ...**202**
- 22.1 c** Part III ...**203**
- 22.1 d** Part IV ...**204**
- 22.1 e** Part V ...**204**

## **23. TOURISM 205**

- 23.1** No.FCA/11.6/GEN/GUIDELINES/5177, Dt:**15.07.2009**,Construction activities for **promotion of tourism in violation** of Forest (Conservation) Act, 1980 ...**206**
- 23.2** Guidelines for re-location/rehabilitation of villages from National Parks/Wildlife sanctuaries/Tiger Reserves, Dt: **08.09.2009 ...207**
- 23.3** Clarification regarding **forest areas outside National Park / Sanctuary, but within 10 Km radius** from the boundary, Dt:**19.08.2010 ...208**

## **24. ENVIRONMENT CLEARANCE FOR PROJECTS IN FOREST LANDS 209**

- 24.1** F.No.J-11013/41/2006-IA.II(I), Dt: **02.10.2009**- Procedure for consideration of proposals for **grant of Environmental Clearance** under EIA Notification, 2006, **which involve forestland and or wildlife habitat ...210**
- 24.2** List of Projects or activities requiring prior Environmental Clearance ...**211**

## **25. SPECIAL EXEMPTIONS FOR LEFT-WING EXTREMISTS EFFECTED DISTRICTS FOR IMPLEMENTATION OF IAP 218**

- 25.1** F.No.11-9/98-FC, Dt: **13.05.2011**- **General approval** under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for **Creation of Critical Public Utility Infrastructure(CPUI)** by Government Departments involving **not more than 5.00 Ha of forest land** in each case in **60 Left Wing Extremism affected Districts ...219**
- 25.2** F. No. 11-9/ 98-FC, Dt:**16.06.2011** - **no compensatory afforestation in lieu of the forest land diverted in accordance with the general approval granted for activities carried out by Govt. Dept in notified LWE Districts ...222**
- 25.3** F. No. 11-9/ 98-FC, Dt: **10.10.2012** - **General approval** under Section-2 of the Forest (Conservation)



Act, 1980 for diversion of forest land for **Creation of Critical Public Utility Infrastructure(CPUI)** by Government Departments involving **not more than 5.00 Ha of forest land** in each case in **22additional Left Wing Extremism affected Districts ...222**

**25.4** F No. 11-9/ 98-FC, Dt: **01.02.2013** – clarification regarding General Approval granted in **LWE Districts ...224**

**25.5** F No. 11-9/98-FC, Dt: **17.05.2013** - **General approval** under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for **Creation of Critical Public Utility Infrastructure(CPUI)** by Government Departments involving **not more than 5.00 Ha of forest land** in each case in **35 additional Left Wing Extremism affected Districts ...224**

## **26. STRENGTHENING OF NODAL OFFICER**

**227**

**26.1** F No. 11-168/2009-FC, Dt: **14.02.2012**, - Strengthening of the office of the Nodal Officer, Forest (Conservation) Act, 1980 **...228**

**26.2** F No. 6-10/2011-WL, Dt: **--.10.2012** – Guidance document for taking up non forestry activities in wildlife habitat **...30**

## **27. ONLINE SUBMISSION OF FCA PROPOSALS**

**229**

**27.1** File No.16-13/2012-FC, Dt: **24.07.2012** - **Display of information** related to proposals for diversion of forest land for non-forestry purposes **on the website of the Ministry ...230**

**27.2** File No.16-13/2011-FC, Dt: **12.11.2012** - **Display of information** related to proposals for diversion of forest land for non-forestry purposes **on the website of the Ministry ...230**

**27.3** F No. 16-13/ 2011-FC(II), Dt: **20.11.2012** regarding uploading of FCA proposals **...231**

**27.4** F No. 16-13/ 2012-FC, Dt: **20.11.2012** regarding uploading of FCA proposals **...231**

**27.5** F.No.16-13/2011-FC, Dt: **29.10.2013** - Updating of Diversion proposals under FC Act on the website of the Ministry **...232**

**27.6** F.No.7-23/2012-FC, Dt: **24.07.2013**- Guidelines issued by the Hon'ble National Green Tribunal for displaying of forest clearances on MoEF /Govt. websites / and to publish the forest clearance in the two widely circulated newspapers/ and also to submit the copies to the **Heads of local bodies, Panchayats and Municipal Bodies ...232**

## **28. ONLINE DEPOSITION OF FUNDS**

**234**

**28.1** No. 12-2/2010-CAMPA, Dt: **24.06.2011** – guidelines/ clarification for deposition of Compensatory Afforestation charges etc. by User Agencies into Ad-hoc CAMPA Accounts – Reg **...235**

**28.2** F.No.12-2/2010-CAMPA, Dt:**13.05.2011** – guidelines/ clarification for deposition of Compensatory Afforestation charges etc. by User Agencies into Ad-hoc CAMPA Accounts **...236**

**28.3** F.No.12-2/2010-CAMPA, Dt: **22.10.2010** - guidelines/clarification for deposition of Compensatory Afforestation charges etc. by User Agencies into Ad-hoc CAMPA Accounts **...236**

## **29. GOVERNMENT OF ANDHRA PRADESH ORDERS**

**240**

**29.1** Memo No. 3778/For.I(1)/2001-1, Dt: **20.04.2001** - Minor Minerals certain quarry leases for State Stone hold adjacent to the R.F. areas sanction of quarry leases without consulting the DFO cancellation of quarry lease **...241**

**29.2** GoAP EFS&T Dept G.O. Ms No.105, Dt: **13.09.2004** - Collection of **Net Present Value** for the forest lands diverted for non-forestry purposes under Forest(Conservation) Act, 1980 **...241**

**29.3** Memo No. 5624/For. I(1)/2005-2, Dt: **01.09.2005** - Processing of applications for grant of Mining Lease through Mines and geology Department – Instructions **...243**

**29.4** GoAP EFS&T Dept G.O. Rt No.6, Dt: **06.01.2007** – instructions to all the departments regarding **procedure to be followed under Forests conservation Act, 1980** for diversion of forest land for non-forestry purpose **...244**

**29.5** G. O. Ms. No. 35, Dt: **06.02.2010**- Mining Leases – Regulation of transport of Major & Minor Minerals from approved leases- **Issue of transport permits** – Amendment of sub rule (5) of Rule 5 of Andhra Pradesh, Forest Produce Transit Rules, 1970 **...248**

- 29.6** GoAP EFS&T Dept G.O. Ms No.124, Dt: 27.07.2010 - Collection of **Net Present Value** for the forest lands diverted for non-forestry purposes under Forest(Conservation) Act, 1980 ...249
- 29.6** U.O.No.4228/ForI(1)/2010, Dt: 15.09.2011- Diversion of forest land in Compt.No.313, Gulamaliabad, South RF of Dhone Range, Kurnool Division & District for **grant of Quarry lease** ...251
- 29.7** U.O. No. 4228/for.I(1)/2010, Dt: 15.09.2011 ...252
- 29.8** GoAP TR&B Dept G.O. Ms. No.74, Dt: 09.07.2012 – **Constitution of State / District /Mandal level committees for finalization of Master Plan for Road Connectivity in Integrated Action Plan Areas / Tribal Areas** ...253
- 29.9** GoAP TR&B Dept G.O. Rt. No.500, Dt: 14.05.2013 – Constitution of State / District /Mandal level committees for finalization of **Master Plan for Road Connectivity** in Integrated Action Plan Areas / Tribal Areas ...255
- 29.10** Govt. EFS&T Memo No.5751/For.I(1)/2013, Dt: 14.05.2013 – Instructions issued by the State Govt. to all the District Collector for **implementation of RoFR Act 2006** ...255

### 30. PRL CCF's CIRCULARS

257

- 30.1** Rc. No. 58611/2009/F2, Dt: 10.02.2010 - CIRCULAR NO. 2/2010 - Inspection of Mining Lease Areas to ascertain encroachment etc. – Instructions Issued ...258
- 30.2** Rc.No.2052/2012/FM1, Dt: 23.02.2012 – instructions regarding collection of extraction charges of tree growth ...260
- 30.3** Rc. No.28026/2013/F4, Dt: 02.08.2013 - CIRCULAR No.10/2013 ...260
- 30.3 a** Enclosure I: Check List - proposal for diversion of forest land for non-forestry use under forest (conservation) act, 1980 for mining proposals ...265
- 30.3 b** Enclosure 2: Check List - For the proposal for diversion of Forest lands for non-forestry purpose under the Forest Conservation Act, 1980 for Linear Projects: Railway /UG Gas Pipeline /Water Pipeline / Optical Fibre / Electricity lines etc. ...268
- 30.3 c** Enclosure 3: Check List - For the proposal for diversion of Forest lands for non-forestry purpose under the FC Act, 1980 for Road Projects: New formation, Up-gradation, Widening etc ...272
- 30.3 d** Enclosure 4: Check List - for diversion of forest land for non-forestry purpose under forest (conservation) act, 1980 for Wind Energy Projects ...275
- 30.3 e** Enclosure 5: Check List - For the proposal for diversion of Forest lands for non-forestry purpose under the Forest Conservation Act, 1980 for Irrigation & Hydel Projects: Major / Medium / Minor Irrigation Projects ...276
- 30.3 f** Enclosure 6: Methodology for DGPS/GNSS survey of boundaries ...281
- 30.4** Rc.No.32100/2007-F3, Dt: 17.04.2013, (Circular NO 02 (i)/2013) – instructions for deposition of compensatory levies through RTGS ...283

#### N.B. :

1. The implementation of Forest (Conservation) Amendment Rules, 2004 notified on 03.02.2004 & 09.02.2004 have been stayed by the Supreme Court vide their Order Dated: 23.02.2004 in IA No.1126 in IA No.703 of 2000 in Writ Petition (C) No.2002 of 1995.
2. The implementation of guidelines for “Regularization of the rights of the tribals on forest lands” issued vide MoEF’s Letter No. 2-1/2003-FC (pt) dated 05.02.2004 has been stayed by the Supreme Court vide their order dated: 23.02.2004 in AI No 1126 in IA No.703 of 2000 in WP (C) No. 2002 of 1995

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## Introduction

The Forest Conservation Act, 1980 was enacted in October 1980 and has been applied all over the country. But there were misgivings and doubts about the perceived objectives of the Act. It was dubbed as anti-development and draconian; a means to take over the powers of the States by the Central Govt. The Govt. of India, at the highest level through the then Prime Minister, Smt. Indira Gandhi, tried her level best to dispel these misgivings and false apprehensions by writing a D.O. letter to all the Chief Ministers of the Country; enclosing a letter written by a Tribal Chief in United States in 1855 to the then President of USA just to impress upon them the importance of forests and environment.

Enactment of the Act was preceded by a speech of hers in the Conference of Governors and Chief Ministers in April 1980. In the State of Andhra Pradesh, like many other States, sincere efforts were put in by the Forest Department by way of organizing Workshops and individual young Officers at District level about the intent and application of the Act with a view to bring awareness and clear doubts among the department officials. The letter with enclosure of the PM and that of one of the District Forest Officer along with the notes presented ahead are self explanatory and act as the Background note for this Publication.

### **Letter of Mrs. Indira Gandhi, the then Prime Minister of India to all the Chief Ministers of Country, October 1980**

**Dear Chief Minister,**

“You referred to the Central Forest (Conservation) Act, stating that it came in the way of irrigation and other developmental projects. You also said that it makes the Adivasis feel like strangers in their home, which is the forest. If the Adivasis knew about the content and implications of this Act, I am sure they would welcome it, for its aim is to preserve forests, not to destroy them. But what logic can we give that the Law meant to avoid indiscriminate felling of trees will encourage it?

It is indeed unfortunate that our forests have been so thoughtlessly cut down with no thought of renewal. This has endangered our survival without which even development or irrigation projects would be meaningless. Social Forestry should be geared to the needs of the local people. In the few cases here the Centre may have intervened to prevent the use of forests for non-forest uses, it is wholly to ensure that good forest wealth is not destroyed for short term gains. Also the State Governments were being persuaded to look at equally viable alternatives which were less destructive of forest Wealth. The Ministry of Agriculture is being asked to expedite the process of consultation.”

**Indira Gandhi  
Prime Minister of India**

### **The World Wildlife Fund Salutes A Great Indian Chief**

In 1855, Chief Seattle of the Suwanish tribe of the State of Washington, wrote letter to President Franklin Pierce of the United States over a proposal from the U.S. Government to buy the Tribe's land. The Indian chief's letter displays a remarkable insight and perception of the importance of the natural order of things, but all the living creatures. The World Wildlife Fund salutes the spirit of the Great Chief of the Suwanish tribes far his words ring true even today ....especially today..... when man's ruthless pursuit of short-term material gains is threatening the very basis on which man's own survival depends.

Text of the letter to President Franklin Pierea of the United States in 1855 by Chief Seathl (Seattle) of the Suwamish tribes of the State of Washington:

"The Great Chief in Washington sends word that he wishes to buy our land. The great Chief also sends us words of friendship and good will. This is kind of him, since we know that he has little need of our friendship in return. But we will consider your offer, for we know if we do not do so, the white man may come with guns and take our land. What Chief Seathl says, the Great Chief in Washington can count on as truly as our while brothers can count on the return of the seasons. My words are like the stars-they do not set.

How can you buy or sell the sky – the warmth of the land? The idea is strange to us. Yet we do not own the freshness of the air or the sparkle of the water. How can you buy them from us? We will decide in our time. Every part of this earth is sacred to my people. Every shining pipe needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people.

We know that the white man does not understand our ways. One portion of the land is the same to him as the next, for he is stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother, but his enemy, and when he has conquered it, he moves on. He leaves his father's graves behind and he does not care. He kidnaps the earth from his children. He does not care. His father's graves and his children's birthright are forgotten. His appetite will devour the earth and leave behind only a desert. The sight of your cities pains the eyes of the redman. But perhaps it is because the redman is a savage and does not understand.

There is no quite place in the white man's cities. No pace to hear the leaves of spring or the rustle of insect wings. But perhaps because I am a savage and do not understand – the clatter only seems to insult the ears. And what is there in life if a man cannot hear the lovely cry of the whippoorwill or the arguments of the frogs around a pond at night? The Indian prefers the soft sound of the wind darting over the face of the pond, and the smell of the wind itself cleansed buy a mid-day rain, or scented with a pine. The air precious to the redman, for all things share the same breath the beasts, the trees, the man. The white man does not seen to notice the air he breathes. Like a man dying or many days, he is numb to the smell.

If I decide to accept, I will make one condition. The white man must treat the beasts of this land as his brothers. I am a savage and I do not understand any other way. I have seen a thousand rotting buffaloes on the prairie, left by the white man who shot them from a passing train. I am a savage and I do not understand how the smoking iron horse can be more important than the buffalo, which we kill only to stay alive. What is man without the beasts? If all the beasts were gone, men would die from great loneliness of spirit, for whatever happens to the beasts also happens to the man. All things are connected. Whatever befalls the earth befalls the sons of the earth.

Our children have seen their fathers humbled in defeat. Our warriors have felt shame. And after

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defeat they turn their days to idleness and contaminate their bodies with sweet, food and drink, it matters little where we pass the rest of our days – they are not many. A few more hours, a few more winters and none of the children of the great tribes that once lived on the earth, or that roamed in small bands in the woods, will be left to mourn the graves of a people once as powerful and hopeful as yours.

One thing we know which the white man may one day discover Our God is the same God. Yu may think now that you own Him as you wish to own our land. But u cannot. He is the God of men. And his compassion is equal for the redman and the white. This earth is precious to Him. And to harm the earth is to heap contempt on its Creator. The whites, too shall pass – perhaps sooner than other tribes. Continue to contaminate your bed and you will one night suffocate in your own waste. When the buffalo are all slaughtered, the wild horses all tamed, the sacred corner of the forest heavy with the scent of many men, and the view of the ripe hills blotted by talking wives, where is the thicket? Gone. Where is the eagle? Gone. And what is it to say goodbye to the swift and the hunt the end of living and beginning of dying.

We might understand if we know what it was that the white man dreams, what hopes he described to his children on long winter nights, what visions he burns into their minds, so that they will wish for tomorrow. But we are savages. The white man's dreams are hidden from us. And because they are hidden, we will go on our own way. If we agree, it will be to secure your reservation you have promised. There perhaps we may live out our brief days as we wish. When the last redman has vanished from the earth, and the memory is only the shadow of a cloud moving across the prairie, these shores and forests will still hold the spirits of my people for they love this earth as the newborn loves its mother's heartbeat. If we sell you our land, love it as we have loved it. Care for it, as we have card for it. Hold in your mind the memory of the land, as it is when you take it and with all your strength, with all your might, and with ally our heart – preserve it for your children, and love it as God loves us all. One thing we know – your God is the same God. This earth is precious to Him. Even the white man cannot be exempt from the common destiny.

### **Prime Minister's address to Governors & CMs (Letter No.66O--PMO/80 dated 20.04.80)**

The preservation of our environment is our collective concern. Any deterioration of the environment threatens the present end future well-doing of both our country and our people. Since our Government took office and even before, we have been getting numerous reports and complaints about the denudation of our forests and depredations on our wildlife. Felling of trees, indiscriminate shooting of animals, poaching, smuggling of precious wood and animal skins and similar destructive activity have gone unchecked for some time now. The time has come when we can no longer look upon all this with equanimity or try to rationalize it by treating it as part of the inexorable process of development.

The maintenance of the ecological balance should be as much a part of the developmental process as the working of our national resources. If we plan only on the basis of the exploitation of our existing resources and give no thought to their conservation and renewal, we shall negate the concept of development itself. We have to plan for tomorrow and true development consists of building our capital measured not only in financial and physical terms but also in terms of Nature.

I have been receiving a great deal of information from within the country and abroad about the



ravages to which our forests and wild life have been subjected. Many forests with precious species of plants, green and other organisms have been thoughtlessly leased out to forest contractors who are concerned with immediate profits and cannot be expected to give consideration to the long term effects of their actions. Hence the wide scale destruction.

Poachers and smugglers of animal skins, etc. have not been far behind. Together, they have chipped away steadily at many of our sanctuaries and forest reserves. Much of the good work done in setting up wild life sanctuaries and bird sanctuaries has been nullified by their activities. It is a matter for introspection as to how far the governments and their machinery have acquiesced in, if they have not aided and abetted this whole process of steady destruction.

We cannot allow this sad state of affairs to continue and must bring about a total reversal of these trends. It is in recognition of this that the President in his address to Parliament called for urgent action in the area of afforestation, flood control, soil conservation and preservation of flora and fauna. I have dealt with this in my address while launching the World Conservation Strategy (copy enclosed).

Efforts to preserve our environment are a joint responsibility of the Centre and the States and, in fact, of all right thinking people. At the Centre, we have already to set up a committee to suggest legislative and administrative measures to maintain ecological balance. A group of conservationists and environmentalists met me recently. Their suggestions are being examined to see what measures can be undertaken to improve our wildlife and forests and also to undertake educational and training programmes which will inculcate greater respect for the environment. However, the major effort at the field level will have to come from State Governments and I am afraid that without specific and immediate action by State Governments to check the activities of forest contractors and poachers, while also making determined attempts to extend the area under forests and vegetative cover, we shall not make headway. I suggest for your consideration some specific measures - These are:

- 1) Officers with the right attitude should be posted in reserve forests and sanctuary areas: if possible, a special corps of such officers could be identified for duties relating to wild life and forest and environment conservation.
  - 2) Forest development corporations or similar agencies should be asked to take up plantations on steep hill sites, catchment areas and clear-felled forest areas so that productive forestry and protective forestry go hand in hand.
  - 3) A massive programme of social forestry should be taken up both under the Food for Work Programme and under other specific schemes. The waste lands in villages all community lands, field bunds, canal bunds, etc. could be clothed with fast growing species under this useful scheme.
  - 4) In areas where tribals depend heavily on forests for their livelihood, they should be involved in replanting the species that they are already exploiting. A scheme of forest farming should be undertaken. Particular attention must be paid to the re-planting or fresh planting of fruit trees.
  - 5) The existing regulations and security arrangements in sanctuaries should be tightened. Poaching should be dealt with very severely.
  - 6) Intelligence machinery to detect smuggling of valuable species like red sanders and sandal wood, or of animal furs and skins must be strengthened and personal interest must be shown by top people in administration to see that such activities are ruthlessly suppressed.
  - 7) The system of contracting away forest areas should be replaced or modified to see that every tree felled should be replaced by the planting of at least another one if not more.
  - 8) Tree plantation programmes should be undertaken by schools and other institutions. Some
-

countries have initiated a program of a tree for every child.

- 9) Serious attempts must be made to change the orientation of all persons working in the Forest Services and forest administration with a system of rewards and incentives for those who do better in preserving or extending the forest areas or the wild life areas.

We should also give thought to some other measures needed to preserve our environment. Please devote some time every week to review the developments in this field personally or through one of your senior colleagues, I shall be glad to have your suggestions as also an indication what your State proposes to do or has done in this field.

#### AP FOREST DEPARTMENT

**Rc. No. 77/S4/84.**

**Dated: 25.07.1985**

**O/o the Divisional Forest Officer,**

**Karim Nagar (East) Division**

**Sri P.K. Sharma, IFS,  
Divisional Forest Officer**

**Sub:** Forestry and Forest Conservation Act – Regarding

There is a lot of misunderstanding regarding the objectives of forestry and forest Conservation Act, 1980. For the enlightenment of all concerned, I am to enclose a copy of the brief note\* on Forestry and Forest Conservation Act, 1980; what Forest Conservation Act intends to achieve and how we can speed up welfare schemes which do not come into conflict with the objectives of the Act. Appended with the note are two very important letters concerning Forestry, one written by Tribal Chief in USA\*\* to the then President of USA in 1955 and the other written by our late Prime Minister, Smt. Indira Gandhi\*\*\* to the Chief Ministers clarifying the doubts, erroneous one of the appreciation of the content and implications of the Act vis-à-vis Tribal Development.

Yours faithfully,

**Sd/- PK Sharma.**

**Divisional Forest Officer**

**Karimnagar (East) Division**

To,

**All the District Level Officers**

**Connected with the Development works**

#### **A Brief Note On Forestry And Forest Conservation Act 1980, its objectives, and Welfare Schemes which do not come in conflict with the objectives of the Act**

The Ecological implications of the forestry are vaguely felt by everybody but rarely understood completely. Even after understanding them, policy and decision makers work at cross-purposes, as one set of their actions is designed to protect forests and the other set of more potent decisions and actions in destruction or elimination of forests.

Forests do help in conservation of soil and moisture. They make a tremendous difference to the micro and macro climates and all good afforested areas are good rainfall zones. (In such areas, whenever forests have been deliberately or thoughtlessly destroyed; drought conditions have ensued; e.g. in Cuddapah, Anantapur which in the last century and even in the early part of this century had luxuriant vegetation and Wildlife including the magnificent - and

unfortunately now extinct - Cheetah and Elephant). They carry valuable Germ Plasm of botanical and zoological species which may hold the key to our future survival. The seeds our agriculturists thrive on become weak over a few generations and constantly Scientists have to look for wild varieties to strengthen the stock. But the number of such wild varieties is dwindling. When our forests and wildlife go, our successor generations will know the difference and shall curse us for the thoughtless destruction of forests. In hill areas, forests preserve the precious top soil from running away and silting the rivers and projects, or from going waste into the sea. Even in the plains they serve this purpose thousand times better than agriculture or horticulture. As our ancients wisely discovered, it is necessary to return to the earth more than what we take from it, but only in forestry or in agriculture, this can happen, only when farmers do not resort, mindlessly, to chemical fertilizers and pesticides; instead using green leaf Manure, compost etc. and allow the worms, insects and birds to do the work of pest control, in a balanced manner.

A very beautiful description of how we can be at peace with nature may be seen in the letter of a Red Indian Chief in America in 1855, who was writing to the white colonizers who were aggressive and thoughtless of the destruction, they were causing to the ecology of the country. These sentiments could easily be echoed by the tribes like Gonds, Kollams, Chenchus and Koyas in Adilabad, Khammam, East Godavari, Visakhapatnam, Mahaboobnagar, Kurnool and Prakasam districts of our State.

Thus by 1930s, our State had genuine forests for over 24% of the land area. Thanks to the avarice of the agriculturists and the growing demands for wood, this has now come down to nearer 13% (as reported recently by the National Remote Sensing Agency). The picture was no different in the rest of the Country and the threat to Himalayan forest by the turn of the last decade threatened the future of the country in a bigger way than any war, pestilence or famine could do. These dangers could be faced by short-term measures but the destruction of forests was like slow death of the ecology of a country; no particular generation felt its impact and even if it did, it felt that it was no part of its duty as after all mankind could not be allowed to suffer any privations due to imagined threats to ecological surety.

The dis-reservation of forests continued on a large scale after 1940s, rivers carried largest silt to the sea, projects started getting choked (e.g. Nizamsagar), hills started getting denuded, cyclones entered the country easily for want of shelter belts (in 1977 tidal wave, Nizampatnam village was one of the few saved; thanks to the sagacity of villagers in not having destroyed the nearby forests).

The situation was and is a very critical one and we are not even sure whether the point of no return has not been reached. The trouble is that every one of us is interested in the immediate schemes on hand and on our immediate survival. Those of us who appreciate the dangers having seen the damage caused already are either in a fatalistic mood or expect miracles to happen or wait for somebody else to take the initiative. Some of us have even comforted ourselves with talk and prospects of Social Forestry which no doubt help solves the problem to some extent but cannot replace the damage caused to natural forests which were built up over hundreds and millions of years. A few core fanatics, including dedicated Forests Officers, had been sounding alarm bells from time to time but in the prevalent atmosphere of our times, it has been so easy to dismiss these as eccentricities and cloaks to cover failure to protect forests etc.

A very mild attempt to see if this mad rush downhill towards slow destruction could be checked,

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was made in the form of the **Forest (Conservation) Act of 1980**. It is not a solution to all the ills that plague forestry, but it has made those who were sitting on the fence to take a little more interest in preventing further destruction **except where it was unavoidable** and checks and balances could be built in. Thus, it has avoided arbitrary dis-reservation of large blocks of forests. Even where shrub jungles was sought to be taken over it has made the Government think of safeguards to ensure better forest cover coming up elsewhere. Where trees had to be cut on a large scale for laying power lines or laying village roads it has made the engineers and foresters come together to ensure the damage is minimized by changing alignments in such a way (very often by just minor adjustments) that the power line or road passes through existing clearings in forests. In the process there have been avoidable delays but even these will be reduced in future by experience and especially if the engineers start taking forests into confidence from the time when a project is conceived, and NOT only when estimates have been drawn up and the project is ready for execution. If the proposals for clearance under the Act are sent after Joint inspections, before the estimates are drawn up, it should be possible to ensure clearance are secured well before execution starts. If there are a few delays in some cases it would all be only for a good cause. Of course, we shall have to take the public also into confidence about the reasons for the delay and take background for conservation. This is especially so in Sanctuary area or their Core, where any further interference will cause irreparable damage.

One word of caution has to be uttered about laying of arterial roads through some of our valuable natural forests. (This will not cover small roads to link Villages inside the forests). In the past these roads, laid with good intention, have proved to be a boon only to smugglers, poachers and contractors, whether they are road contractors or forest contractors. We must be especially careful about these proposals and if possible evolve routes which do not bisect forests or Sanctuaries but try to skirt around them even if it is at slightly higher cost. With greater publicity and education (for which some measures are being taken) we are sure we can carry the common people with us in accepting such alternatives.

Yet another precaution to be taken is about conversion of lands in tribal areas to agriculture or horticulture. It would be wiser to plant only forests species or a mix of trees and plants like coffee which together protect soil by giving trees a canopy affect. Even if irrigation facilities are built up, they should be used to have irrigated forests (which grow faster) rather than Mango, Banana etc. which do not give good soil cover as forest species do.

In addition to these we must extend Social Forestry including plantations of socially useful trees like Vepa, Kanuga, Kunkudu, Nerudu, Su-babul, Marri, Ravi, Chinta, Bamboo, Tapasi (gum trees), Chironji (Saarapappu), Thumma etc. on road and canal margins, village waste lands, field bunds and tank foreshore lands. This effort is already being stepped up in our State and plantations of these species along with the fast growing Eucalyptus are being encouraged also linking these up with Weaker sections programme.

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## Part- A



**Forest (Conservation) Act, 1980**



## Forest (Conservation) Act, 1980

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 de-reservation 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 thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, 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.

### 3 A. 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.

### **3 B. 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 an authority, any person 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. Power to make rules -**

- (1) 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.

### **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.

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## **Part- B**



## **Forest (Conservation) Rules, 2003**

## Forest (Conservation) Rules, 2003

### Forest (Conservation) Rules, 2003

(Published in Gazette of India: Extraordinary on 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 makes the following rules, namely:

#### Short title, extent and commencement:

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

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

- a) “Act” means the Forest (Conservation), Act, 1980 (69 of 1980);
- b) “Committee” means the Advisory Committee constituted under section 3 of the Act.
- c) “Chairperson” means the Chairperson of the committee;
- d) “Member” means a member of the Committee;
- e) “Nodal Officer” means any officer not below the rank of Conservator of Forest, authorized by the State Government to deal with the forest conservation matters under the Act;
- f) “Regional Office” means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
- g) “Section” means a section of the Act;
- h) “User Agency” means any person, organization or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

#### 3. Composition of the Committee:

- (1) The Committee shall be composed of the following members: -
  - (i) Director General of Forests, Ministry of Environment and Forests - Chairperson.
  - (ii) Additional Director General of Forests, Ministry of Environment and Forests – Member.
  - (iii) Additional Commissioner (Soil Conservation), Ministry of Agriculture - Member.
  - (iv) Three eminent experts in forestry and allied disciplines (non-officials) - Members.
  - (v) Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests - Member Secretary.
- (2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

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

- (i) a non-official member shall hold his office for a period of two years;
- (ii) a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;
- (iii) a non-official member may be removed from his office if he fails to attend 3 consecutive meetings of the Committee without any sufficient cause or reasons;
- (iv) any vacancy in the membership caused by any reason mentioned in clause (ii)&(iii) shall be filled by the Government for the unexpired portion of two years term.
- (v) traveling 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 traveling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

#### 5. Conduct of business of the Committee:

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

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

- (1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. Form "A" for proposals seeking first time approval under the Act and Form "B" for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorized in this behalf by the State Government, along with 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 re-afforestation 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 for 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 proposals referred to in sub-rule (2) above, involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using for reafforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

#### **7. Committee to advise on proposals received by the Central Government :**

- (1) The Central Government shall refer every proposal, complete in all respects, received by it under sub-rule (3) of rule 6 including site inspection reports, wherever required, to the Committee for its advice thereon.
- (2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-
  - (a) Whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying severely eroded catchment;
  - (b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;
  - (c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and
  - (d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.
- (3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion would minimize adverse environmental impact.

#### **8. Action of the Central Government on the advice of the Committee:**

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

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

- (1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints



against the person(s) prima-facie found guilty of offence under the Act or the violation of the rules made there under, 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 authorized 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 there under, 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 – 1 (To be filled up by User Agency)

**1. Project details:**

- (i) Short narrative of the proposal and project/scheme for which the forest land is required.
- (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
- (iii) Cost of the project.
- (iv) Justification for locating the project in forest area.
- (v) Cost-benefit analysis (to be enclosed).
- (vi) Employment likely to be generated.

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

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

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

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

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

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

Signature  
(Name in Block letter)

Date:.....

Designation

Place:-.....

Address (of User Agency)

State serial No. of proposal -----

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

## PART – II

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

State serial No. of proposal-----

### 7. Location of the project/Scheme:

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

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

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

### 10. Details of compensatory afforestation scheme:

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

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

**12. Division/District profile.**

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

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

Date: -----

Place: -----

Signature-----

Name-----

Official seal-----

**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.**

Date: -----

Place: -----

Signature-----

Name-----

Official seal-----

**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).**

Date: -----

Place: -----

Signature-----

Name-----

Official seal-----

**PART – V**

(To be filled in by the Secretary in charge of Forest Department or by any other authorized 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 specially commented upon)

Date: -----

Place: -----

Signature-----

Name-----

Official seal-----

**INSTRUCTIONS (for Part-I):-**

1. The project authorities may annex a copy of the approved project/plan in addition to filling col.1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission line, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given – Col. 1 (iii)
4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

**GENERAL INSTRUCTIONS:-**

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



**FORM – B**  
(See Rule 6)

**Form for seeking prior approval under Section 2 of the proposals by the State Government 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. Projects 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 breakup of the total land required (already broken & to be broken)
4. Details of Certificates/documents enclosed as required under the instructions.

Date: -----

Place: -----

Signature-----

Name-----

Official seal-----

State serial No. of proposal-----

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

**PART – II**  
(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal-----

5. Location of the project/Scheme:
  - (i) State / Union Territory
  - (ii) District
  - (iii) Forest Division
  - (iv) Area of forest land proposed for diversion (in ha.)
  - (v) Legal status of forest
  - (vi) Density of vegetation
  - (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
  - (viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc., (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
6. Whether any work in violation of the act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.

**8. Division/District profile.**

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

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

Date: ----- Signature-----  
 Place: ----- Name-----  
 Official seal-----

**PART – III****(To be filled by the concerned Conservator of Forests)**

- 10. Whether site, where the forestland 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 other wise of the proposal with detailed reasons.

Date: ----- Signature-----  
 Place: ----- Name-----  
 Official seal-----

**PART – IV****(To be filed 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).

Date: ----- Signature-----  
 Place: ----- Name & Designation-----  
 Official seal-----

**PART – V**

**(To be filled in by the Secretary in charge of Forest Department or by any other authorized 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)<sup>2</sup>**

**Date:** -----  
**Place:** -----

**Signature**-----  
**Name & Designation**-----  
**Official seal**-----

**INSTRUCTIONS (for Part-I):-**

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

**GENERAL INSTRUCTIONS:-**

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

**Dr VK Bahuguna,**  
**Inspector General of Forests (F.C.)**

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.

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## Forest (Conservation) Amendment Rules, 2004

(Published in Gazette of India: Extraordinary on 3<sup>rd</sup> February, 2004 and Corrigendum on 9<sup>th</sup> February, 2004)

G.S.R 94 (E) – In exercise of the powers conferred by Sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government hereby makes the following rules to amend the Forest (Conservation) Rules, 2003, namely:

1. (1) **These rules may be called the Forest (Conservation) Amendment Rules, 2004.**  
 (2) Rules 1,2,3,5,6 (except Sub-rule (5) of rule 6 and 7 of these rule shall come into force on the date of their publication in the Official Gazette: whereas, rule 4 of these rules and sub rule (5) of rule 6 of the principal rule, as contained in rule 5 of these rules, shall come into force on the expiry of 180 days from the date of such publication.
2. **In the Forest (Conservation) Rules, 2003 (hereinafter referred to as the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely:**  
 (b)“Committee” means the Forest Advisory Committee constituted under Section 3 of the Act.
3. **In the said rules, for rule 3, the following rule shall be substituted, namely:**  
 “3. Composition of the Forest Advisory Committee:  
 1. The Forest Advisory Committee shall be composed of the following members, namely:

1	The Director General of Forest, Ministry of Environment and Forests.	Chairperson
2	The Additional Director General of Forests, Ministry of Environment and Forests.	Member
3	The Additional Commissioner (Soil Conservation), Ministry of Agriculture	Member
4	3 (Three) non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics	Members
5	The Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests	Secretary

2. The Additional Director General of Forests shall act as Chairperson in the absence of the Director General of Forests;
4. **In the said rules, after rule 3, the following rule shall be inserted, namely:** Constitution of the Regional Empowered Committee:  
 1.A Regional Empowered Committee shall be constituted at each of the Regional Offices and shall consist of the following members, namely:



1	The Regional Principal Chief Conservator of Forests (Central)	Chairperson
2	3 (three) non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics	Members
3	the Conservator of Forests or the Deputy Conservator of Forests in the Regional Office	Member Secretary

2. The term of appointment of non-official Members shall be as specified in rule 4 of these rules.

**5. In the said rules, for rule 6, the following rule shall be substituted, namely:**

**6. Submission of proposals seeking approval of the Central Government under Section 2 of the Act.**

- (1) Every User Agency who want to use any forest land for non-forestry purposes, shall make its proposal in the relevant Form appended to these rules, i.e, Form 'A' for proposals seeking first time approval under the Act, and Form-B proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requisite information and documents, complete in all respects.
- (2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer, to the concerned Divisional Forest Officer or the Conservator of Forests, Regional Office as well as the Monitoring cell of the Forest Conservation Division of the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003.
- (3)(a) After having received the proposal, the State Government or the Union Territory Administration, as the case may be, shall process and forward it to the Central Government within a period of two hundred and ten days of the receipt of the proposal including the transit period.
- (b) The Nodal Officer of State Government or as the case may be, the Union Territory Administration, after having received the proposal under sub-rule (1) and on being satisfied that the proposal is complete in all respects and requires prior approval under Section 2 of the Act, shall send the proposal to the concerned Divisional Forest Officer within a period of 10 days of the receipt of the proposal. Provided that on the determination regarding completeness of the proposal or the expiry of ten days, which ever is earlier, the question of completeness or otherwise of the proposal shall not be raised.
- (c) If the Nodal Officer of the State Government or the Union Territory Administration, as the case may be, finds that the proposal is incomplete, he shall return it within the period of ten days as specified under clause (b), to the User Agency and this time period shall not be counted for any future reference.
- (d) The Divisional Forest Officer or the Conservator of Forests shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward his findings in the Format specified in this regard to the Nodal Officer within a period of ninety days of the receipt of such proposal from him.
- (e) (i) The Nodal Officer, through the Principal Chief Conservator of Forest, shall forward the proposal to State Government or the Union Territory Administration, as the case may be,

along with his recommendations, within a period of thirty days of the receipt of such proposal from the Divisional Forest Officer or the Conservator of Forests.

- (ii) The State Government or the Union Territory Administration, as the case may be, shall forward the complete proposal, along with its recommendations, to the Regional Office or the Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi – 110 003, as the case may be in the specified Forms within a period of sixty days of the receipt of the proposal from the Nodal Officer.

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

Provided further that the concerned State Government or as the case may be, the Union Territory Administration, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, along with its recommendations, to the Regional Office or the Ministry of Environment and Forests as the case may be.

- (f) If the proposal, along with the recommendations, is not received from the concerned State Government or the Union Territory Administration, as the case may be, till fifteen days of the expiry of the time limit as specified under clause (a), it shall be construed that the concerned State Government or as the case may be, the Union Territory Administration, has rejected the proposal and the concerned State Government or the Union Territory Administration shall inform the User Agency accordingly.

Provided further in case the State Government or Union Territory Administration, as the case may be, subsequently forward the proposal, along with its recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be, the proposal shall not be considered by the Central Government unless an explanation for the delay to the satisfaction of the Central Government is furnished, together with action taken against any individual held to be responsible for the delay.

- (4) The proposal referred to in clause (e) (ii) of sub-rule(3) involving forest land upto forty hectares other than the proposal relating to mining and encroachments shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests, Government of India, who shall within a period of forty-five days of the receipt of the proposal from the concerned State Government or the Union Territory Administration, as the case may be (a) decide the diversion proposal upto five hectares and (b) process, scrutinize and forward diversion proposals of more than five hectares and upto forty hectares, along with the recommendations, if any to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003, for obtaining the decision of the Central Government and inform the State Government or the Union Territory Administration, as the case may be, and the User Agency concerned.
- (5) The Regional Empowered Committee shall decide the proposal involving diversion of forestland upto forty hectares other than the proposal relating to mining and encroachments, within forty five days of the receipt of such proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that the Central Government may, if consider it necessary, enhance or reduce the limit of the area of the forest land.

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- (6) The Proposal referred to in clause (e) (ii) of sub-rule (3), involving forest land of more than forty hectares, and all proposal relating to mining and encroachments irrespective of the area of the forest land involved, shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi – 110 003”.
6. In the said rules, in rule 7:
- i) in sub-rule (1) for the words, brackets and figures “sub-rule (3) of rule 6” the words brackets and figures “sub-rule(6) of rule 6” shall be substituted.
  - ii) After sub-rule (1), the following sub-rule shall be inserted, namely:  
“(1A) These proposals shall be processed and put up before the Committee and the recommendations of the Committee shall be placed within a period of ninety days of the receipt of such proposals from the State Government or the Union Territory Administration, as the case may be, before the Central Government for its decision.”
  - iii) in sub-rule (2), in clauses (c) & (d), at both places, for the words “or the other authority”, the words “or the Union Territory Administration, as the case may be” shall be substituted.
7. In the said rules, rule 8 shall be omitted.

**Dr VK Bahuguna**  
**Inspector General of Forests**  
**(Forest Conservation)**

**Note:** The Principal rules were published in the Gazette of India vide number G.S.R. 23 (E) dated the 10<sup>th</sup> January, 2003.

**MINISTRY OF ENVIRONMENT AND FORESTS**  
**CORRIGENDUM**  
**NEW DELHI, Dated : 09.02.2004**

G.S.R. 107 (E) – In the Forest (Conservation) Amendment Rules, 2004 published in the Official Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide No. G.S.R. 94 (E) dated 3<sup>rd</sup> February 2004 Sub-rules (4) and (6) of rule 6 of the said rules as contained in rule 5 of the Forest (Conservation) Amendment Rules, 2004 shall be read as follows:

“(4) The proposal referred to in clause (e) (ii) of Sub-rule (3), involving forest land up to forty (40) hectares shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests, Government of India, who shall, within a period of forty five days of the receipt of the proposal from the concerned State Government or the Union Territory Administration, as the case may be (a) decide the diversion proposal upto five hectares other than the proposal relating to mining and encroachments, and (b) process, scrutinize and forward diversion proposal of more than five hectares and upto forty hectares, along with the recommendations, if any to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi, - 110 003, for obtaining the decision of the Central Government and inform the State Government or the Union Territory Administration, as the case may be, and the User Agency concerned.

(6) The proposal referred to in clause (e) (ii) of Sub-rule (3), involving forest land of more than forty (40) hectares shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, along with its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi, - 110 003”.

**Dr VK Bahuguna,  
Inspector General of Forests  
(Forest Conservation)**

**Note:** The Forest (Conservation) Amendment Rules, 2004 were published in the Gazette of India vide number G.S.R. 94 (E) dated the 3<sup>rd</sup> February, 2004.

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## **Applications, Guidelines & Clarifications of FC Act, 1980**

## Chapter I

# 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 Judgment in NTPC’s case). It would also include “Forest” as understood in the dictionary sense. (Supreme Court order dated: 12.12.1996 in WP No. 202/1995 – Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.

**Clarification:-** The term “forest” shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan/management plan duly approved by Government of India.

- 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 de-reservation 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 de-reservation 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 organization or individual would necessarily require approval under the Act.
- iii) The forest policy, as well as provisions of the Forest (Conservation) Act, 1980 do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for bonafide domestic use as granted by the State Governments under Indian Forest Act, 1927 or State Forest Acts/ Regulations. However. It has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc. The forest produce so obtained shall not be utilized for any commercial purposes.  
The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanized vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used.

**Clarification:-** The Supreme Court has passed an order on 14.2.200 restraining removal of dead,

diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary...” Annexure – II A may be referred to. In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

### 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, mining 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.

(Now revised vide Lr.F.No.5-3/2007/FC dt.19<sup>th</sup> August, 2010).

**Clarification:-** The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries. Annexure-II A may be referred to. In view of this, the State Governments should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife) and Supreme Court.

- 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) Prospecting of any mineral, done under prospecting license granted under MMDR Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act 1980 would be required. However, test drilling up to 10 bore holes of maximum 4” diameter per 100 sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of the Central Government under the Act would be required.
- vi) 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.

**Clarification:** For reconnaissance operations, carried out in forest land in connection with development projects, the collection of samples from the surface in addition to drilled out material from 10 holes of 4 inch diameters per 100 sq. Kms. will not attract Forest (Conservation) Act, 1980, provided that there is no felling of trees involved (MoEF’s letter No. 11-33/2004 – FC, dated-7.6.2004).

### 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 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 undertaking 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 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 organization 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 organization 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/organization not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

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(\* Replaced by new guidelines issued vide MoEF letter No. 21/2003-FC (Pt-III) dated 7-6-2004 – see Appendix – 19)

### **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
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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 Plans 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.

- iv) In national parks and sanctuaries where fellings are carried for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that the removed forest produce shall be used for meeting bonafide needs of the people living in and around the National Park/Sanctuary and shall not be used for any commercial purposes. But in cases where large scale felling/removal of timber and non timber products is required in a national park/sanctuary, which need disposal through sales, approval of the Central Government would be necessary. However, this shall be subject to the orders of the Supreme Court, which may be referred to at Annexure – II A.

### **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/UT 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 record or documents as may be called upon by the investigation officer.

**Clarification:** The provisions of this Section are applicable to the cases where the State Government or any authority passes order for permitting activities covered by Section 2 of the Forest (Conservation) Act, 1980 without prior approval of the Central Government. Cases of illicit felling / encroachment/illegal mining, etc. have to be dealt under the provisions of the Indian Forest Act, 1927, State Forest Acts, Environment (Protection) Act, 1986 etc.

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

- (i) Detailed guidelines issued in this regard vide this Ministry's letter No. 13-1/90-F.P.(1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.
- (ii) The State Governments/UT Administrations may send the proposals as follows :
  - (a) A consolidated proposal for the whole State in the prescribed application form.
  - (b) Detailed information as per the enclosed Table /format- Annexure – IV- A. Division wise proposals, maps, name of encroachers, etc. should be kept ready at Division level, which may be made available whensoever required for inspection and need not be appended with the consolidated proposal.
  - (c) Detailed compensatory afforestation scheme with areas proposed for raising compensatory afforestation Division- wise, phased planning, fund requirement, commitment of the State Government to provide funds for the purpose etc. Maps of proposed areas for compensatory afforestation should be kept already at Division level, which may be made available whensoever required for inspection.
  - (d) A time plan for eviction of ineligible encroachers.

#### **1.11 Review of Disputed claims over Forest Land. Arising out of Forest Settlement**

Detailed guidelines issued in this regard vide this Ministry's No. 13-1/90-F.P.(2) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-B.

#### **1.12. Disputes Regarding Pattas /Leases/ Grants involving Forest Land – Settlement thereof**

Detailed guidelines issued in this regard vide this Ministry's No.13-1/90-F.P.(3) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-C.

#### **1.13. Conversion of Forest Villages into Revenue Villages**

Detailed guidelines issued in this regard vide this Ministry's NO.13-1/90-F.P. (5) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-D.

### **APPENDIX- 4**

**F. No. 8C/7/2002(FCW)**

**Dated: 18.11.2002**

**Sub: Guidelines for diversion of forest land for non-forestry 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. Ministry has been receiving proposals from the State Govt./UTs where the State Govt./UTs themselves are of the view that the proposed activity cannot be allowed on forest land; such proposals have been sent to Govt. of India with recommendation for rejection.

In this connection it is clarified that **for rejection of the proposal, except of the Central Govt. and its organization, approval of the Central Govt. is not required.** The State Govt./UTs themselves can intimate the user agency directly of the decision not to allow diversion/de-notification of any forest land for no-forestry activity. However, all the proposals involving requirement of forest land for the projects of the Central Govt. and its organization will be decided by the Central Govt. only.

**(GC BASUMATARY)**  
**Director (FC)**

## APPENDIX- 8

F. No. 2-1/2003-FC

Dated: 20.10.2003

**Sub: Guidelines for Diversion of Forest Land for Non-Forest Purposes under Forest Conservation Act, 1980.****“IMPORTANT MODIFICATIONS”**

**Sir,** Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 were circulated to all the State Government/Union Territories on 25.10.1992. Based on experience, a constant review of these guidelines has been done from time to time to maintain a logical balance between environmental conservation and developmental process.

After a recent review, the Ministry of Environment & Forests, Government of India, has approved certain modifications in specific paras of the existing guidelines. The important modifications are as follows:

1. **Para 1.1.(i)** defines “forests” as understood in the dictionary sense in view of the Hon’ble Supreme Court’s orders dated 12.12.1996 in WP (C) No. 202/1995. Now *all proposals for diversion of such forest areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government. However, the term “forest” shall not be applicable to the plantations raised on private lands, except notified private forests. Felling of trees in these private plantations shall be governed by the relevant provisions of various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan/management plan duly approved by Government of India.*
2. **Para 1.2 (iii)**, now clarifies **that rights and concessions cannot be enjoyed in the Protected Areas (PAs)** in view of the orders of the Supreme Court dated 14.2.2000, restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc., from any National Park or Game Sanctuary.
3. **Para 1.3. (i)** has stipulation that the provision of the Act shall not be attracted for investigations and surveys carried out in connection with development projects such as transmission lines, Hydro-electric projects, Seismic surveys, exploration for oil drilling etc. 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. Now in view of various representations from Ministry of Mines, Government of India, “**Mining**” has also been exempted from the permission under the Act, for investigations and surveys subject to same conditions.
4. In view of various representations from Ministry of Mines, Government of India, **Para 1.3. (v)** has been modified and now it reads as “*prospecting of any Mineral, done under prospecting licence granted under MMDR Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, test drilling upto 10 bore holes of maximum 4” diameter per 100 sq km for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more than 10 number of bore holes, prior permission of the Central Government under the Act would be required.*”
5. Now **Para 1.8 (iv)** clarifies that in **National Parks and Sanctuaries** where fellings are carried

out for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that *the removed forest produce shall be used for meeting bonafide needs of the people living in and around the National Park/ Sanctuary and shall not be used for any commercial purposes.*

6. **Para 2.2. (vii)**-1 deals with **underground mining**. For better technical evaluation and feasibility, now **Para 2.2. (vii)**-1 makes it mandatory that *all mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3- Dimension for subsidence prediction through an expert mining engineer/organization to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Khargpur, Madras, Roorkee & Guwahati; or M/s CMRI along with the mitigation measures suggested by them.*
  7. **Para.2.8** is regarding transfer of lease. This para reads as, “Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other conditions which may be stipulated by the Central Government/ State Government in future”
  8. **Para 3.2. (i)** deals with Compensatory afforestation of non-forest land and takes into account the difficulty of States/ UTs in finding non-forest land for the purpose of Compensatory afforestation. This Para now clarifies that *the revenue lands / Zudpi jungle /Chhote / bade jhar ka jungle/jungle-jhari land/ civil-soyam lands and all other such category of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided that such lands on which compensatory afforestation is proposed, shall be notified as RF under the Indian Forest Act, 1927.*
  9. **Para 3.5. (ii)** gives details of orders of the Hon’ble Supreme Court dated 30.10.2002 in I.A.No.566 in Writ Petition (Civil) No.202 of 1995 regarding creation of a body for management of compensatory afforestation fund and collection of Net Present Value of forest lands, i.e., **“Compensatory Afforestation Management & Planning Agency (CAMPA)”**
  10. **Para 3.5. (iii)** is regarding the Guidelines already circulated by the Ministry of Environment & Forests for collection of **NET PRESENT VALUE** of forest land diverted for non-forestry purposes in compliance with the orders of the Hon’ble Supreme Court dated 30.10.2002 & 1.8.2003 in IA No. 566 in WP (C) No. 202 of 1995.
  11. **Para 4.2. (i)** stipulates that *the non-forest land, which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927 prior to Stage-II approval.*
  12. **Para 4.2. (iv)** clarifies that *previously approved proposals shall not normally be reopened for review of the condition.*
  13. **Para 4.13** clarifies that *the approval of the proposals for diversion of forest lands will depend upon the achievements of the State/UT Governments in respect of compensatory afforestation.*
  14. **Para 4.13** gives details of the **Monitoring cell**, which has been created in the Forest Conservation Division for data base management, up-dating of web-site, monitoring the movement of proposals in the State and at the Central Government level and also to monitor the compliance of the stipulated conditions of the approved cases.
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15. In conformity with the National Forest Policy, 1988 and to provide boost to the development of tribal areas, new guidelines for “**Development projects in tribal areas**” are also being issued separately.

A comprehensive compilation of detailed Guidelines along with Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003 etc., in booklet form shall be issued separately.

(Dr VK Bahuguna)  
Inspector General of Forests

## APPENDIX- 12

**F.No. 8-84/2002-FC (Pt)**

**Dated: 03.02.2004**

**Sub:** Guidelines for diversion of forest land for non forestry purposes under the Forest (Conservation) Act, 1980 – modification in Para 4.2 (i) regarding.

Sir,

I am directed to inform you that detailed specific guidelines for submission of proposals for diversion of forest land for developmental projects under the Forest Conservation Act, 1980 were finalized and circulated to all the State Government / Union Territories by the Ministry of Environment & Forests vide letter number No. 2-1/2003 – FC dated 20.10.2003. Para 4.2 (i) of the guidelines stipulated that *“The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation, should be declared as RF/PF under the Indian Forest Act, 1927 prior to Stage-II approval.*

In this regard, the Central Government has received representations from various State Governments/ User Agencies more specifically from Karnataka Renewable Energy Development Limited (KREDL), an undertaking of Government of Karnataka, as the process of declaration of the non-forest land as RF/PF is a time taking process. This long duration may cause the unnecessary delay in implementation/execution of the developmental projects.

Considering the fact that the responsibility of declaration of non-forest land as RF/PF rests with the State Forest Department and after examination of the whole issue, the Central Government hereby modifies Para 4.2 (i) of the Guidelines issued on 20.10.2003 under Forest (Conservation) Act, 1980. Now, para 4.2 (i) shall read as follows:

“The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation should be declared as RF/PF under the Indian Forest Act, 1927. **The land shall be handed over to the User Agency after the same has been mutated in favour of Forest Department. Stage-II clearance shall be given after the land is mutated in favour of the Forest Department but the Nodal Officer must report compliance within a period of 6 months and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, to the Central Government for information and record.**”

This issues with the approval of the competent authority.

(ANURAG BAJPAI)  
Asstt. Inspector General of Forests

F. No. 5-3/2007-FC

Dated: 29.06.2010

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – **modification in Para 2.5 (ii)** - regarding

This is with reference to the **disharmony in terms of delegation of powers** noticed in **Para 2.5(ii), Para 4.1(ii) and Para 4.1(v) (a)** of the guidelines compiled in the Hand Book of Forest (Conservation) Act, 1980 Guidelines and Clarifications to the Regional Offices of the Ministry of Environment and Forests. It has been felt that this disharmony has **impacted valuable Avenue Plantations** and thus serene ambience along the roads / canals / railway lines etc. The powers delegated to Regional Offices for dealing / recommending cases of forest diversions under guidelines 4.1(ii) and 4.1 (v)(a) **is up to 40 Ha** whereas under **2.5 is without any restriction**.

The above disharmony was examined in the Ministry in light of provisions given under guidelines 2.5(ii), Para 4.1(ii) & Para 4.1(v) (a) and the matter was placed before the FAC **which recommended the need to mention the limit of 40 Ha under guideline 2.5(ii) as well**.

In view of the above, the approval of the Central Government is hereby conveyed to modify the provisions of the guidelines and replace the words “**irrespective of the area**” under Para 2.5(ii) with “**subject to the provisions under guidelines Para 4.1(ii) and Para 4.1(v) (a)**”.

(Umakant)

Assistant Inspector General of Forests

F. No. 2-1/2003-FC

Dated: 06.01.2011

**Sub: Revision of Para 4.4** of the guidelines on Forest (Conservation) Act, 1980 regarding **projects involving Forest as well as Non-forest lands**.

Sir/Madam,

Instances have come into the notice of the Ministry that Para 4.4 of the guidelines on the Forest (Conservation) Act, 1980 regarding provisions involving forest as well as non-forest lands have been causing confusions leading to non-start of the project work even on the non-forest land. As the domain of applicability of the Forest (Conservation) Act, 1980 does not spread beyond the forest areas, therefore, it has been decided to issue a clarification on the provisions of Para 4.4 of the guidelines as under -

The last sentence of Para 4.4 which reads -

*‘.....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 approval of the Central Government for release of forest land under the Act has been given.’*

**is now substituted with**

*‘.....It has, therefore, been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.’*

So, the modified Para 4.4 of the Guidelines on Forest (Conservation) Act, 1980 shall now read as -

**“4.4 Project 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 in fructuous, 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, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given***”.

(Umakant)

Assistant Inspector General of Forests

F.No.11-9/98-FC

Dated: 3.1.2005

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – **General approval under Section 2** of Forest (Conservation) Act, 1980 thereof. **GENERAL APPROVAL IN THE TRIBAL AREAS**

Sir,

Central Government believes that development and conservation should go hand in hand. This is a constitutional requirement of a Welfare State like India, which has also been emphasized by the Supreme Court from time to time. The tenet is embodied in the spirit of the Forest (Conservation) Act, 1980. Awareness among the people for conservation of environment is bound to come from within. Provided the other developmental requirements of food, fibre, education, health and communication etc., are satisfied. Central Government is committed to expedite its efforts for developmental activities in forest areas to cover the largest possible population of tribal and forest dwellers. To tackle the problems of sensitive areas on socio-economic front, the Central Government is all set to facilitate speedier execution of essential developmental activities.

Government of India is of the view that development of tribal villages/forest fringe villages can be ensured by providing basic and essential developmental facilities and sense of security in sensitive areas without compromising on environmental considerations and a balance has to be made between the economic/developmental considerations on one hand and ecological consideration on the other. It is imperative that for the creation of these facilities in forest/forest fringe area, most of the land requirement would have to be met from the forest lands.

A small beginning in this direction has been made when general approval under Section 2 of Forest (Conservation) Act, 1980, was accorded for underground laying of electricity cables and electric wires to individual households, drinking water supply/water pipelines, telephone lines was accorded under certain conditions vide para (iii) of the Guidelines of this Ministry's Lr. No. 2-1/2003-FC, dtd: 20-10-2003, which is reproduced as under:

**In the tribal areas**, there shall be **general approval** under Section-2 of Forest (Conservation) Act, 1980 for underground laying of electricity cables and electric wires to individual households, drinking water supply pipelines, which involve felling of trees not exceeding 50 number per

project (should be below 60 cm, girth class) and are outside National Parks or Wildlife Sanctuary and are laid along the roads and within the existing right of way. This general approval shall be subject to the condition that the Nodal Officer shall certify compliance. Records of such works undertaken shall be maintained by the Nodal Officer and the Territorial DFO.

Nodal Officer shall send quarterly report to concerned Chief Conservator of Forests (Regional Office) for monitoring purpose.

In lieu of felling of trees, **five times of the number of felled trees shall be planted by the User Agency at or near the site.** Any deviation shall require permission from the Central Government under the Forest (Conservation) Act, 1980.

The issue of according general approval in case of some critical development and security related activities has again been reviewed by the Ministry of Environment and Forests holistically, and it has been found appropriate that extension of approval for some other critical developmental and other initiatives meant for people's welfare and security, will go a long way in educating the masses, generating awareness and seeking their cooperation in conservation, regeneration and restoration of degraded forest and creation of sense of security among them.

In view of the above, and in addition to general approval already given for certain activities as stated above the Central Government, hereby conveys its general approval under Section 2 of the Forest (Conservation) Act 1980 for **diversion of forest land to Government Departments** for following activities.

- i. Schools
- ii. Dispensary hospital
- iii. Electric and telecommunication lines
- iv. Drinking Water
- v. Rain water harvesting structures
- vi. Minor irrigation canal
- vii. Non-conventional sources of energy
- viii. Skill up-gradation vocational training center
- ix. Power sub-stations
- x. Communication posts; and
- xi. Police establishments like police stations outposts boarder outposts/Watch towers in sensitive areas (identified by Ministry of Home Affairs)

The general approval shall be subject to fulfillment of following conditions.

- (i) The forest land to be diverted for above mentioned specified developmental works should be **less than one hectare (1 Ha) in each case.**
- (ii) The clearance of such developmental projects shall be subject to the condition that the same is **need based.**
- (iii) The legal status of the land shall remain unchanged i.e., shall remain Reserved Protected Village Un-classed other types of forests/forest as the case may be.
- (iv) The User Agency shall submit the project proposal to the State/UT Government in the prescribed format i.e. **Form-A provided in Rule-6** of the Forest (Conservation) Rules, 2003.
- (v) The project should **not involve felling of more than fifty (50) numbers of trees per hectare (Ha).** Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.
- (vi) The project site should be **outside National Parks or Wildlife Sanctuary or Protected area.**



- (vii) The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect..
- (viii) The User Agency will seek permission for diversion of forest land duly recommended by Prl. Chief Conservator of Forests, from the State/UT Government.
- (ix) The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5<sup>th</sup> of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
- (x) The User Agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees, planted in surrounding area, will belong to State Forest Department.
- (xi) The User Agency shall be responsible for any loss to the flora and fauna in the surroundings and therefore shall take all possible measures to conserve the same.
- (xii) The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980.
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request for such changes shall be made to the Regional Officer by the Nodal Officer (Forest Conservation) of the State/UT.
- (xv) The State Forest Department, State Government, or the concerned Regional Office may impose from time to time any other condition in the interest of conservation, protection and or development of Forests.

The general approval under the Forest (Conservation) Act, 1980 is granted **initially for a period of two years ending 31.12.2006\*** and will be subject to review thereafter.

(ANURAG BAJPAI)

**Asst. Inspector General of Forests**

\*(MoEF, GOI vide F.No.11-9/98-FC Dt.11.09.09 has extended this period up to 31.12.2013)

**F.No.11-37/2003-FC**

**Dated 30/31.08.2005**

**Sub:** Guidelines for diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 – Clarification regarding applicability of the Forest (Conservation) Act, 1980 on the **plantations raised on revenue waste land**, community waste land etc., thereof. Reg.

Please refer to your letter F.16 (NOC) 98/FP/PCCF /3602, dated: 02-04-2004 and subsequent letter dated: 08-06-2005 on the above-mentioned subject, seeking clarification regarding applicability of the Forest (Conservation) Act, 1980 on the plantations raised on revenue waste

land, community waste land etc., In this regard, the Central Government clarifies as follows:  
***“The Forest (Conservation) Act, 1980, shall be applicable to the notified forests and to such areas that are identified as ‘forests’ by the District level Committees (DLCs) constituted by the State/Union Territory Governments pursuant to the orders of the Supreme Court of India dated: 12-12-1996 in Writ Petition (C) No. 202 of 1995 with reference to the dictionary meaning of the term ‘forests’, irrespective of its ownership”.***

(ANURAG BAJPAI)

Asst. Inspector General of Forests  
 Most Immediate/Supreme Court Order

F. No. 7.19/2004-FC

Dated: 22-09.2005

**Sub:** Supreme Court order dated 16.09.05 in IA No.1000 in Writ Petition (C) No. 202 of 1995- Jamwa Ramgarh Sanctuary matter.

Sir,

Please find enclosed herewith a copy of the above-mentioned order of the Supreme Court, which reads as follows:

“.....we again reiterate that without compliance of the environmental laws, in particular the permission under Forest (Conservator) Act, 1980, no Temporary Working Permission or permission any other by whatever name called shall be granted for mining activities in the aforesaid areas (National Parks, Sanctuaries and forest area). We further direct that no mining activity would continue under any Temporary Working Permit of Permission which may have been granted.....”  
 In compliance with the aforesaid order, the Central Government hereby, directs you to stop all mining operations in forest areas which are running on the strength of Temporary Working Permission (TWP) granted by this Ministry, which immediate effect further orders. Only those mines shall be allowed to operate who have got clearances under Forest (Conservation) Act, 1980, and Environment (Protection) Act, 1986 and have complied with the conditions stipulated by the Central Government. Further, in continuation of this Ministry's letters No. 11-9/98-FC dated:04.05.2001 and 24.11.03 and aforesaid order of the Apex Court, it is reiterated that all mining operations in National Parks and Sanctuaries shall continue to remain suspended.

(ANURAG BAJPAI)

Encl: as above

Asst. Inspector General of Forests

**I. A. No. 1000 with 982-984, 1026-1028, 1123-1124 In W.P. (C) No.202/1995 :**

We have perused the affidavit-dated 14.9.2005 filed by Mr. Anurag Bajpai on behalf of MoEF and the statement showing the grant of Temporary Working Permit in the last two years, i.e., from 1<sup>st</sup> January 2003 to 31<sup>st</sup> December 2004 in the National Parks, Sanctuaries and forest area. This is despite the order passed by this Court restraining the mining activities in these areas. Learned Amicus Curie submits that the inspection of the Government record shows a dismal picture and he would shortly file an application for taking appropriate action against the concerned persons. Pending filing of the said application and further orders, we again reiterate that without compliance of the environmental laws, in particular the permission under Forest (Conservation) Act, 1980,

no Temporary Working Permission or Temporary Permit or any other permission by whatever name called shall be granted for mining activities in the aforesaid areas. We further direct that no mining activities would continue under any Temporary Working Permit or Permission which may have been granted. It appears from the chart filed with the affidavit of Mr. Anurag Bajpai that no Temporary Working Permission is in operation as of today. If it is otherwise, an affidavit to that effect shall be filed within two weeks giving the particulars of such Permission.

AND

I.A.No 361 AND I.A.No. 363 IN W.P. (C) No. 3727/1985- (Appln. For directions on behalf of Bokaro Thermal Power Station and for permission to file addl. documents on behalf of Bokaro Thermal Power Station)

Item No. 302:

I.A. NOS. 1135-1136 IN I.A.No. 556 IN W.P. (C) No. 202/1995-  
(For implement and directions)

Date: 16/09/2005. These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE ARIJTI PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.)  
Mr. U.U. Lalit, Sr. Adv. (A.C.)  
Mr. Sidhartha Choudhary, Adv. (A.C.)

For Applicant(s):

In I.As 1123-1124:

Mr. Vivek Tankha, Sr. Adv,  
Mr. Paras Kuhad, Adv,  
Mr. Prateek Jalan, Adv,  
Ms. Malvika Coomar, Adv,  
Mr. Abhishak Kalls, Adv,  
For Mr. Tarun Johri, Adv,

In I.As 1212-1213:

Mr. S.K. Kulkarni, Adv,  
Mr. M.Gireesh Kumar, Adv,  
Mr. Vijay Kumar, Adv,

In I.As 1210-1211:

Mr. Ejaz Maqbool, Adv,  
Mr. Vikash Singh, Adv,  
Mr. Minakshi Nag, Adv,  
Ms. Taruna Singh, Adv,

In I.As 1246-1247:

Mr. Ajay Kumar Misra, Adv,  
Mr. Krishna Kumar Tyagi, Adv,  
Mr. Iftakhar Ahmad, Adv,  
Ms. Abhilasha, Adv,  
Mr. P. Narasiman, Adv,

Sub: Issue related to **imposition of additional conditions** by the State Government in respect of proposals involving forest land where permission for diversion of such forest lands has been granted by the Ministry of Environment and Forests.

Sir,

While granting the final approval for diversion of forestland for non- forestry use under Forest (Conservation) Act, 1980, the Central Government stipulates various conditions. These conditions inter-alia, include a general condition which states that “Any other condition which the State Government or Chief Conservator of Forests (central), Regional Office, may stipulate from time to time in the interest of afforestation and protection and improvement of flora and fauna of the area shall also be applicable”. This stipulation more often than not has been used by the State / UT Government in imposing additional unreasonable conditions.

The Committee of Secretaries (CoS) while discussing the issues related to Central-State and Inter-Ministerial bottlenecks in the ongoing National Highway Development Programme Projects also took note of the issue related to additional conditions imposed by the State / UT Governments. CoS felt that the State Forest Departments impose further conditions, in addition to the conditions imposed by the Central Government, and these additional conditions are sometimes very unrealistic and affect the financial viability of the project. It was decided by the CoS that Ministry of Environment and Forests should examine the issue of unreasonable conditions subsequently imposed by the State / UT Government in case of forestry clearances and develop a uniform instructions to be followed by the State / UTs. in the matter.

The above issue was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980. The Committee noted that the Central Government, while granting forestry clearances, imposes certain conditions to mitigate the adverse effects arising out of diversion of forestland for non-forestry use. Although, the State Governments, being the custodians of the forestlands, are competent to **impose conditions** for protection and conservation of forests, **but the Committee observed that such conditions should, at the same time, cannot be allowed to affect the viability of the project after it has been granted forestry clearance by the Central Government.**

After examining the whole issue in great detail and on the recommendations of the Advisory Committee, it had been decided by the Central Government that while forwarding any proposal for diversion of forest land, the State / UT Government should state and include all the conditions, which it desires to be imposed, in the original proposal itself, for compliance by the user agency. The Central Government after considering the conditions proposed by the State/UT Government Shall stipulate such conditions as it deems fit. No additional conditions thereafter can be imposed by the State / UT Government. Such a mechanism will obviate any contradictions and undue hardships that may affect the viability of the project subsequent to grant of forestry clearance, and will also facilitate consolidation of stipulations at one place (in the approval letter of the Central Government).

All the State/UT Governments are requested to ensure compliance of the above instructions.

(Pankaj Asthana)

Assistant Inspector General of Forests

.....

## Chapter-2

# Submission of Proposals

### 2.1. General

- (i) Rule 6 of the Forest (Conservation) Rules, 2003 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. The user agency, If they so desire, for monitoring purpose only, may submit the proposal along with a copy of the receipt from Nodal Officer of having received complete application to the Assistant Inspector General of forests (FC) / Director in charge of the Monitoring cell.
- (ii) All proposals relating to diversion of forest land up to 40 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MOEF by the State /UT government or other authority. All other proposals shall be sent by the State/UT Government or other authority to the Secretary to the Government of India, MOEF mentioning “ Attention – FC Division” on covering letter as well as on envelope. Moreover a copy of all these proposals irrespective of area should also be sent to concerned Regional Office of the MOEF.

For small development and public utility projects involving diversion of forest land up to 5 hectare, the State government may authorize the Nodal Officer or any Officer to submit the proposals directly to the Regional Offices.

- (iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commented 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 emphasize that a conscious decision has been taken in the matter.
- (iv) Wherever re-diversion of forest land becomes essential. State Government should seek the prior permission of the Central Government giving details of the earlier approval and the proposed activity details in letter form rather than initiating a fresh proposal.
- (v) In cases of irrigation projects or projects involving linear diversion of forest land, when during execution, some realignment is needed due to technical reasons and where the re- alignment is of a minor nature, i.e. deviation from the original alignment is at a few points and the number of trees to be cut does not exceed the number given in the original proposal, the State Government need not submit a fresh proposal.  
Rather, they may send this information through a covering letter giving maps of the original alignment and fresh alignment with details of the additional forest land required and the variation in the number of trees which will be affected due to the realignment.
- (vi) The State Governments are advised not to consider/process cases, which are pending in various Courts or are sub-judice, to avoid all sorts of administrative and legal complications.
- (vii) In order to ensure that the forest lands are diverted only for site specific projects, that the



ecological balance of the country is well protected, the respective State/UT Administration, should give due consideration to the following and should submit proposal accordingly after detailed scrutiny.

1. **Diversion of forest land within Reserve Forest:-** As per the State of Forest Report, 2001 published by Forest Survey of India, out of 76.84 million hectare of total forest area, roughly 55% 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.
2. **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 once 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 lease in the State with their capacity of production, the present level of average annual production, location of these pits and status of reclamation of forest land that are exhausted of minerals. Along with 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. Mining plan should be approved by the competent authority for concerned minerals e.g. **for coal it should be approved by Controller of Coal and for major minerals by IBM and so on.**

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. 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.

3. **Diversion for non-site specific projects:-** 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. are received by the Central Government. Attention is drawn to items 1 (iv) and 8 of the Form "A" in which the proposal is to be submitted by the State Government. In these columns, 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, there should not be any justification for locating non site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its in-escapability for locating the project in forest area.
4. It has been observed that in respect of many proposals, the Central Government receives representation from NGOs/local public bodies against the diversion of forest land or loss of forest land, environment and ecological grounds. It is felt that it is essential to have the opinion of the local people, whenever a project is coming up in that area. Therefore, 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 except in cases wherever consent of the local people living in one form or another has been obtained by the State or the project proponents and the same is indicated in the proposal explicitly. However, it would be required where the project activity on forest land is affecting quality of life of the people residing in nearby areas of the site of diversion; like mining projects, displacement of people in submergence area etc. It is further clarified that such resolution would not be required in following cases;

- a) Project requires public hearing in order to get environment clearance. However, a copy of public hearing may be furnished along with the proposal in such cases.
- b) For projects like construction of roads, canals, laying of pipelines/optical fibers and transmission lines etc., where linear diversion of forest land in several villages are involved.
- c) Proposals involving diversion of private forest lands.
- d) In case of small public utility projects like drinking water, schools, hospitals which are for the welfare of local people.

## 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 original Survey of India toposheet. However, if maps on 1:50,000 scale are 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 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 upto 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 along with the proposal.
- (v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.
- (vi) All proposals seeking prior approval of the Central Government should invariably contain the following information.
  - a) Extent of forest covers in the concerned district/State.
  - b) Extent of forest land diverted so far under Forest (Conservation) Act 1980 in the concerned district/State.
  - c) Extent of forest land diverted for same/similar purpose/project so far in the concerned district/State.
  - d) Progress of compensatory afforestation in the concerned district/State under earlier forest clearances.

However, the States/UTs may submit the above information on a consolidated, calendar year basis every year as per the proforma at Annexure-VII so as to avoid duplication/ reiteration in each proposal. (No.11-30/96-FC (Pt) dated 28.6.2001).

(vii) **Mining proposals** in forest areas in respect of coal and other major minerals should be accompanied with the following documents:-

1. In respect of Underground mining in stratified deposits in forest areas

The mining plan in stratified deposits in forest areas should include the predicated subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20 mm per metre and thereby the surface cracks of width of about 200-300 mm is to be permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3-Dimension for subsidence prediction through an expert mining engineer/organization to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati, or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land, and wherever feasible, the surface facilities should be planned over non-forest areas.

2. Open cast mining in forest areas

In respect of open cast mining in forest areas, a comprehensive study of solid waste management and land reclamation with post mining land use plan and de-commissioning should be made and the plan should envisage the minimum possible overburden dumping outside the mine. In place where the non-forest land is available, the external dumping of the overburden should be planned on non-forest land. Special attention should be given to top-soil and sub-soil handling and management.

3. Use of Fly ash in reclamation of open cast mines

Wherever feasible, depending upon the characteristic of fly ash and its availability nearby, use of fly ash in reclamation of open pits should be looked into and planned. Fly ash for this purpose should be characterized from the point of view of leaching potential with special reference to heavy metals.

While forwarding the proposals, the State Government may also bear in mind the para 7.13 of The National Mineral Policy, 1993 (For non-fuel & non-atomic mineral) wherein it states that”---Mining operation shall not ordinarily be taken up in identified ecologically fragile and biologically rich areas.....”.

4. Mining Plan

Ministry of Environment and Forests is receiving a large number of proposals for grant of/renewal of mining leases. In order to take holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal along with map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet.

5. Mining Plan (as revised vide MoEF, GOI F.No.11-168/2009-FC (pt) Dt-2.2.12)

Ministry of Environment and Forests is receiving a large number of proposals for grant of renewal of mining leases. In order to take holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur in case of minerals other than Coal and lignite and by CMPDI, Ranchi in case of coal should be enclosed with the proposal along with map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet.

Mining plan inter-alia shall indicate scientific mining, back filling and afforestation in mined out areas along with annual plan/map indicating afforestation in mined out area.”

### **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 Ministry of Environment and Forests. 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 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) Legal status of forest land.
  - e) 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.
  - f) Whether no alternative alignment is possible to avoid or minimize 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 regularization of encroachments.

### **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 Office 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/modernization under intimation to the local State Forest Department and Central Government.

**Clarification:** This guideline is applicable to only such projects, where plantations have been raised on the lands acquired by the user agency and subsequently notified as Protected Forest. This guideline will not be applicable if the forest land involved is reserved/protected forests belonging to the Forest Department.

## **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 forestland. The Scheduled Tribe and Scheduled Caste population should be separately considered, and 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 zone of a national park or reserve.

## **2.8. Transfer of Lease**

Where transfer of lease on forestland, from one user agency to another for the same purpose for which the forestland was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government / State Government in future.

## **2.9. Participation of private sector through involvement of NGOs & Forest Department in afforestation/rehabilitation of degraded forests**

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Detailed guidelines issued in this regard vide this Ministry's letter No. 8-21/96-FC dated 7.6.1999 shall be strictly followed. These are included in Annexure VIII.

#### 2.10.Cluster mining

Detailed guidelines issued in this regard vide this Ministry's letter No. 11-8/2001-FC dated 15.11.2001 shall be strictly followed. These are included in Annexure – IX.

### APPENDIX- 11

F. No. 5-5/98-FC (Pt)

Dated: 15 .12.2003

**Sub:** Forest (Conservation) Rules, 2003 – Submission of DRP under Forest (Conservation) Act, 1980.

Sir,

Forest (Conservation) Rules, 2003 notified on 10/3/2003, prescribe a new format for the submission of project proposals by the user agencies to the respective State/UT Governments. It has come to the notice of this Ministry that some of the State/UT Governments are returning even those proposals for resubmission in new format, to the respective user agencies, which have been received by them prior to notification of Forest (Conservation) Rules, 2003.

In this context, I am directed to clarify that the new format is applicable to those project proposals which have been submitted by the User Agency to the respective State/UT Governments on 10.1.2003 and thereafter. The proposals in the pipeline before 10/01/2003 should be processed.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

F.No.11-9/98-FC

Dated: 08.07.2011

**Sub: Submission of Geo-referenced digital data** for applications under Forest (Conservation) Act, 1980.

Sir,

I am directed to say that to ensure accurate delineation of the forest area proposed to be diverted; in future all applications seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose **must be accompanied with geo-referenced boundary in shape file**. The application should also contain a **digital map** along with a hard copy **duly authenticated by competent authority in the State Government**, of the forest land proposed for diversion, prepared by **using Total Station or differential GPS**. In case the applicant desires, the above digital mapping of the area should be done by the respective State Forest Department by realizing appropriate cost from the user agency.

(H.C. Chaudhary)

Assistant Inspector General of Forests

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## CHAPTER 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 de-reservation or diversion of forestland 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 comprehensive scheme shall include the details of non-forest /degraded forest area identified for compensatory afforestation, map of areas to be taken up for compensatory afforestation, year-wise phased forestry operations, details of species to be planted and a suitability certificate from afforestation/management point of view along with the cost structure of various operations.
- (iii) Sometimes the compensatory afforestation schemes are being submitted at such a cost structure, which is at variance with the cost norms for the same area. The compensatory afforestation scheme no doubt has to be site specific and thus per hectare rate will vary according to species, type of forest and site. In this regard, it has been decided that henceforth the compensatory afforestation schemes which are being submitted along with the proposals for forestry clearance, must have technical and administrative approvals from the competent authority and should be in conformity with cost norms based on species, type of forest and site.

### 3.2. Land for Compensatory Afforestation

- i) Compensatory afforestation shall be done over equivalent area of non-forest land.  
Clarification:- As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam lands and all other such categories of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.
- ii) As far as possible, the non-forest land for compensatory afforestation should be identified contiguous to or in 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 minimize 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 suitable non-forest land for compensatory afforestation in the entire State/UT would be accepted by the Central Government only on the Certificate from the Chief

Secretary\*\*\* to the State /UT Government to that effect. (\*\*\*) revised vide GOI, MoEF –F.No-11-423/2011-FC Dt.13.02.2012)

- 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 materials 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 hectare 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 line upto 220 KV.
  - d) For mulberry plantation undertaken for silkworm rearing without any felling of existing trees.
  - e) For diversion of linear or 'strip' plantation declared as protected forest along with road/rail/canal sides for widening or expansion of road/rail/canal.
  - f) For laying of telephone / optical fibre lines.
- (vii) The field firing ranges, which are used temporarily by the defence establishments for arms practice, comprises of safety zone encompassing the field firing range and danger area/impact zone. Keeping in view that the impact area is only a small portion of the entire firing range and as an exception to 3.2(i) above, compensatory afforestation may be raised over equivalent degraded forest land of the forest area being diverted for impact zone of the field firing range.
- (viii) No compensatory afforestation shall be insisted upon in respect of the following:-
  - a) For clearing of naturally grown trees in forestland 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.
- (ix) Special provisions for Central Government/Central Government Undertaking 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 State 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 15.11.1996.
- 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 concerned Chief Conservator of Forest (C), Regional Offices of the MOEF.

**Clarification:-** The provisions of the above guideline would be applicable to only Central Sector projects and not on State Sector Projects, which are being undertaken by Central PSU's on turnkey basis. In such cases, Compensatory Afforestation on equivalent non-forest land/ a certificate of Chief Secretary regarding non-availability of equivalent non-forest land anywhere in the State shall be insisted upon.

### 3.3. Elements for 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 reserved/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.
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### 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 utilize this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.
- ii) In order that a uniform procedure is followed by all departments, the Controller General of Accounts, Department of Expenditure, Ministry of Finance vide letter No. T-14018/14/90-Codes/485 dated 23.6.1992 has informed that the aforesaid deposit may be booked under the head "J-Reserve Fund(b) Reserve Funds not bearing interest – 8235 – General and Other Reserve Funds – 200–Other funds– Special Fund for Compensatory Afforestation".

**Clarification:-**The Supreme Court has passed orders on 30-10-2002 in I.A.No.566 in Writ Petition (Civil) No. 202 of 1995, regarding creation of a body for management of compensatory afforestation fund. Annexure- II B may be referred to. In compliance with the orders, creation of a body namely, "Compensatory Afforestation Management & Planning Agency (CAMPA)" is under consideration. As soon as this body comes into existence, all the funds received by the State/UT Governments towards Compensatory Afforestation, Additional Compensatory Afforestation, Penal Compensatory Afforestation, Net Present Value of forest land, Catchment Area Treatment Plan Funds, Wildlife Management Plan etc. for the conditions stipulated by the Central Governments, shall be transferred to the CAMPA. Further, Compensatory Afforestation Funds, which have not yet been realized, as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies. Further, Supreme Court in its order dated 1.8.2003 in I.A. No.826 & 859 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995 reiterated that no approval shall be granted without imposing the condition indicated in this Court's order dated 30.10.2002 relating to the payment of net present value of the forest land. Annexure-II C may be referred to.

Note:- Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been notified in Official Gazette on 23<sup>rd</sup> April, 2004 (Refer Appendix).

- iii) Guidelines for collection of Net Present Value (NPV) of Forest land in compliance to the orders of the Supreme Court have been issued vide letter No.5-1/98-FC (Pt.II), dated 18.9.2003 & 22.09.2003 (Appendix). In this regard a clarification has also been issued by the Ministry of Environment and Forests vide letter No. 5-1/98-FC (Pt.-II) dated 25.5.2004 (Appendix).

### ANNEXURE – II BSupreme Court Orders Dated 30.01.2002 In Respect of "COMPENSATORY AFFORESTATION FUND" in I.A.NO. 566 IN WP (C) NO.202/1995

1. "The Union of India shall.....frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the Central Empowered Committee....."
2. Compensatory Afforestation Funds which have not yet been realized as well as the unspent funds already realized by the State shall be transferred to the said body within six months of its



constitution by the respective States and the user-agencies.

3. In addition to above, while according transfer under Forest (Conservation) Act, 1980 for change in user-agency from all non-forest purposes, the user agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs. 5.80 Lakhs per hectare to Rs. 9.20 Lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment and Forests in consultation with Central Empowered Committee as and when necessary.
4. A 'Compensatory Afforestation Fund' shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the Ministry of environment and Forests with the concurrence of Central Empowered Committee.....
5. The funds received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e, area notified under Section 18, 26A or 35 of the Wild Life (Protection) Act, 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc., shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/Union Territories.
6. The amount received on account of compensatory afforestation but not spent or any balance amount lying with the State/Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this Fund.
7. Besides artificial regeneration (plantations), the fund shall also be utilized for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site-specific plans should be prepared and implemented in a time bound manner.
8. The user agencies especially the large public sector undertaking such as Power Grid Corporation, NTPC, etc. which frequently require forest land for their projects should also be involved in undertaking compensatory afforestation by establishing Special Purpose Vehicle. Whereas the private sector user agencies may be involved in monitoring and most importantly, in protection of Compensatory Afforestation. The Ministry of Environment and Forests would lay down necessary procedure for this purpose with the concurrence of the Central Empowered Committee.
9. Plantations must use local indigenous species since exotics have long-term negative impacts on the environment.
10. An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds.

**F. No. 5-1/2007-FC**

**Dated: 18-07-2007**

Sir,

**Sub:** Clarification regarding consideration of areas under **Zudpi Jungle / Chhote Bade Jhad Ka Jungle**, etc., and non-availability of non-forest land **for the purpose of Compensatory Afforestation**.

With reference to the subject mentioned above, I am directed to refer to the letter No. LM/267 dated

21.01.2007 of the CCF (LM) & Nodal Officer (FC), and to say that the matter has been examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980. On the basis of the recommendations of the Committee, it is clarified that:-

1. As the areas under Zudpi jungle / Chhote Bade Jhar ka jungle, etc. get covered under the definition of 'deemed forest' according to the order dated 12.12.1996 of the Hon'ble Supreme Court of India, such areas cannot be considered for the purpose of Compensatory Afforestation against the diversion allowed under the Forest (Conservation) Act, 1980.
2. Certificate from the Chief Secretary regarding non-availability of non-forest land for the purpose of Compensatory Afforestation can be accepted only when it is furnished in the form suggested under Para 3.2 (v) of the Guidelines issued by the Central Government under the Forest (Conservation) Act, 1980.

(Sandeep Kumar)

Assistant Inspector General of Forests.

**F. No. 5-1/2007-FC**

**Dated: 28.12.2007**

Sir,

**Sub:** Clarification regarding consideration of areas under Zudpi Jungle / Chhote Bade Jhad Ka Jungle, etc., and non-availability of non-forest land for the purpose of Compensatory Afforestation. I am directed to invite your kind attention to this Ministry's letter of even number dated 18.07.2007 and convey the approval of the competent authority to make the item no. 1 of the letter dated 18.07.2007 inoperative. All other items of the letter will remain in force.

In addition to the above, the clarification given under guideline 3.2 (i) of Hand Book of Forest Conservation Act, 1980 – Guidelines and Clarifications, may be read as below:

*"As a matter of pragmatism, the revenue land, zudpi Jungle, Chhote / Bade Jhar Ka Jungle / Jungle Jhari land, civil sayam lands and all other such categories of lands, on which the provision of forest (conservation) Act, 1980 are applicable, could be considered for the purpose compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as RF under Indian Forest Act, 1927. However, as far as possible efforts should be made to carry out compensatory afforestation only on non-forest land".*

(C.D. Singh)

Assistant Inspector General of Forests.

**F.No.11-423/2011-FC**

**Dated: 13-02-2012**

Sir,

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980 – **Non-availability of forest land for creation of compensatory afforestation.**

I am directed to say that para 3.2(iv) and 3.2(v) of the guidelines issued by this Ministry for implementation of the Forest (Conservation) Act, 1980 provide as below:

*"3.2 (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 diverted and available non-forest land, as the case may be.*

3.2(v) *The non-availability of suitable non-forest land for compensatory afforestation in the entire State/UT would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.*

**To ensure that such certificates are issued after thorough scrutiny, it has been decided by this Ministry that the following may further be added in the said Para 3.2(v):**

*“Provided, no such certificate be issued by the Chief Secretary, unless he/she obtains joint certificates to this effect from each district collector and Division Forest Officer in respect of the area under their jurisdiction. Provided further that in case it is found by the Central Government that after issue of any such certificate by the Chief Secretary, non-forest land has been made available for raising plantations of forestry and/or commercial/ horticulture tree species by Government departments, the Central Government may issue direction to the State/UT Government concerned, to transfer and mutate such land in favour of the State/UT Forest Department and notify such non-forest land as Reserved Forest/ Protected Forest in accordance with the provisions of Indian Forest Act, 1927 or the concerned local Act. **Provided further that certificate of non-availability of non-forest land shall be accepted only from those States having area of forest land more than 50% of their geographical area.**”*

This issues with the approval of the competent authority.

(H.C. Chaudhary)

Assistant Inspector General of Forests

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## Chapter 4

### Some Clarifications

#### 4.1. Delegation of Powers

- i) All proposals involving diversion/dereservation of forest land up to 40 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 for forest land up to 5 hectare, except in respect of proposals for regularization of encroachments and mining (including renewal of mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area of 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.  
(Modified vide F.No.5-3/2007-FC dt.29.6.2010)
- 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 cases finally disposed of and a list of cases rejected along with reasons thereof for rejection would be required to be send every month to the MOEF by the Regional Office.
- v) a) In respect of proposals involving diversion of forest area above 5 hectares and upto 40 hectares and all proposals for regularization of encroachments and mining up to 40 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 consideration 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.  
(Modified vide F.No.5-3/2007-FC dt.29.6.2010)
- b) The meeting of the State Advisory Group (SAG) will normally be held once in a month at concerned State Capital. The Regional Chief Conservator of Forests shall act as Chairman of the Advisory Group and Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.
- c) State Government may take immediate steps to nominate representatives of the State

Government not below the rank of Joint Secretary for the Advisory Group. Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.

- d) The details of the officers along with addresses, telephone number, etc. may be directly communicated to the concerned Regional Chief Conservator of Forests under intimation to this Ministry to facilitate early processing of the proposals by the Advisory Group.

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

- i) Forestry clearance will be given in two stages. In 1st stage, the proposal shall be agreed to in principle in which usually the conditions relating to transfer, mutation and declaration as RF/PF under the Indian Forest Act, 1927 of equivalent non-forest land for compensatory afforestation and funds for raising compensatory afforestation thereof are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the Act shall be issued.
- ii) However in cases where compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in-principle approvals would summarily be revoked. After the revocation of the in-principle approval, if the State Government/ user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered de-novo.
- iii) Sometimes the proposals for renewal of mining leases are accorded in-principle approval/ temporary working permission subject to compliance of certain conditions. It has come to the notice of the Ministry that many a times the user agency approaches the Courts against the very conditions on which the proposals are accorded in-principle approval. Ideally the user agency should sort out any grievance in respect of any stipulated conditions with the Central Government/ State Government. Therefore, it has been decided that in cases where the user agency decides to approach the Courts for redress, the in-principle approval and temporary working permission shall stand revoked/in abeyance unless the Court cases are withdrawn and conditions complied with or till the cases are decided by the Courts.
- iv) Approved proposals shall not normally be reopened for review of the conditions, which have been stipulated earlier.

#### **4.3. Anticipatory Action by the State/UT Governments- Penal Compensatory Afforestation.**

- i) 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 condonation.
- ii) 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.

#### **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

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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-forestlands, expenditure incurred on works on non-forest lands may proved 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 approval of the Central Government for release of forest land under the Act has been given.**

(Now revised vide Lr.No.F.No.2-1/2003-FC dt.6.1.2011)

#### **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/dispensary, community halls, cooperative, 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. Extraction 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**

- i) 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.
- ii) 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.
- iii) In order to safeguard public roads, forest roads, natural streams and nallahs located in mining lease areas, 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.

#### **4.8. Catchment Area Treatment Plan**

- i) 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 plant will not be insisted.

- ii) Proposals for diversion of forest land for Hydro-electric projects shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects without involving impounding of water/submergence of forest land, 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 subsidized 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 land aspects of wildlife. The scientific names of the 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 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 photographers of inspected sites, highlighting the aspects observed, especially when the area is large or is sensitive and fragile. However, every proposal up to 40 hectare must be accompanied by a site inspection report from the DFO and proposals involving area above 40 hectare should have a site inspection report of the CF. They should, apart from providing the information in the proforma, also attach a clear cut certificate as regards the violation of the Forest (Conservation) Act, 1980. In case, violation has taken place, a detailed report should be submitted by the DFO and countersigned by the CF along with the proposal.
- ii) In respect of proposals involving diversion of forest land above 100 hectare, site inspection shall be carried out by the Regional Offices of the Ministry. However, the State/UT Governments are required to continue to send a copy of proposals involving diversion of forest land above 40 hectare to the concerned Regional Office as per existing practice. The site inspection report should be on the prescribed proforma, which is at Annexure-X and it should be specific on alternatives examined by the project authority, minimum requirement of forest land and self explanatory particularly with regard to overall impact of the project and also specific mitigating measures, in case of recommending a project. The report should also contain photographs of the site indicating main points mentioned in the report.
- iii) However, site inspection of proposals involving diversion of forest land up to 100 hectares will be need based i.e. done by the Regional Officers as and when desired by the Forest Advisory Committee or Ministry. The Regional Office will, however, scrutinize the proposal (involving forest land between 40 to 100 hectares) and can send their observation or any feedback particularly violation of the Forest (Conservation) Act, 1980 for further processing of the proposal.
- (iv) In respect of proposals involving renewal of leases, the Regional Offices of the Ministry should submit a copy of the report of the latest monitoring done (one year before the expiry of lease

period) along with the abstract of monitoring report of the project during the lease period specially highlighting the conditions which have not been fulfilled, with complete details of the reasons for not fulfilling. The conditions which have been complied with should also be highlighted with the quality of performance of the project authorities with short note on the desirability of renewal of lease and other recommendations.

#### **4.11. Complete Details**

While forwarding the proposals 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 90/60 days as per the Forest (Conservation) Rules, 2003. 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 60 days by the Central Government.

#### **4.13. Quarterly Progress Report (QPR)**

A Monitoring Cell has been created in the Ministry of Environment & Forests, which shall be looked after by Director (FC) and an Asstt. Inspector General of Forests. In all cases, the States/UTs will submit quarterly progress reports to the Director (FC) regarding the implementation of the stipulations laid down by the Government of India while approving the project especially in respect of compensatory afforestation and future clearances of project of the States and Union Territories concerned will depend upon the fulfillment of stipulations and the achievements in compensatory afforestation. Monitoring Cell will also monitor the time taken by the authorities in processing the case at different levels of the State Government as well as Central Government.

Along with quarterly progress report, a statement in tabular form as given below should also be submitted which will give status of the total number of proposals in the State:

- a) Name of the State
- b) Total No.of proposals submitted since 1980
- c) No.of proposals finally approved.
- d) No.of proposals given Stage -I approval.
- e) No.of proposals rejected.
- f) No.of proposals withdrawn by State Govt.
- g) No.of proposals closed for want of information.
- h) No.of proposals pending with Central Govt.
- i) No.of proposals pending with State Govt. for want of information
- j) Remarks.

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

- i) In cases where the State Government is requested to furnish clarifications or additional information relating to proposals, 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.
- ii) in some cases, the State Government comes up with a request for reconsideration of the proposal after it has been considered and rejected by the Ministry. Such request should be made within three months from the date of the issue of the rejection letter. The request should give a detailed justification for reconsideration as well as comments on the grounds on which the proposal was rejected by the Ministry.

#### **4.15 Nodal Officer**

- i) Separate cells for dealing with diversion of forest land cases should be opened at the State Government level and the PCCF Office level. 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 scrutinize 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.
  - vi) The Nodal Officer may also report compliance of Stage-I conditions after getting it vetted by the State Government wherever it is called for mainly dealing with land and fund matters.
  - vii) The Nodal Officer may also inform violation/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 violation / 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.
  - viii) The Nodal Officer shall submit a monthly report on all the complete applications received by the State Government and their status of processing in the State. The report shall be sent to the Regional Office concerned and the Assistant Inspector General of Forests (FC)/Director in charge of the monitoring cell.
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#### 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 under MMDR 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 MMDR Act or Rules framed there under. However, in the event of non-compliance of stipulation 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.
- 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

If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency, to the State Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposals for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on an application from the user agency, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal.

**4.18.** In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission along with in-principle approval, 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.

F. No. 2-1/2003-FC (Pt.III)

Dated 5-09-2005

**Sub: Plantation of Jatropha on Forest land:** clarification under the Forest (Conservation) Act, 1980-Regarding.

Sir

In continuation of this Ministry's letter of even number dated 08<sup>th</sup> June 2005, I am directed to issue further clarification on the subject mentioned above as follows-

"Plantation of oil-bearing plants on forest land is non- forestry activity to be regulated under the provisions of the Forest (Conservation) Act, 1980. However, if the oil- bearing plant is indigenous



to the area in question and its plantation is part of the overall afforestation programme for the forest area concerned, prior approval of the Central Government under the Act is not required”.

(Sandeep Kumar)

Assistant Inspector General of Forests

F.No.8-66/2009-FC-pt

Dated: 30-09- 2011

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

I am directed to say that this Ministry received proposals for re-diversion of a part or whole of the forest land that has already been diverted under the Forest (Conservation) Act, 1980. To facilitate decisions on such proposals, this Ministry, on the basis of the recommendations made by the Forest Advisory Committee constituted under section-3 of the afore-mentioned Act, hereby issues following guidelines:

- i) “Re-diversion” may be defined as diversion of a part of already diverted forest land for using for another non-forest use by some other user agency while continuing the use of whole of the diverted land by the primary user agency in whose favour the land has already been diverted earlier,
- ii) The **procedure in respect of re-diversion** (second and un-related use) of forest land shall be as below:
  - a) Re-diversion of forest land to **another User Agency** of already diverted forest land, shall normally be considered if the proposed new use/activity (both for public utility or otherwise) is compatible with and does not hinder its use for which the forest land already stands diverted. However, with **prior written consent of the primary User Agency**, permission for re-diversion may be accorded for the activities which are not fully compatible with the activity for which the forest land has already been diverted. No amount shall however, be levied by the primary User Agency for grant of such consent. Declaration that no amount has been levied by him to accord the consent shall be integral part of his consent.
  - b) In case the primary user agency feels that re-diversion of forest land although not incompatible but may hinder compliance of any of the conditions stipulated while according approval for its diversion in its favour, details of such conditions along with desired amendment may be indicated in its consent letter.
  - c) All proposals seeking re-diversion shall be accompanied with **a written consent** (along with a declaration that no amount has been levied while giving the consent) **of the primary User Agency**. However, in case the applicant user Agency seeking re-diversion is of the view that though the proposed use/activity by him is fully compatible with and does not hinder in any manner execution of the activity for which the forest land has already been diverted in favour of the primary user agency, but the primary user agency has refused to accord his consent, it may request the Nodal Officer, giving him the full details of the activities for which forest land has been diverted in favour of the primary user agency and the activities proposed to be undertaken by it, to accept the proposal without prior consent of the primary user agency. On receipt of any such request if the Nodal Officer may after hearing the primary user agency (after giving him advance notice) is satisfied that the such activities are compatible, he may accept the proposal for re-diversion even without the consent of the original user agency. In such cases in-lieu of the consent from the original user agency, a note from the Nodal officer

giving full details of the basis on which such decision has been taken by him shall be enclosed with the proposal.

- d) In case Central Government is satisfied that re-diversion of the forest land may hinder compliance of any of the conditions stipulated for diversion of forest land in favour of the original user agency, the Central Government while according approval for re-diversion may appropriately amend such conditions. Any additional condition to be fulfilled by the original user agency to facilitate the new user agency to use the forest land re-diverted in its favour shall also be stipulated by the Central Government on case-to-case basis while according its approval for re-diversion.
- e) Conditions to be fulfilled by the secondary user agency (including its rights and responsibilities) shall be stipulated by the Central Government on a case-to-case basis while according approval for re-diversion.
- f) Full amount of NPV for the re-diverted land, at the rate applicable on the date of re-diversion, shall be realized from the second user agency by the State/UT Government concerned.
- g) Cost to raise compensatory afforestation shall however be recovered from the secondary user agency if the same in respect of the forest land proposed for re-diversion has not already been recovered from the primary user agency.
- h) Boundary of the re-diverted forest land shall be clearly demarcated on the ground by the secondary user agency;
- i) To prevent any speculative trade in forest land, no amount in the name of lease rent, annual fee/rent or any other such name shall be levied by the primary user agency from the secondary user agency in whose favour the forest land is re-diverted. However, in case the activity to be undertaken by the secondary user agency results in damage to the structure / property of the primary user agency, the same shall be restored by the secondary user agency to the full satisfaction of the primary user agency.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F. No. 5-3/2007-FC

Dated: 10-01 2011

**Sub:** Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – **Guidelines for construction of school buildings for the benefit of the people – reg.**

Sir,

The Ministry of Environment & Forests at New Delhi and its Regional offices are receiving large number of proposals from different States/UTs, including the newly constituted States like Uttarakhand, seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for building construction for the purpose of schools, hospitals and any other buildings, which are for the benefit of the people. The proposals also include offices and other residential buildings **for the newly created district/ sub-division / block level offices.**

The matter has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the Forest (Conservation) Act, 1980, wherein it has been noted that the Kendriya Vidyalaya Sangathan, an organization under the Ministry of Human Resource Development, has laid guidelines for minimum and desirable requirements of areas for opening of Kendriya Vidyalayas (Central School) at various locations including hilly areas.

S. No	Location	Min. requirement (in acres)	Desirable extent (in acres)
1.	Metropolitan city	2	4
2.	Hilly areas	4	8
3.	Urban area	4	8
4.	Semi-Urban/rural areas	5	10

The Kendriya Vidyalaya Sangathan's circular also highlights that the sponsoring authority will be liable to provide land as per 'desirable norms', but where that does not become possible despite best efforts, they would be under obligation to make available land at least to the extent of 'minimum norms', free of cost. The FAC, after taking all above factors into account, recommended the "minimum" area norm in hilly areas for construction of schools, where non-forests land is not available.

In view of the above, I am directed to convey the approval of the Central Government for "minimum" area norm in hilly areas (i.e., 4 acres or 1.62 ha) for construction of schools on forest land, where non-forests land is not available, with the following conditions:

- a. A certificate from the district Magistrate that non-forest land is not available for the school building / other building construction in the area.
- b. Reserve forest land with density more than 0.4 shall not be allowed.
- c. Felling more than 75 trees per hectare shall not be considered in any kind of forest.
- d. Besides Compensatory Afforestation as per the guidelines, the concerned authority should ensure plantation in vacant areas, wherever available, within the school premises.

It is further reiterated that this stipulation is strictly restricted to construction of schools in hilly areas, where non-forest land is not available.

(C.D. Singh)  
Deputy Inspector General of Forests

.....

## CHAPTER – 5

### Conditions stipulated in forestry clearances

Whenever clearances are accorded for diversion/de-reservation of forest land under the provisions of the Forest (Conservation) Act, 1980, certain conditions to minimize impact on forest land are imposed by the Ministry. These conditions comprise of general conditions, which are stipulated on types/category of projects and specific conditions, which are stipulated keeping in view the impact of the project on forest. However, the list of conditions given below is illustrative and the Central Government or the State Government may impose any other additional condition in the interest of conservation, protection or development of forests, wildlife and environment.

#### 5.1. General Conditions

- i) Legal status of forest land to remain unchanged.
- ii) Compensatory afforestation as per guidelines.
- iii) Transfer and mutation of non-forest land in favour of Forest Deptt., if applicable.
- iv) Notification of such land as RF/PF under the Indian Forest Act, 1927.
- v) User Agency to provide fuelwood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage & pressure on adjacent forest areas.
- vi) The forest land shall not be used for any purpose other than that specified in the proposals.
- vii) Demarcation of lease area to be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward & back bearings and distance from pillar to pillar.
- viii) Rehabilitation of Project affected families, if any.
- ix) Environmental clearance if required.

#### 5.2. Standard conditions

1. Mining Proposals:
    - i) Phased reclamation of mined area.
    - ii) Safety zone area, its afforestation and fencing.
    - iii) Afforestation on one and half times degraded forest land in lieu of the area used for safety zone.
    - iv) In case of under ground mines, areas on surface to be fencing and afforested.
  2. Hydel and irrigation proposals:
    - v) Catchment Area Treatment Plan for medium and major projects.
    - vi) Minimum requirement of forestland for canals.
    - vii) Afforestation along the reservoir & canals.
    - viii) No tree felling between FRL (Full Reservoir Level) and FRL-4 meters.
    - ix) Free water for forestry related projects.
  3. Road proposals:
    - a) Minimum trees to be felled.
    - b) Strip plantation on sides and central verge.
-

4. Transmission line proposals:

- a) Minimum trees to be felled.
- b) Plantation of dwarf species (preferably medicinal plants) in right of way under the transmission lines.

**5.3. Specific conditions**

These conditions are specific to the nature of the project and are stipulated on case to case basis by the Central Government/State Government.

**ANNEXURE - I**

**SUPREME COURT ORDERS ON “FORESTS”**

“..... The term “forest land” occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.....”

(Supreme Court orders dated 12.12.1996 in WP No. 202/1995)

**ANNEXURE – II A**

**Supreme Court orders in respect of “PROTECTED AREAS”**

1. “.....In the meantime, we restrain respondents Nos. 2 to 32 from ordering the removal of dead, diseased, dying or wind –fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary.....”

(Supreme Court orders dated 14.2.2000 & 21.2.2000 in I.A. No. 548 in WP No. 202/1995)

2. “..... Pending further orders, no de-reservaiton of forests/sanctuaries/national parks shall be effected.”

(Supreme Court orders dated 13.11.2000 in I.A. No. 2 in WP No. 337/1995)

Note: This order was re-iterated by the Supreme Court on 9.2.2004 in IA No. 16.

3. “.....In the meantime, no permission under Section 29 of the Wildlife (Protection) Act, 1972 should be granted without getting approval of the Standing Committee of Indian Board for Wildlife.....”

(Supreme Court orders dated 9.5.2000 in I.A. No. 18 in WP No. 337/1995)

**ANNEXURE – II C**

Supreme Court’s Order dated 1.8.2003 in I.A.No. 826 & 859 in I.A.No. 566 in Writ Petition (Civil) No.202 of 1995 in the matter of compensatory afforestation fund regarding collection of Net Present Value (NPV)

“.....In the meantime, no approval shall be granted without imposing the condition indicated in this Court’s order dated 30.10.2002 relating to the payment of Net Present Value (NPV) of the forest land.”



### 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 Government under Section 2 of the said Act is not required.
- ii) A renewal of a lease is really the grant of fresh lease. (See Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609). The prior approval of the Central Government 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 Government 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 Government 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 regularized 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 regularize encroachments from time to time seem to have acted as strong inducement for further encroachments in forest area and the problem remained as elusive as ever for want of effective and concerned 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 regularized. 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 regularize 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 regularize 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 regularize 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 Gram Sabha with a view to avoid disputes in future.
- 1.4 All encroached lands proposed for regularization should be properly surveyed.
- 1.5 Encroachments proposed to be regularized 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 regularization as per the eligibility criteria already fixed by the State.
- 1.8 As far as possible scattered encroachments proposed to be regularized should be consolidated /relocated near the outer boundaries of the forests.
- 1.9 The outer boundaries of the areas to be denotified for regularization of encroachments should be demarcated on the ground with permanent boundary marks.
- 1.10 All the cases proposed to be regularized under this category should be covered in one proposal and it should give district –wise details.
- 1.11 All cases of proposed regularization 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 regularized.

**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 regularized. 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 regularization 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 regularization, 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 regularize 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 regularized in accordance with an eligibility formula by which some earlier encroachments were regularized.
  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 regularization. These are:-
    - (a) The State Government should have taken the decision on regularization 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 economic 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 regularization, 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 regularization 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 regularization would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.80 would not be eligible for regularization – 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 regularization of encroachments in a State covered only encroachments up to a date earlier than 25.10.1980, the guidelines on regularization of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularization. The later encroachments, though occurring before 25. 10.1980, are not covered by any regularization decision taken prior to that date and hence cannot be considered for regularization 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 regularization 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 regularization in terms of our guidelines.
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## ANNEXURE- IV-A

**INFORMATION FOR PROPOSAL FOR REGULARISATION OF ENCROACHMENTS**

S. No	Division	District	Total en-croachers		Eligible en-croachers		Area with in eligible encroachers	Excess area with eligible encroachers	Area to be retrieved from encroachers (8+9)
			No.	Area	No.	Area			
1	2	3	4	5	6	7	8	9	10

Community of eligible encroachers				Legal status of forest land			Eligible encroachers in W.L.S./ NP		Eligible encroachers in midst of forest		Eligible Encroachers to be relocated to fringes of forest or in excess forest land recovered from encroachments	
SC	ST	OBC	OTH	RF	PF	OTH	No.	Area	No.	Area	No. (18+20)	Area (19+21)
11	12	13	14	15	16	17	18	19	20	21	22	23

## ANNEXURE-IV-B

**REVIEW OF DISPUTED CLAIMS OVER FORESTLAND ARISING OUT OF FOREST SETTLEMENT**

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/or their rights were not enquired and/or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing wide-spread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardizing protection of forest and forest land. Keeping in view the recommendations of the said committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed

claims on forest land:

- 2.1 The State Government/UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims:
    - (a) Claims in respect of forest areas notified as deemed Reserved Forests without observing the due process of settlement as provided in Forest Acts provided that these pertain to:
      - (i) tribal areas; or affect a wide cross section of rural poor in non -tribal areas; and
      - (ii) the claimants are in possession of the 'disputed land'.
    - (b) Claims in tribal areas wherever there is prima facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect record /maps or lack of information to the affected persons, as prescribed by law, provided that:
      - (i) Such forest settlement pertains to a period after 1947: and
      - (ii) The claimants are in possession of the 'disputed land'.
    - (c) Claims in tribal areas wherever the process of settlement is over but notification under Section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under Section 20, provided that the claimants are still in possession of 'disputed land'.
  - 2.2 After identifying the above three categories of the claims the State Government /UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:
    - (i) In case of category 2.1(a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
    - (ii) In case of categories 2.1(b) and 2.1(c) the claimant was in possession of the disputed land when the notification showing Governments intention to declare reserved forest was issued under Section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.
  - 2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.
  - 2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered.
    - i) As far as possible, restoration of claims should not be result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.
    - ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.
  - 2.5 After the State Government/UT Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act, 1980, along with proposals for compensatory afforestation.
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## ANNEXURE-IV-C

**DISPUTES REGARDING PATTAS/LEASES/GRANTS INVOLVING  
FOREST LAND – SETTLEMENT THEREOF**

An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest interface has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentious issues between different departments of the State/UT Govt. Such pattas/leases/grants are said to have been issued under the proper authority and orders of the respective State /UT Governments and the land in question continues in the possession of the allottees or under their authorized use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

- 1.1 Protected forests in Madhya Pradesh, terms as “Orange Areas” which according to the State Governments decision were to be transferred to Revenue Department after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Department, which should have preceded allotment of pattas, was not affected.
- 1.2 ‘Dali’ lands in Maharashtra, which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these ‘Dali’ lands is not clear.
- 1.3 Cases in which land was assigned by the Revenue Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.
- 1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the leases continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.
2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter-Ministerial Committee, it has been decided that inter-departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard.
  - 2.1. All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.
  - 2.2. In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honored and inter-departmental disputes should not affect the rights of the leases provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be examined by district level committees consisting of DFO., SDO., Revenue Department and a representative of Tribal Welfare department. The disputes should be

resolved at the district level wherever it is possible, or after obtaining suitable order of the State/UT Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.

- 2.3 Lease of a period prior to 25.10.2980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.
2. (a) In cases where Forest (Conservation) Act, 1980, is attracted, proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

#### ANNEXURE -IV - D

#### **CONVERSION OF FOREST VILLAGES INTO REVENUE VILLAGES AND SETTLEMENT OF OTHER OLD HABITATIONS.**

Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorized houses/homesteads, dwellings of tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognized either as revenue villages or forest villages.

2. In March 1984, the then Ministry of Agriculture suggested to the State/UT Governments that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an inter-Ministerial Committee, set up by this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.
3. Although the forest villagers have lived in harmony with their surrounding forest and the concept of forest villages prove an effective arrangement for sustain supply of man-power, yet it would not be appropriate to deny them legitimate rights over such lands which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

##### 3.1. Forest Villages

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- i) the villagers are conferred heritable but inalienable rights;

- ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

### 3.2. Other habitations

- a) Habitations other than Forest Villages may be grouped into the following categories:
  - i) Cases where dwelling belong to persons who have encroached on forest land for cultivation.
  - ii) Dwellings of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognized as Revenue Villages nor Forest Villages.
- b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:-
  - i) In case category (a) (i) above, wherever encroachments for agricultural cultivation are regularized, the house sites and homesteads, too, may be regularized either in-situ or as near to the agricultural field as possible subject to certain safe-guards in the interest of forest protection and “eligibility” criteria as may be evolved by the State Government.
  - ii) In case of category (a) (ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families may be examined, case by case, on merits for their amicable settlement.
  - iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
  - iv) All other unauthorized habitations must be evicted.
  - v) Wherever provisions of Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/UT Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.

## ANNEXURE-V

### GUIDELINES FOR LAYING TRANSMISSION LINES THROUGH FOREST AERAS

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
1	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 Sl.No. 3 may be permitted in consultation with the CEA.

#### ANNEXURE – VI (a)

##### CATEGORY OF PROPOSALS FOR WHICH COST-BENEFIT ANALYSIS IS APPLICABLE

Sl No	Nature of Proposal	Appli- cable/ not appli- cable	Remarks
1	All categories of proposals involving forest land up to 20 hectares in plains and up to 5 hectares in hills.	Not appli- cable	These proposals are to be consid- ered on case by case basis and value judgement.
2	Proposal for defence installation purposes and oil prospecting (prospect- ing only)	Not appli- cable	In view of National Priority accord- ed 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 indus- trial units, tourist lodges/ complex and other building construction.	Not appli- cable	These activities being detrimental to protection and conservation of for- est, as a matter of policy, such pro- posals 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 centers, TV 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.
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### ANNEXURE – VI (b)

#### PARAMETERS FOR EVALUATION OF “LOSS OF FORESTS”

Sl No	Parameters	Roads, Tr.Lines & Railway lines	Minor irrigation projects, quarrying of stones/ metals	Medium & Major irrigation hydro electric, large mining & other misc. 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 and 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.	-Do-	-Do-	-Do-
4	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railways, etc.) on forest land, or which would require forest land if these facilities were diverted due to the project	-Do-	-Do-	-Do-



5	Environmental losses: (soil erosion, effect on hydro-logical 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. 50.696 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.

#### ANNEXURE VI (C)

#### PARAMETERS FOR “EVALUATION OF BENEFIT” NOTWITHSTANDING LOSS OF FORESTS

Nature of Proposal				
Sl. No	Parameters	Roads, Tr.Lines & Railway lines	Minor 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 on-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.

## ANNEXURE – VII

## PROFORMA FOR FURNISHING STATE/DISTRICT PROFILE

**1. STATE/UT:** -----

**2. PERIOD** 25.10.1980 TO 01-01-20.....

S. No.	Name of District	Forest Cover (ha)	Clearances under the Act so far	
			Forest land diverted (ha)	No. of proposals
1	2	3	4	5
	<b>Total</b>			

[illegible]

## ANNEXURE-VIII

**GUIDELINES FOR PARTICIPATION OF PRIVATE SECTOR THROUGH  
INVOLVEMENT OF NGOS & FOREST DEPARTMENT IN AFFORESTATION/ REHABILITATION  
OF DEGRADED FOREST**

**PREMBLE**

Our National forest policy of 1988 envisages that one third of the geographical area of the country should be under forest/tree cover. The total recorded forest area in the country is about 23% of the geographical area. According to the State of Forest Report, 1997, the actual forest cover in the country is only about 19.27%. It has been further estimated by forest survey of India that out of this 19.27% only 11.17% is dense forest i.e. having density of more than 40%. About 7.95 (2.61310 sq.km) of the geographic area is open forest i.e. having density less than 10%. This degraded forest needs urgent attention and sufficient monetary input so that it is rehabilitated and fully covered. These forest areas were endowed with rich biological diversity and should be out immediate concern to rejuvenate at the earliest.

The Ministry is greatly concerned over the slow rate of afforestation owing to financial and other constraints. The afforestation has gone down from about 89,000 sq. Km in the VII Five-Year Plan to about 70,000 sq km in the VIII Plan. Even if it is presumed that will be on further degradation of forest areas it will take more than 25 years to restock the degraded forest areas. Even if we take a conservative norm of Rs. 20,000 per hectare cost it will require a budgetary allocation of more than Rs.600 billions to rehabilitate them.

It is, therefore clear that Ministry is not in a position even to restore the existing degraded forests from the available resources, leaving aside the goal of increasing the forest cover to 33% of the geographical area by afforestation.

It therefore requires some innovative policy decision wherein without compromising the basic provisions of our forest policy we can attain the goal, one of the proposals received from govt. of Maharashtra under the Forest (Conservation) Act, 1980 appears to be aimed in that direction. It has been proposed by the Govt, that about 100 ha of degraded forest land near Thane will be afforested/ rehabilitated by BAIF an NGO through funding from NOCIL in consultation/guidance of the local Forest Department. It will be done through an agreement signed between BAIF- NOCIL, and the State Govt, BAIF- NOCIL will have no rights over the land or the usufruct at anytime thereafter whatsoever.

It has been observed that a large number of like minded industrial houses are willing to join hands in this green movement through NGOs and under the supervision and guidance of the forest department voluntarily without any rights whatsoever on the forest land or the usufruct, the executing NGO will work over the land for a time till the plantations/tree cover gets established.

**GUIDELINES**

The Ministry therefore after due consideration has taken a decision to encourage this joint participation of Industrial houses, NGOs and Forest department in order to rehabilitate / reforest the vast degraded forest in the country. This will not only result in greening of the nation but will also result in employment generation. However, in order to have clarity on the method and procedures, Ministry is issuing following guidelines.

1. There must be tri-partite agreement between the industrial house, an acceptable NGO of repute and the local Forest Department.
2. The agreement must have the commitment of the industrial house to bear the cost of the scheme,

of the NGO to faithfully implement the scheme under the supervision and direction of the Forest Department.

3. The industrial house and the NGO will not claim any right whatsoever over the forest land or the produce anytime thereafter.
4. The rights of local people if any, over the forest land will not be affected by this agreement.
5. The agreement will be for a period of say 5 to 7 years during which the area is likely to be tackled including maintenance.
6. The scheme should be prepared in such a way so that naturally occurring species should be given priority in the rehabilitation and even plantations should be of local native species.
7. Only such forest lands that are less than 0.4 densities and that cannot be regenerated with natural regeneration should be under this scheme.
8. Any other condition that State Forest Departments considers essential to fulfill objectives and preamble of these guidelines.

## ANNEXURE – IX

### GUIDELINES FOR PREPARATION OF “CLUSTER MINING” PROPOSALS

1. Cluster proposal may be prepared for such leases, which have contiguous boundaries.
2. All the existing mining proposals/fresh proposals in pipeline be included in that including non-forest lands, if within.
3. States will take individual proposals from different lessees in the proforma with relevant documents.
4. However, with covering letter, a comparative statement of all mines with area and other details be given and all leases with boundaries be shown on one map.
5. Even existing approved leases be included in the proposal so that they can be brought to the same time frame.
6. The condition of compensatory afforestation will apply on the basis of each individual lease rather than on pro-rata basis.
7. The safety zone shall be at the outer boundary of the cluster and condition of safety zone will apply on pro-rata basis.

This is to further clarify that where existing forest lands outside the lease areas/cluster are being used by lessees for transporting mined minerals, it is not desirable to insist inclusion of such forest areas in the lease proposal unless a new road is proposed for such lease or cluster. The State Governments should rather permit its use on the terms and conditions to be decided by the State Government.

## ANNEXURE – X

### PROFORMA FOR SITE INSPECTIONS REPORTS BY REGIONAL OFFICES:

1. Legal status of the forest land proposed for diversion.
2. Item-wise break-up 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 60 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 encumbrances.
  - 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.
11. Reclamation 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 along with detailed reasons.
16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/ alignments for locating the project on the non-forest land.
17. Utility of the project.
  - Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project.
18. Whether land being diverted has any socio-cultural/religious value.
  - Whether any sacred 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.

#### APPENDIX 48

F.No.5-5/86-FC

Dated: 07.12.1999

**Sub: REGARDING REPORTED VIOLATION UNDER FOREST (CONSERVATION) ACT, 1980.**

Sir,

I am directed to invite your attention to the above mentioned subject and to say that it has been observed by the Ministry that State Governments are reporting/filing affidavits/prosecutions in



different courts indicating violation of the Forest(Conservation) Act, 1980 along with Indian Forest Act, 1927. From a perusal of these documents, it appears that there is some lack of clarity of the understanding of violation of F(C) Act, 1980. Your attention is invited to Section-2 of the Act, which says:

“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 thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, 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 re-forestation”.

2. It is clear from the above that Section-2 of the Forest (Conservation) Act, 1980, applied to the cases where the State Government or any authority passes any order for permitting activities covered by Item No.(i) to (iv) above without prior approval of Government of India.

3. Cases of illicit felling and encroachment of illegal mining have to be dealt under the provisions of Indian Forest Act, 1927/ State Forest Act/Environment Protection Act, 1986 and the responsibility of effective implementation of the said Acts vests with the State Government. Provision of Forest (conservation) Act should not be invoked in dealing with the offences mentioned in Para above. Forest Conservation Act's mandate is confined to tackle the situation mentioned in para1.

4. In cases where the State Government is fully convinced that the provisions of Forest (Conservation) Act, 1980 have been violated, a detailed report clearly mentioned the nature of offences, the person responsible for allowing the offence, with all relevant details, should be sent to Regional Chief Conservator of Forests, Government of India so that appropriate action can be taken against the official responsible for violation of the Act.

**V.B.KUMAR**

**Asst. Inspector General of Forests (FC)**

#### **APPENDIX-7**

#### **MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION**

**F.No. 5-5/98-FC**

**Dated 01.10.2003**

S.O. 1186 (E) – In pursuance of sub-rule (1) of rule 9 of the Forest (Conservation) Rules, 2003, the Central Government hereby authorizes the Chief Conservator of Forests, Regional Office, Ministry of Environment and Forests, having regional jurisdiction over the forest land in respect of which any offence under the Forest (Conservation) Act, 1980 is alleged to have been committed, to file complaints against persons prima –facie found guilty of such offence, in the court having jurisdiction in the matter.

**N.K. Joshi**

**Director General of Forests and Special Secretary**

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# Eviction of Encroachments

## APPENDIX- 2

No. 7-16/2002-FC

Dated: 03.05.2002

Sub: Eviction of illegal encroachment on forest lands in various States/UTs time bound action plan.  
Sir,

I am directed to draw your attention to the problem of encroachments of forest lands, which is assuming a serious proportion in the country. These encroachments have been attracting the attention of Central Government and State Governments have been requested from time to time to take prompt action against the encroachers under various Acts and Rules. Such encroachments are generally done by the powerful lobbies and cause great harm to forest conservation particularly when these are carried out in the remote areas in a honey comb pattern. These encroachments are also seriously threatening the continuity of the Wild Life corridors between the various National Parks and Sanctuaries. Somehow, timely action is not being taken by the frontline staff for the eviction of the encroachers, which further emboldens others also for similar actions. As per the information received from various States approximately 12.50 lakh hectares of forest land is under encroachment. There may be many more unrecorded instances which will add to the overall tally. Hon'ble Supreme Court has also been greatly concerned with this pernicious practice and in their order of 23.11.2001 in IA No. 703 in WP No. 2020/95 have restrained the Central Government from regularization of encroachments in the country. There is now a need to frame a time bound programme for eviction of the encroachers from the forest lands for which following steps are suggested:

- i) All encroachments which are not eligible for regularization as per guidelines issued by this Ministry vide NO. 13.1/90-FP (1) dated 18.9.90 should be summarily evicted in a time bound manner and in any case not later than 30<sup>th</sup> September, 2002.
  - ii) A cell should be constituted in the PCCF office headed by a CCF level officer to plan and monitor eviction of encroachments on forest lands on a continuous basis.
  - iii) Forest Officers should be delegated powers under relevant Acts for trails of encroachers and adequate steps should be taken for completion of the eviction process through summary trails in a time bound manner.
  - iv) At the State Level, a monitoring committee may be constituted under the Chairmanship of the Chief Secretary, which may meet biannually to take stock of the situation. The Committee while monitoring forest encroachments should also fix responsibility of the field formulation including the revenue officials for their failures to prevent/evict encroachments on the forest lands.
  - v) At the forest Circle level, a Committee should be constituted under the Chairmanship of Conservator of Forests with District Collector and Superintendent of Police as members which may meet every quarter and take effective steps to assist the Divisional Forest Officers or the Territorial Division/ Wildlife Warden/National Park and Sanctuary Director for the eviction of the encroachers.
  - vi) A comprehensive list of encroachments in your State with current status of eviction process etc. may please be prepared as the base line information and a copy of the same be also sent to this Ministry preferably by June 30<sup>th</sup>, 2002. Principal Chief Conservator of Forests may be bound to give detail progress report of the action taken, area evicted and area reclaimed/planted etc. every quarter commencing from July 2002.
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- vii) It may please be noted that the Ministry may be constrained to link processing of requests for clearance under Forest (Conservation) Act, 1980, approval of relevant Working Plan and, funding under Centrally Sponsored Schemes as well, to the progress shown in eviction of the encroachers as per the instant guidelines.

**(Dr. V.K. BAHUGUNA)**  
**Inspector General of Forests**

### APPENDIX- 3

**No. IGF/FC/2002**

**Dated: 30.10.2002**

Sub: Eviction of illegal encroachment on forest lands in various States/UTs - Time Bound Action Plan – Clarification thereof

**Sir,**

I would like to draw your attention to this Ministry's letter of even number dated 3.5.2002 on the above subject. This Ministry has received several communications from various individuals and organizations requesting us to stop the eviction of encroachments in various States. There is an apprehension in some quarters that the present communication supersedes the guidelines issued vide this Ministry No.30-1/90-FC dated 18.9.1990 relating to regularization of encroachments on forest lands.

This is to clarify that there is no change in the policy of the Ministry with regard to regularization of pre-1980 eligible encroachments and the commitment with reference to forest tribal-interface on the dispute settlement claims. In respect of disputed claims of eligible encroachment of the tribals for want of First Offence Report/ non-settlement of rights, etc., the State may consider setting up Commission/ Committees at the level of Districts involving Revenue, Forest and Tribal Welfare Department for their settlement provided other conditions are fulfilled. A copy of the guidelines issued by the Ministry in 1990 is enclosed. In such identified cases the State should submit their proposals to the Central Government so that final decision can be taken within a time-bound manner.

The State should simultaneously show progress on the eviction of ineligible encroachments. The States may consider 'in situ' economic rehabilitation by involving these ineligible encroachers in forestry activities thorough Joint Forest Management. But forest land encroached for agriculture, building etc. will have to be vacated and put to forests use in the interest of Tribal Communities.

**(Dr. V.K. BAHUGUNA)**  
**Inspector General of Forests**

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# Protected Areas



## APPENDIX- 1

No. 11-9/98-FC

Dated: 04.05.2001

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,

I am directed to invite your attention to the guidelines circulated by this Ministry vide letter of even no. dated 4-12-1998 regarding submission of proposals for diversion of forest land in Sanctuaries/ National Parks and Tiger Reserve areas. You may be aware that subsequent to the issue of these guidelines, the Hon'ble Supreme Court of India has passed two important orders relating to National Parks and Sanctuaries – one dated 13.11.00 in WP No. 337/95, where they have directed that pending further orders, no de-reservation of Sanctuaries and National Parks shall be effected. In the other order dated 14.2.2000, in WP No. 2020/95, the Hon'ble Supreme Court has restrained all the States from ordering even the removal of dead, diseased, dying or wind-fallen trees and grasses etc. from any National Park or Sanctuary.

2. In view of the above orders of the Supreme Court, the State Governments are advised not to submit any proposal for diversion of forest land in National Park and Sanctuaries under the Forest (Conservation) Act, 1980 without seeking prior permission of the Supreme Court. The earlier guideline issued by the Ministry may be considered modified to this extent.

(AN PRASAD)

Deputy Inspector General of Forests

## APPENDIX- 10

F. No. 11-9/98-FC (Pt-II)

Dated: 20/24.11.2003

Sub: MINING LEASES IN NATIONAL PARKS/SANCTUARIES ETC.

Sir,

In continuation of this Ministry's letter of even number and 4.5.2001 regarding the orders of the Hon'ble Supreme Court dated: 14.2.2000 in Writ Petition (C) No.202 of 1995 dated 13.11.2000 in Writ Petition (C) No.337 of 1995 in respect of National Parks/ Sanctuaries, I am directed to request you for strict compliance of the orders of the Supreme Court. Further, in all those cases also, where forestry clearance have been granted for diversion of forest land for mining leases before the orders of the Supreme Court or before the notification for setting up of National Park/Sanctuary in your State/UT, it is requested to ensure the suspension of all the mining activities till further orders.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

## APPENDIX- 15

F.No. 2-1/2004-FC

Dated: 10.03.2004

Sub:- Supreme Court Orders that 13/11/2000 & 9/2/2004 in Writ Petition (C) No. 337 of 1995 and orders dated 30.10.2002 & 1.8.2003 in IA No. 566 in Writ Petition (C) No. 202 of 1995.

Sir,

With reference to subject mentioned above, the Hon'ble Supreme Court of India had passed the following order on 13/11/2000:-

***“Pending further orders, no de-reservation of forests/National Parks/ Sanctuaries shall be effected.”***

Further, on 9/2/2004, the Hon’ble Court rejected the appeal of the Government of India praying for deletion of the word “forests” from the above mentioned order. Therefore, the order of the Hon’ble Supreme Court dated 13.11.2000, as mentioned above, is still operative.

In view of the above mentioned orders, all the proposals, including conversion of forest villages into revenue villages and regularization of encroachments, issued by the Central Government after 13/11/2000 under Forest (Conservation), Act, 1980, stand modified to the extent that the legal status of the diverted forest land shall remain unchanged.

Further, in view of the Hon’ble Supreme Court’s order dated 30.10.2002 and 1.8.2003 in IA No. 566 in Writ Petition (C) No. 202 of 1995, the User Agency shall deposit the Net Present Value of the diverted forest land in all the approvals (Stage-I) including conversion of forest villages into revenue villages and regularization of encroachments, issued by the Central Government after 30.10.2002 under Forest (Conservation) Act, 1980.

This issues with the approval of the competent authority.

**(ANURAG BAJPAI)**

**Asstt. Inspector General of Forests**

**F.No. 11-66/2004-FC**

**Date: 13.11.2007**

Sub:-Applicability of F(C)Act, 1980 for activities that are necessary for ex-situ conservation of wild animals including upkeep and management of animals through Zoological park/Zoos/ Biological parks over forest land..

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations seeking clarifications in respect of applicability of Forest (Conservation) Act, 1980 for activities that are necessary for ex-situ conservation of wild animals including upkeep and management of animals through Zoological park/Zoos/ Biological parks located in forest areas. After careful examination of the proposal of the respective Chief Wild Life Wardens of various State Governments and on the basis of the recommendation of the Forest Advisory Committee. The Central Government hereby conveys that activities required to be done in zoo as per the approved management plan will not attract the provisions of the Forest (Conservation) Act, 1980 provided such activities are necessary for management of animals and imparting education and have the prior approval of CZA.

**(CD Singh)**

**Asstt. Inspector General of Forests**

## **GUIDELINES FOR TAKING NONFORESTRY ACTIVITES IN WILDLIFE HABITATS**

### **1. General Policy**

National Parks, Sanctuaries and Conservation Reserves are notified under the Wildlife Protection Act, 1972 as dedicated areas rich in, and representing the unique biodiversity of a place. Such protected areas are considered very important for conservation of biodiversity, and for ensuring the healthy populations of its floral and faunal components, for the present and future generations alike. However, the rising human population and its growing demands for socio-economic

development put increasing stress on forests including protected areas both directly and indirectly. This calls for a balance that has to be struck between development and conservation implying that any activity involving use or diversion of any part of notified protected area may be considered only under **most exceptional** circumstances, taking fully into account its impending impact on the biodiversity of the area, and consequently on the management of the Protected Area. A critical part of this balanced approach is to spell out the feasibility of mitigation to address the impacts without compromising the management objectives of the Protected Area. The activities to be taken up in the identified Wildlife habitats also need to comply with the orders of the Hon'ble Supreme Court in addition to the statutory requirements as provided in the Wild Life (Protection) Act, 1972.

## 2. Scope

Measures to protect the Wildlife and biodiversity in general include inter alia, notification of suitable Wildlife habitats as Protected Areas (National Parks, sanctuaries etc.) under the Wild Life (Protection) Act (WLPA), 1972. Recommendations of the National Board for Wildlife (NBWL) are prescribed in the Act for regulating any activity inside such areas. Hon'ble Supreme Court thought a number of order has further made it essential to seek the recommendations of this advisory body for regulating activities in the adjoining areas to the Protected Areas. Protection of other forests is ensured through the Forest (Conservation) Act 1980 wherein, recommendations of the Forest Advisory Committee are prescribed for this purpose Protected areas cover generally the known habitats of wildlife including important flagship species. Tiger Reserves represent specifically notified areas under the WLPA focusing on Conservation of the charismatic big cat under the Project Tiger in View of the specially threatened status of this national animal. With a view to ensuring conservation of elephants, the national heritage animal, 'Project Elephant' is operational. Technical and financial assistance is provided by the Central Government for conservation of elephants in the designated elephant habitats in the country. But presently such habitats are not legal entities. Though many existing elephant habitats are part of the existing Protected Areas, a proposal for enabling notification of such important habitats as elephant reserves under appropriate legal provisions is also under consideration of the government in the Ministry of Environment and Forests.

It is expected that once the legal provisions for declaration of elephant reserves is in place, such areas will also be included under the regulatory regime under Wild Life (Protection) Act 1972 as proper legal entities.

These guidelines prescribe the process of obtaining recommendations of the Standing Committee of NBWL under the Wild Life (protection) Act 1972 with respect to the areas, for which this process is mandatory under the law, and also in compliance to relevant Hon'ble Supreme Court orders. These guidelines replace the guidelines dated 15.03.2011 issued earlier in this regard, along with all amendments made therein.

## 3. Activities inside Protected Areas:

The process of consideration of any proposal for use of areas inside the protected areas, as a mandatory requirement under the present statutes, involves consideration and recommendation of the **National Board for Wildlife**. However, as the **Standing Committee of National Board for Wildlife** has been delegated the powers of the National Board for Wildlife, such cases are to be referred to the Standing Committee of National Board for Wildlife for consideration and recommendation. Details of such situations where such reference is warranted are described below:

**Government of India  
Ministry of Environment and Forests  
Wildlife Division**

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi-110003

F. No. 6-10/2011 WL

Dated: December 2012

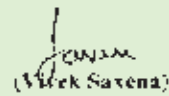
**Sub: Guidance document for taking up non forestry activities in wildlife habitats.**

Reference is invited to this Ministry's letter of even no. dated 15<sup>th</sup> March 2011 regarding the above mentioned subject. In this context, the undersigned is directed to mention that the matter has been discussed in great detail in the Ministry of Environment and Forests and the old guidelines have been reviewed in light of the existing provisions of laws and rules. It has been highlighted in the review that unless there is a clear legal delineation of Elephant habitats and corridors, the implementation of the guidelines with respect to Elephant Reserves and corridors becomes very difficult. Therefore, the Wildlife Department is to work out a process by which these habitats acquire legal status. In the meanwhile, the revised guidelines, annexed to this letter, will be used as guidance for NBWL clearance for non-forestry activities to be taken up in wildlife area.

2. It is clarified that while project proponents may simultaneously apply for Environment, Forest and NBWL clearances, in order to complete the formalities without undue delay, no rights will vest in or accrue to them unless all clearances are obtained. In other words, project proponents cannot rely upon the concept of *fait accompli*, if they have already received any of the clearances. The Environmental, Forest and NBWL clearances will all be processed on their respective merits, and the clearance of one aspect will not confer any right upon the project proponent. Complete clearance is obtained only when all the requisite clearances have been obtained by the Project Proponent. This approach would protect the integrity of the flora and fauna of the country, as well as bring in clarity and transparency in the issue of Environmental, Forest and NBWL clearance.

3. This is in supersession of the orders of even no. dated 15th March 2011, and any communication related to this document thereafter.

4. This issues with the approval of Hon'ble Minister of State (Independent Charge) for Environment and Forests.

  
(Vivek Saxena)

Deputy Inspector General of Forests (WL)

**Encl: Revised guidelines**

### 3.1 Activities inside Wildlife Sanctuaries:

Section 29 of the Wild Life (protection) Act, 1972 provides for the seeking the recommendation of the **State Board for Wildlife** (*a Board chaired by the State Chief Minister*) for any diversion of land or produce including water, etc. from a Sanctuary. A per the proviso under Section 33 (a), no construction of commercial tourist lodges, hotels, zoos and safari parks can be undertaken inside a sanctuary except with prior approval of the Standing Committee of NBWL. Further, in view of the directions dated 9<sup>th</sup> May 2002 of Hon'ble Supreme Court in Writ Petition (Civil) No. 337/1995, all such proposals in respect of a Sanctuary or a National Park also require Supreme Court's approval based on the recommendation of the **Standing Committee of National Board for Wildlife** (*a Committee chaired by the Minister in-charge of the Ministry of Environment and Forests*).

### **3.2 Activities inside National Parks:**

Section 35 (6) of the Wild Life (Protection) Act, 1972 provides that the recommendation of the **National Board for Wildlife** (*a Board chaired by the Prime Minister*) is essential for any use or diversion of the habitat of any wild animal, or produce including water, etc. in a National Park. This proviso is also applicable with respect to National Parks in view of Section 35(8) of the Act.

In the circumstances, any activity proposed within the boundaries of a National Park or Wildlife Sanctuary shall require the recommendation of the Standing Committee of NBWL, and the approval of the Hon'ble Supreme Court.

Section 33 (8) of the Wild Life Protection Act, 1972 provides that no construction of commercial tourist lodges, hotels, zoos and safari parks can be undertaken inside a National Park except with prior approval of the Standing Committee of NBWL.

### **3.3 Activities inside a Tiger Reserve:**

A Tiger Reserve notified under the provisions 38V (1) of WLPA may include an existing Protected Area or other forests (as the buffer areas). The Tiger Reserve, once notified gets conferred protection on par with a Wildlife Sanctuary under section 38V

(2). Further section 38W makes it mandatory to obtain approval of Standing Committee of NBWL for any activity including alteration of boundaries of Tiger Reserves. Therefore, any proposal involving any area under the notified Tiger Reserve will also be governed by the relevant provisions applicable to the Wildlife Sanctuaries and therefore, will be referred to the Standing Committee of NBWL for consideration.

### **3.4 Activities inside Conservation Reserves:**

The Ministry of Law and Justice has opined that activities to be taken up inside a Conservation Reserve can also be dealt with in the Standing Committee of NBWL.

Therefore, the procedure indicated under Para 4 below needs to be followed for planning and executing any activity inside Conservation Reserve also.

### **3.5 Activities in areas other than Protected Areas**

In addition to the notified protected areas as described above, the consideration of the Standing Committee of NBWL has been prescribed in certain Circumstances, which are listed below:

#### **3.5.1 Activities within 10 Kms from boundaries of National and Wildlife Sanctuaries:**

In pursuance to the order of Hon'ble Supreme Court dated 4<sup>th</sup> December 2006 in Writ Petition (Civil) No. 460/2004, in case any project requiring Environmental Clearance, is located within the eco-sensitive zone around a Wildlife Sanctuary or National Park or in absence of delineation of such a zone, within 10 kms from its boundaries, the User agency/ Project Proponent is required to obtain recommendations of the Standing Committee of NBWL.

#### **3.5.2 Activities within areas connecting the Tiger Reserves, notified by NTCA for controlling the land use as per section 38 O (g).**

Section 38 O (g) of the Wild Life Protection Act, 1972 entrusts the responsibility to NTCA to ensure that areas connecting Tiger habitats are not diverted for ecologically unsustainable habitats except in public interest and with the approval of NBWL. Proposals for any activities in such areas duly notified by NTCA, and recommended by it in accordance with these provisions, to be covered under such regulation will be permitted only after seeking recommendations of the Standing Committee of NBWL. Violation of this provision is required to be dealt with by the NTCA.



#### 4. PROCEDURE TO BE FOLLOWED FOR CONSIDERATION OF PROPOSALS BY THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILDLIFE:

- 4.1 The User Agency/Project Proponent is required to submit the proposal in the prescribed proforma that has been prescribed by the Ministry of Environment and Forests, and is available on the website of the Ministry (<http://moef.nic.in/modules/others> to be filled in) (Annexure-1).
- 4.2 The prescribed proforma has five parts and each part is required to be filled in by the User Agency; concerned Divisional Forest Officer/ Park Manager; Concerned Chief Conservator of Forests; Concerned Chief Wildlife Warden and the Forest Secretary.
- 4.3 The proforma also seeks information in detail on the biodiversity of the area in Question; maps of the area, other activities already in place; possible impacts of the proposal, etc.
- 4.4 The User agency is required to submit Part-1 and Part-II of the proforma duly filled in to the concerned Forest Officer, who in turn, forwards the same to the Chief Wildlife Warden through the Chief Conservator of Forest.
- 4.5 The Chief Wildlife Warden, after giving his specific comments on the proposals, shall forwarded 15 copies of the same to the Government of India, through the Forest Secretary **after obtaining the recommendation of the State Board for Wildlife on the proposal.**
- 4.6 The proposal so received from the State Chief Wildlife Warden will be placed before the Standing Committee of NBWL, chaired by Minister of State (1/C) Environment and Forests. The meeting of the Standing Committee is convened once in 2 - 3 months.
- 4.7 In cases where the area proposed for diversion is large and/or the impact of the project on wildlife is considered to be serious, site inspections may be conducted by the members of the Committee or further studies/ surveys may be conducted by experts on the instruction of the Standing Committee of NBWL.
- 4.8 The site inspection reports are generally considered in next meeting of the Standing Committee to enable the Committee to make its recommendations.
- 4.9 After the Standing Committee of NBWL recommends the Proposal the User Agency/State Government is required to approach Hon'ble Supreme Court for final clearance in view of the Court orders dated 13.11.2000  
**Note:** Hon'ble Supreme Court vide their order dated 13.11.2000 had directed that there shall be no de-reservation / de-notification of National Parks and Sanctuaries without approval of the Supreme Court. Therefore, to take up any such activity, a clearance from Hon'ble Court is mandatory.
- 4.10 In case Border Roads, proposals of the Ministry of Defense, a simplified proforma for simultaneous clearance under the Forest (Conservation) Act, 1980 and wildlife clearance is being adopted under 'A Single Window System'

#### 5. PROPOSALS FOR SURVEY WORK TO BE CARRIED OUT INSIDE NATIONAL PARKS AND WILDLIFE SANCTUARIES:

In case any kind of survey work and/or Environment Impact Assessment (ETA) studies, that is a prelude to future diversion of land, are to be taken up in areas involving a wildlife habitat, then also the entire procedure, as prescribed in paragraph 4 above would need to be followed.

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Net Present Value  
(NPV)

**APPENDIX- 5 (A)****F. No. 5-1/98-Fc (Pt-II)****Dated : 17/18.09. 2003**

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – Guidelines for collection of Net Present Value.

Sir,

I am directed to invite your attention to the orders of the Hon'ble Supreme Court of India Dated 30.10.2002 and 1.8.2003 in I.A.No.566 in Writ Petition (Civil) No.202 of 1995 in the matter of Compensatory Afforestation Fund regarding collection of Net Present Value (NPV) from the User Agencies, which have already been circulated by the Ministry's letters of even number Dated 10.7.2003 and 11.8.2003.

In this regard this Ministry has received correspondences from some States/UTs and Regional Offices requesting to issue the guidelines. Considering the request of the State/UT Governments and the Regional Offices, the Ministry of Environment and Forests issues following guidelines for the recovery/ collection of Net Present Value of the forest land being diverted for non forest purposes under Forest (Conservation) Act, 1980:

1. NPV shall be charged in all those cases which have been granted in-principle approval after 30-10-2002.
2. NPV shall be realized before Stage-II (Final) approval.
3. Hon'ble Court has given a range for the rates i.e., Rs. 5.80 Lakhs per hectare to Rs. 9.20 Lakhs per hectare for Net Present Value depending upon the quantity and density of land in question, converted for non-forestry use. Therefore, the State/UT Governments should charge NPV within the given rates depending upon the quality of forest, density and the type of species in the area.
4. The State/UT Governments shall transfer these funds to Compensatory Afforestation Management and Planning Agency (CAMPA), as and when created.

**(ANURAG BAJPAI)**

**Asstt. Inspector General of Forests**

**APPENDIX- 5 (B)****F.No. 5-1/98-FC (Pt-II)****Dated :19/21.09.2003**

Sub:- Guidelines for diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 – GUIDELINES FOR COLLECTION OF NET PRESENT VALUE.

Sir,

In continuation of Ministry's letter of even number Dated 17.9.2003 regarding guidelines for collection of Net Present Value in compliance to the orders of the Hon'ble Supreme Court of India Dated 30.10.2002 and 1.8.2003 in I.A.No. 566 in Writ Petition (Civil) No.202 of 1995, I am directed to clarify that NPV will be charged in all those cases which have been granted in-principle approval after 30-10-2002. NPV will be realized before Stage-II (Final) Approval.

NPV will also be charged in all those cases, where Stage-I approval has been granted after 30-10-2002 and final approval has also been granted.

All the States/UTs shall comply with the orders of the Hon'ble Court and complete the collection

process of NPV for the cases approved under Forest (Conservation) Act, 1980 after 30.10.2002, within a period of two months and submit a compliance report through their respective Regional Offices of this Ministry. Regional Offices shall submit the compliance report to the Ministry after due verification.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

#### APPENDIX- 18

**E.NO. 5-1/98-FC (Pt.II)**

**Dated:25.05.2004**

Sub: Guidelines for diversion of forest land for non forest purposes under the Forest (Conservation) Act, 1980 – Collection of NET PRESENT VALUE in compliance with the orders of the Supreme Court Dated: 30-10-2002 in IA No. 566 in Writ Petition (C) No. 202 of 1995 – Clarification thereof.

Sir,

This has come to the notice of the Central Government that the State Government of Karnataka has charged/has been charging Net Present value of diverted forest land in certain cases in which in-principle approval was granted prior to the orders of the Supreme Court Dated: 30-10-2002 as mentioned above. In this connection, in continuation of the Ministry of Environment & Forests' letter of even number Dated: 18-9-2003 & 22-9-2003, I am directed to clarify that the Net Present Value of diverted forest land shall be charged in following categories of cases:

- (i) In-principle approval granted after 30-10-2002 but final approval is yet to be granted;
- (ii) In-principle approval granted after 30-10-2002 and final approval has also been granted subsequently;
- (iii) In those cases where in-principle approval was not required, single final approval has been granted after 30-10-2002.

Further, Net Present Value of diverted forest land shall not be charged in those cases where in-principle or final approval has been granted prior to 30-10-2002.

The State Government is requested to ensure the circulation of the clarification to avoid any confusion at the field level. If any action incoherent with the guidelines has already been taken at the field level, the State Government may resort to necessary rectification measures to avoid harassment of the user agencies.

This issues with the approval of the competent authority.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

**E.No.11-13/2004-FC**

**Dated: 23.6.2004**

Sub:- Guidelines for diversion of forest land for non- forestry purposes under the Forest (Conservation) Act, 1980-Clarification regarding **realization of NPV for proposals involving underground works.**

Sir,

Kindly refer to this office Lr.No. 5-1/98-FC (Part.II) dtd: 18.9.2003 vide which the guidelines for collection of Net Present Value was issued. In this regard it is clarified that this condition shall not\* be applicable in those project areas where underground works are to be undertaken and no surface

rights have been given and no deforestation is involved. However, if the forest area is broken up for making any opening for underground works the NPV shall be payable for such breaking up of forest land.

(PANKAJ ASTHANA)

Asstt. Inspector General of Forests

\*(Subsequently modified)

No.5-1/98-FC (Pt-II)

Dated: 19-12-2005

**Sub: Exemption of certain Government projects** from payment of NET PRESENT VALUE (NPV) – **Guidelines for collection of NPV** under Forest (Conservation) Act, 1980 for diversion of forest land for non- forestry use.

Sir,

The Supreme Court of India vide its order Dated 30.10.2002 in IA No. 566 in Write Petition (Civil) No. 202 of 1995 has directed that NPV of the forest area diverted for non-forestry use shall be collected from the user agency. The orders of the Supreme Court have been communicated vide this office letters of even no. Dated 10.07.2003 and 11.08.2003 and subsequently guidelines, in this regard, were issued vide letters of even no. Dated 17/18.09.2003 and 19/22.09.2003.

The Supreme Court in its order Dated 26.09.2005 in IA No. 826 in IA No. 566 in Writ Petition (Civil) No. 202 of 1995 has concluded in addition to others, that “ *except for Government projects like, hospitals, dispensaries and schools referred to in the body of the judgment, all other projects shall be required to pay NPV though the final decision on this matter will be taken after receipt of the Expert Committee report*”

The issue of exemption of certain Government projects was examined by the Forest Advisory Committee (FAC). On the basis of the recommendations of the FAC and since the issue of exemption of projects from payment of NPV is being examined by the Expert Committee constituted by the Supreme Court, and final decision is to be taken by the Court on receipt of the report of the Institute of Economic Growth Committee the Central Government hereby directs that Government projects like **hospitals, dispensaries, non-commercial government ventures like, school, rain water harvesting, tanks, sewer lines, village roads, which are meant for public welfare may be allowed after taking an undertaking from the user agency that in case it is finally decided by the Supreme Court that such projects are not exempt from payment of NPV, the user agency will pay the amount of NPV as determined and ordered by the Supreme Court.**

In respect of other cases, the NPV at usual rates, as communicated earlier will continue to be paid by the user agency, i.e., at the rate of Rs. 5.8 Lakhs to Rs. 9.2 Lakhs per hectare. In addition, for such proposals, the user agency shall submit an undertaking that in case of any upward revision of rates of NPV, the user agency will pay the amount of differential NPV.

Pankaj Asthana

Assistant Inspector General of Forests



**SUPREME COURT OF INDIA  
NEW DELHI**

Extract of:

**D.NO. 597/1995/SC/PILC**

**Dated: 04.10. 2005**

FROM: Vinod Kumar,

Assistant Registrar (PIL. CELL)

TO :

1. The Secretary,  
Ministry of Environment & Forests,
2. Central Empowered Committee,  
Ministry of Environment & Forests,
3. Chief Secretary, Govt of AP  
Hyderabad (Andhra Pradesh).

**Extract of:**

IN THE MATTER OF:

I.A.No. 826 IN IA NO. 566

IA NO. 932 IN 819-821, 955, 958, 985, 1001-  
1001a, 1013-1014, 1016-1018sd, 1019, 1046,  
1047, 1135-1136, 1137, 1164, 1180-1181 AND  
1182-1183, 1196, 1208-120-, 1222-1223, 1224-  
1225, 1229, 1233, 1248-1249, 1253, 1301-1302,  
1303-1304, 1312, 1313, 1314, 1315-1316, 1318  
AND 1319

IN

WRTIE PETITION (CIVIL) NO. 202 OF 1995

(Under Article 32 of the Constitution of India)

T.N. Godavarman Thirumulpad

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

Sir,

I am directed to forward herewith for your information, compliance and necessary action a certified copy of the judgment of the Supreme Court Dated 26.09.05, passed in the I.A.S in Writ Petition above- mentioned.

Please acknowledge receipt.

Encl: as above.

Assistant Register

**Extract of Hon'ble Supreme Court of India D.No.597/1995/SC/PILC**

**Dated: 04.10.2005 order Dated: 26.09.2005.**

Court would further examine the matter and issue appropriate direction. However, prima facie we feel that revenue-earning projects do not deserve similar treatment as non-revenue earning public welfare projects.

We are clear that if let loose, the benefits achieved as indicated in the State Forest Report of 2001 would be lost and we may be again where we were in 1990's and earlier period during which there

was immense depletion of forest and insignificant regeneration.

The work of regeneration and also of compulsory afforestation requires special, specific and expert attention and we see no illegality in establishment of Special Purpose Vehicle (SPV) in terms of clause 6.6 above quoted except that for present till further orders it would be necessary to monitor the establishment of SPV. This, in respect of clause 6.6 in relation to establishment of SPV, we hold that before establishing SPV, its format shall be filed in Court and SPV shall not be established without permission of the Court. Further in our view the constitution of authority (CAMPa) is necessary to fully and effectively implement recommendation Dated 9<sup>th</sup> August 2002 made by CEC for protection of environment.

In view of the aforesaid discussion, our conclusions are:

1. Except for government projects like hospitals, dispensaries and schools referred to in the body of the judgment, all other projects shall be required to pay NPV though final decision on this matter will be taken after receipt of Expert Committee Report.
2. The payment to CAMPa under notification Dated 23<sup>rd</sup> April 2004 is constitutional and valid.
3. The amounts are required to be used for achieving ecological plans and for protecting the environment and for the regeneration of forest and maintenance of ecological balance and eco-systems. The payment of NPV is for protection of environment and not in relation to any propriety rights.
4. Fund has been created having regard to the principles of intergenerational justice and to undertake short term and long-term measures.
5. The NPV has to be worked out on economic principles.

In view of the above, we issue following directions:

- A. An expert committee comprising of three experts including Ms. Kanchan to be appointed within a period of one month by the institution of Economic Growth (North Campus).
- B. The committee of experts would examine the following issues:
  - (i) To identify and define parameters (scientific, bio - metric and social) on the basis of which each of the categories of values of forestland should be estimated.
  - (ii) To formulate a practical methodology applicable to different bio-geographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.
  - (iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each bio-geographical zone in the country.
  - (iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.
  - (v) Which projects deserve to be exempted from payment of NPV.
- C. The user agencies shall give undertaking for the further payment, if any, as may be determined on receipt if any, as may be determined on receipt of report from the expert body.
- D. The Special Purpose Vehicle shall be established with the permission of the Court.
- E. The institute shall send report of Committee of Experts within a period of four months.
- F. The various clauses of CAMPa shall be suitably modified in terms of this judgment within a period of one month.

List after four months.

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**MOST IMPORTANT SUPREME COURT MATTER  
COMPENSATORY AFFORESTATION FUND MANAGEMENT AND PLANNING  
AUTHORITY (CAMPA)  
(AD-HOC BODY)**

**(Constituted by Hon'ble Supreme Court of India)**

**F.No.5-2/2006-FC**

**Dated: 03.10.2006**

Sub:- Recovery of Net Present Value (NPV) of the forest land diverted under the Forest (Conservation) Act, 1980 in compliance of the order Dated 15<sup>th</sup> September 2006 of the Hon'ble Supreme Court of India.

Sir,

I am directed to refer to the subject mentioned above, and to say that in a recent judgment Dated 15<sup>th</sup> September, 2006 in I.As.No.1473 and 1620 in WP(C) No.202 of 1995, the Hon'ble Supreme Court of India has held that “ .... NPV is required to be recovered in all cases approved by the Ministry for change of User Agency under the Forest (Conservation) Act, 1980 after 29<sup>th</sup>/30<sup>th</sup> October 2002, irrespective of the date on which in-principle (Stage one) clearance may have been granted .... The Ministry is directed to forthwith take steps to recover from the User Agency the NPV in terms of orders Dated 29<sup>th</sup>/30<sup>th</sup> October 2002 and 01<sup>st</sup> August 2003 ...”

2. Be it mentioned that the Ministry has already instructed the State/Union Territory (UT) Governments to recover NPV for the cases for which in-principle approval has been granted after 30<sup>th</sup> October, 2002 vide letters No.5-1/98-FC (Pt.II) Dated 17<sup>th</sup> /18<sup>th</sup> September 2003 and 19<sup>th</sup> /22<sup>nd</sup> September 2003. In view of the above order of the Hon'ble Supreme Court, NPV is payable in all cases of diversion of forest land under the Forest (Conservation) Act, 1980 for which final approval has either already been granted on or after 30<sup>th</sup> October 2002, or shall be granted hereafter, irrespective of the date of in-principle approval.

3. (i) In compliance of the above order Dated 15<sup>th</sup> September 2006 of the Hon'ble Supreme Court, you are requested to recover NPV of the forest land diverted under the Forest (Conservation) Act, 1980 for those cases also for which in-principle approval was granted before 30<sup>th</sup> October 2002, and for which final approval has either already been granted on or after 30<sup>th</sup> October 2002, or shall be granted hereafter.
- (ii) Charging of NPV in respect of the cases for which in-principle approval has been granted on or after 30<sup>th</sup> October 2002 shall continue without change, in accordance with the Ministry's directions vide letters No.5-1/98-FC(Pt.II) Dated 17<sup>th</sup> /18<sup>th</sup> September 2003 and 19<sup>th</sup> /22<sup>nd</sup> September 2003.
- (iii) The recovered amount of NPV shall be deposited in Ad-hoc CAMPA, as already intimated vide D.O. letter of even number Dated 20<sup>th</sup> May 2006 of the Director General of Forests and Special Secretary, Ministry of Environment and Forests.

4. Progress of recovery of NPV in respect of the cases explained here-in-before in para 3(i) may be submitted under the signature of Chief Secretary / Administrator of the State / UT Government, as the case may be, as on 01<sup>st</sup> day of every month, so that the report may be filed before the Hon'ble Supreme Court. The matter may be treated on the top priority.

5. The Ministry's letters No.5-1/98-FC (Pt.II) Dated 17<sup>th</sup>/18<sup>th</sup> September 2003 and 19<sup>th</sup> /22<sup>nd</sup> September 2003 stand modified to the above extent.

**(Sandeep Kumar)**

**Assistant Inspector General of Forests**

F.No.5-1/1998-FC(Pt-II)

Dated: 17.5.2005

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980; **NET PRESENT VALUE of the diverted forest land for underground works-** clarification, regarding.

Sir,

The Ministry of Environment and Forests has received various representations seeking clarification regarding payment of the Net Present Value (NPV) of the diverted forest land under the Forest (Conservation) Act, 1980 for the purpose of underground mining.

In this connection, I am directed to say that NPV is chargeable in all cases of diversion of forest land under the Forest (Conservation) Act, 1980 in compliance of the orders of the Hon'ble Supreme Court of India Dated 30.10.2002 and 01.08.2003 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-1/98-FC (Pt.II) Dated 18.09.2003 and 22.09.2003 in this regard. Kindly refer to this Ministry's letter No. 2-1/2003-FC (Part-IV) Dated 07.12.2004 wherein it has already been clarified that extraction of minerals, etc, from an underground mine amounts to breaking up of fresh forest land, and hence, it requires diversion under the Forest (Conservation) Act, 1980. **This being so, NPV becomes chargeable in all cases of underground mining as well as other underground works for which forest land is diverted under the Forest (Conservation) Act, 1980.**

This issues in suppression of Ministry's letter No. 11-13/2004-FC Dated 23<sup>rd</sup> June 2004 regarding charging of NPV for underground works including underground mining.

(ANURAG BAJPAI)

Asst. Inspector General of Forests

F.No.5-1/98-FC(Pt.II)

Dated: 13.06.2008

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 – Guidelines for **collection of NET PRESENT VALUE** in case of projects engaged in the production of **WIND ENERGY** by developing of wind farming on forest land.

Sir,

I am directed to invite your attention to Hon'ble Supreme Court's order Dated 24.04.2008 in IA 1135-36 in IA 566 in Civil WP 202 of 1996 in the matter of Compensatory Afforestation fund regarding collection of Net Present Value (NPV) in case of projects engaged in the production of Wing Energy by developing of wind farming on forest land as below:-

*"Nevertheless, these forest areas are being used, they shall be given exemption for 50% NPV. We accept the recommendations of CEC that these projects should pay 50% of the NPV at the minimum rate charged, provided minimal tree felling is involved".*

In view of above-mentioned order of the Hon'ble Supreme Court, the Ministry of Environment and Forests issues following guidelines in modification of earlier guidelines issued vide even number Dated 18<sup>th</sup> September, 2003 for recovery/collection of Net Present Value of the forest land being diverted for non forest purposes under Forest (Conservation) Act, 1980:

In case of projects engaged in the production of Wind Energy by developing of wind farming

on forest land, NPV shall be charged **50% of the NPV** at the minimum rate charged, provided minimal tree felling is involved.

**B.K. Singh**  
**Sr. Assistant Inspector General of Forests**

**SUPREME COURT OF INDIA, NEW DELHI**  
**Order Dated: 09.05.2008.**

**D.No.597/1995/SC/PILC**

**Dated: 29.05.2008**

**To:**

1. Central Empowered Committee  
Ministry of Environment & Forests
2. Ministry of Environment & Forests
3. Director  
Institute of Economic Growth, University of Delhi Enclave  
NEW DELHI – 110 007
4. Government of all the States & UTs

Sir/Madam,

In continuation of this Registry's letter Dated **15<sup>th</sup> May, 2008**, I am directed to forward herewith a **certified copy of the corrected signed Order** Dated 09.05.2008 passed by Hon'ble Court in Interlocutory Applications in Writ Petition above mentioned for your information and necessary action.

Please acknowledge receipt.

**Assistant Registrar**

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**

I.A.Nos.826 in 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-18, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 with 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 in I.A. No.1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 in 1441 & 2098 in 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A.566 in W.P.(C) No.202/1995

T.N. Godavarman Thirumulpad

...

Petitioners

Versus

Union of India & Ors.

...

Respondents

**ORDER**

ON 28<sup>TH</sup> March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards **exemptions from payment of NPV**, the last part of that order reading "*We are of the*



view ..... (x) construction of the transmission lines” on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children’s play ground of non commercial nature iv) Community Centres in rural areas v) Over-head tanks vi) Village tanks vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas	Full exemption upto 1 Ha. Of forest land provided: a) no felling of trees is involved; b) alternate forest land is not available; c) the project is of non commercial nature and is part of the Plan/Non-Plan Scheme of Government; and d) The area is outside National Park/Sanctuary
Relocation of villages from the National Park/ Sanctuary to alternate forest land	Full exemption
Collection of boulders/silts from the river belts in the forest area	Full exemption provided:- a) area is outside National Park/ Sanctuary b) no mining lease is approved/ signed in respect of this area c) the works including the sale of boulder/ silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management committee; d) the activity is necessary for conservation and protection of forests; and f) the sale proceeds are used for protection/ conservation of forests
Laying of underground optical fibre cable	Full exemption provided: a) no felling of trees is involved; and b) areas falls outside National Park/Sanctuary
Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages	Full exemption provided these are strictly in accordance with MoEF’s Guidelines Dated 18.09.1990.
Underground Mining	50% of the NPV of the entire area

The above **recommendations for exemptions are accepted**. If, any case, exemption is required by nature of the peculiar circumstances of the cases, the same would be decided as and when necessary on a case to case basis.

New Delhi,  
May 9, 2008.

**CJI (K.G.BALAKRISHNAN)**  
(Dr. ARIJIT PASAYAT)  
(S.H.KAPADIA)

**SUPREME COURT OF INDIA**  
NEW DELHI, Order Dated: 28.03.2008.

F.No.597/1995/SC/PILC

**Dated: 15.05.2008**

FROM: Assistant Registrar(PIL CELL)

To:

1. Central Empowered Committee  
Ministry of Environment & Forests
2. Ministry of Environment & Forests
3. Director  
Institute of Economic Growth, University of Delhi Enclave  
NEW DELHI – 110 007
4. Governments of All the States & UTs

Sir/Madam,

I am directed to forward herewith for your information and necessary action a certified copy of the Signed Order Dated 28.03.2008 passed by Hon'ble Court in Interlocutory Applications in Writ Petition above mentioned.

Please acknowledge receipt.

**Assistant Registrar**

CASE NO.: Writ Petition (civil) 202 of 1995

**PETITIONER:** T.N. Godavarman Thirumulpad

**RESPONDENT:** Union of India & Ors

**DATE OF JUDGMENT:** 28/03/2008

**BENCH:** CJI K.G. BALAKRISHNAN & DR. ARIJIT PASAYAT & S.H. KAPADIA

**JUDGMENT:**

**ORDER**

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA, 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted.

At the same time, as part of our developmental activities, some areas of the forest have to be used for non-forest purposes. The economic development shall not be at the cost of complete degradation of the forest or the environment and eco-system provided by the green area of the forest. Therefore, it was considered whether the user agency of such land which is required for developmental activities to compensate for the diversion of the forest and on the recommendations of the Central Empowered Committee (hereinafter being referred to as "CEC"), it was decided by this Court that the user agency shall be required to make payment of net present value (NPV) of such diverted land so as to

utilize this for getting back in the long run which are lost by such diversion.

A scheme was submitted by Ministry of Environment and Forests (MOEF) along with an affidavit Dated 22.3.2002. The CEC considered all relevant aspects including the scheme submitted by MOEF and filed a report on 9.8.2002. These reports were accepted by this Court. This Court in T.N. Godavarman Thirumulpad v/s Union of India 2006(1) SCC 1 finally directed that the question as to what amount of NPV is required to be paid and to achieve these objectives, it was directed that the question is to be examined by experts. A Committee comprising of three experts including Mrs. Kanchan Chopra was appointed and this Court gave the following directions:-

- (i) to identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
- (ii) To formulate a practical methodology applicable to different biogeographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.
- (iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each bio-geographical zone in the country.
- (iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.
- (v) Which projects deserve to be exempted from payment of NPV.

On the basis of the directions issued by this Court, a Committee consisting of Mrs. Kanchan Chopra gave a report and the same was examined by the CEC.

The report contains detailed study of the relevant factors. The Forest Survey of India, has since last two decades, been undertaking forest cover mapping of the country using satellite data obtained by the NRSA, Hyderabad. The methodology of mapping involves the geo-rectification of the satellite imagery using the Survey of India toposheets followed by the digital interpretation of the same and extensive ground truthing. It was found that the forest cover maps depicts mainly three tree canopy density classes, viz., very dense, moderately dense and open. There were other classifications in the Forest of India and "Champion and Seth" have classified the forests of India into 16 major groups. The major basis of classification included the climate, the soil and the past treatment as these factors determine the vegetation type of a given locality. CEC has classified the forest taking in view the ecological role and value of the forests and for the purpose of the report, 16 major forest types have been further grouped into 6 ecological classes depending upon their ecological functions.

<b>Eco-Class -I</b>	<b>Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests</b>
<b>Eco- Class II</b>	<b>Consisting of Littoral and Swamp Forests</b>
<b>Eco-Class III</b>	<b>Consisting of Tropical Dry Deciduous Forests</b>
<b>Eco-Class IV</b>	<b>Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests</b>
<b>Eco-Class V</b>	<b>Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub -Tropical Dry Evergreen Forests</b>
<b>Eco-Class VI</b>	<b>Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub</b>

Based on the ecological importance of forest falling in different eco-value and canopy density

classes, relative weightage factors have also been taken into consideration. By using these relative weightage factors, the equalized forest area in eco-value Class I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. For example, 17,997 sq. km. of open forest of Eco-Class IV has been calculated to be equivalent to 7,558 sq. km. of very dense forest of Eco-Value Class I.

Accordingly, the entire forest area of the country has been calculated and found to be equivalent to 5.2 Lakh sq. km. forest area having highest ecological significance as that of forest falling in eco-value Class I with density above 70%.

The net present value per hectare of forest has been fixed based on this data. For calculating the average net present value per hectare of forest in India, the following monetary value of goods and services provided by the forest have been considered:-

<b>i</b>	<b>Value of timber and fuel wood</b>
<b>ii</b>	<b>Value of Non Timber Forest Products (NTFP)</b>
<b>iii</b>	<b>Value of fodder</b>
<b>iv</b>	<b>Value of Eco-tourism</b>
<b>v</b>	<b>Value of bio-prospecting</b>
<b>vi</b>	<b>Value of Ecological services of forest</b>
<b>vii</b>	<b>Value of Flagship Species</b>
<b>viii</b>	<b>Carbon Sequestration Value</b>

Based on this, the NPV was fixed and the following recommendations have been made:-

- (i) for non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:- (in Rs.)

<b>Eco-Value class</b>	<b>Very Dense Forest</b>	<b>Dense Forest</b>	<b>Open Forest</b>
<b>Class I</b>	<b>10,43,000</b>	<b>9,39,000</b>	<b>7,30,000</b>
<b>Class II</b>	<b>10,43,000</b>	<b>9,39,000</b>	<b>7,30,000</b>
<b>Class III</b>	<b>8,87,000</b>	<b>8,03,000</b>	<b>6,26,000</b>
<b>Class IV</b>	<b>6,26,000</b>	<b>5,63,000</b>	<b>4,38,000</b>
<b>Class V</b>	<b>9,39,000</b>	<b>8,45,000</b>	<b>6,57,000</b>
<b>Class VI</b>	<b>9,91,000</b>	<b>8,97,000</b>	<b>6,99,000</b>

- (ii) the use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest projects and after obtaining permission from the Hon'ble Court. Such permissions may be considered on payment of an amount equal to ten times in the case of National Parks and five times in the case of Sanctuaries respectively of the NPV payable for such areas.

The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine National Parks / Wildlife Sanctuaries, the

- amount may be fixed at five times the NPV payable for the adjoining forest area;
- (iii) these NPV rates may be made applicable with prospective effect except in specific cases such as Lower Subhanshri Project, mining leases of SECL, Field Firing Ranges, wherein pursuant to the orders passed by this Hon'ble Court, the approvals have been accorded on lump-sum payment / no payment towards the NPV; and
  - (iv) for preparation and supply of district level maps and GPS equipments to the concerned State / UT Forest Departments and the regional offices of the MoEF, the Ad-hoc CAMPA may be asked to provide an amount of Rs.1.0 crore to the Forest Survey of India out of the interest received by it.
- Ministry of Environment and Forests also has filed its response and has accepted the recommendations made by CEC. Various user agencies have filed its objections. We heard the learned senior Counsel Mr. Nariman and other learned senior Counsel who appeared before us. The main contention raised is that the NPV value was fixed on the basis of the net flow accruing over 20 years at a 5% social discount rate. This, according to the applicants, is too low. It has been contended that the Economic and Research Department of the Asian Development Bank is of the view that a survey of the social discount rate policies of individual countries show significant variations and the developing countries apply higher social discount rate. The paper published by Asian Development Bank shows that India should have a social discount rate of 12%.

It may be noted that the Expert Committee under the leadership of Mrs. Kanchan Chopra recommended 5% social discount rate but the CEC has reduced further and accepted 4% social discount rate. It may be noted that the CEC had made consultation with eminent economists and it was of the view that the social discount rate should be around 2% in India. We do not find much force in the contention advanced by the learned Counsel who appeared for the user agents.

The 10% suggested by them cannot be applied to the present case because 10% is the rate linked to assumptions about the opportunity cost of capital. One cannot apply that rate for social time preference in evaluating the benefits from an environmental resource such as forests. In project evaluation, the horizon is compatible with the life of the project whereas in forest matters, the horizon spans over several generations. Therefore, the rate of 10%, as suggested by the user agency cannot be accepted.

Another contention raised by the applicant(FIMI) is that the NPV is not fixed on site specific and, therefore, the fixation of the rate is based on surmises and conjectures and the same rate cannot be applied to the large extent of area covered by the forests. This question was elaborately considered by the CEC. Considering the large extent of this country and the forest being spread over in various parts of the State, it is difficult to fix the NPV based on the specific area. It is not feasible to fix NPV in each and every individual case. The entire forest area in each of the State/UT is calculated by considering the monetary value of the services provided by it. The average NPV per hectare of the forest area in the State has also been calculated. If NPV is to be calculated on the specific area, the process would be time consuming and in most of the cases, it may be beyond the capability of the Range Forest Officers or other officials posted at the grass-root level. Moreover, the NPV is linked with the type of the forest and no useful purpose would be served by carrying out NPV calculations in each case involving the diversion of forest areas.

We are of the view that the NPV now fixed is more scientific and is based on all available data. We accept the recommendations and we make it clear that the NPV rate now fixed would hold good for a period of three years and subject to variation after three years. The following exemptions have been recommended:-

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- (i) public works such as schools, hospitals, children play grounds of non- commercial nature and the public welfare projects such as community centres in rural areas which require forest land up to 2 Ha;
- (ii) rural infrastructure and basic services such as the construction of the overhead tanks, village roads, etc.
- (iii) the minor irrigation projects up to 10 Ha of storage area, municipal water supply projects, drinking water supply pipelines;
- (iv) activities necessary for the ecological management, relocation of the villages from the sanctuaries and the national parks, regularization of pre-1980 eligible encroachers;
- (v) housing for the rehabilitation of tribals; laying of the underground optical fibre cables;
- (vi) laying of the pipelines for the underground gas transportation;
- (vii) the district and rural roads;
- (viii) shifting cultivation;
- (ix) roads constructed by Defence in border areas;
- (x) construction of the transmission lines.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be **decided as and when necessary on a case to case basis.**

New Delhi,  
March 28, 2008

CJI  
(K.G.BALAKRISHNAN)  
(Dr. ARIJIT PASAYAT)  
(S.H.KAPADIA)

F.No.5-3/2007-FC

Dated: 05.02.2009

**Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – Guidelines for collection of NET PRESENT VALUE (NPV).**

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations from different States seeking detailed clarification and guidelines on the above mentioned subject in the light of the Supreme Court Judgement Dated 28.3.2008 revising the general rates of NPV and various other orders defining differential rates for various categories of projects.

After careful examination of the issue, I am directed to inform that the Hon'ble Supreme Court of India vide its judgment Dated 28.03.2008, has re-fixed the rates of Net Present Value (NPV) on the basis of scientific data taking in view the ecological role and value of the forests. The 16 major forest types have been re-grouped into 6 ecological classes depending upon their ecological functions.

<b>Eco-Class -I</b>	<b>Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests</b>
<b>Eco- Class II</b>	<b>Consisting of Littoral and Swamp Forests</b>
<b>Eco-Class III</b>	<b>Consisting of Tropical Dry Deciduous Forests</b>
<b>Eco-Class IV</b>	<b>Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests</b>

<b>Eco-Class V</b>	<b>Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub -Tropical Dry Evergreen Forests</b>
<b>Eco-Class VI</b>	<b>Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub</b>

Based on the ecological importance of forest falling in different eco-value and canopy density classes, relative weight age factors have also been taken into consideration. By using these relative weight age factors, the equalized forest area in eco-value Class-I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. The net present value per hectare of forest has been fixed based on this data. For calculating the average net present value per hectare of forest in India, the following monetary value of goods and services provided by the forest have been considered:-

<b>i</b>	<b>Value of timber and fuel wood</b>
<b>ii</b>	<b>Value of Non Timber Forest Products (NTFP)</b>
<b>iii</b>	<b>Value of fodder</b>
<b>iv</b>	<b>Value of Eco-tourism</b>
<b>v</b>	<b>Value of bio-prospecting</b>
<b>vi</b>	<b>Value of Ecological services of forest</b>
<b>vii</b>	<b>Value of Flagship Species</b>
<b>viii</b>	<b>Carbon Sequestration Value</b>

Based on the above, the NPV was fixed and the following recommendations have been made by the Hon'ble Supreme Court of India:

- i) For non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:-

<b>Eco-Value</b>	<b>Class and NPV rates in Rs.</b>					
	<b>Class I</b>	<b>Class II</b>	<b>Class III</b>	<b>Class IV</b>	<b>Class V</b>	<b>Class VI</b>
Very dense Forest	10,43,000	10,43,000	8,87,000	6,26,000	9,39,000	9,91,000
Dense Forest	9,39,000	9,39,000	8,03,000	5,63,000	8,45,000	8,97,000
Open Forest	7,30,000	7,30,000	6,26,000	4,38,000	6,57,000	6,99,000

*N.B. (The NPV rate fixed would hold good for a period of three years and is subject to variation after three years as per the Supreme Court's judgment Dated 28.03.2008).*

- ii) The use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest project and after obtaining permission from the Hon'ble Court. Such permissions may be considered on **payment of an amount equal to ten times in the case of National Parks and five times in the case of Sanctuaries respectively**

**of the NPV payable for such areas.** The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine National Parks / Wildlife Sanctuaries, the amount may be fixed at five times the NPV payable for the adjoining forest area;

The Hon'ble Supreme Court of India vide its order Dated 24.04.2008 and 09.05.2008 has also **exempted certain category of projects** as per the details given below:

S. No.	List of Activities / Projects	Exemption levels for NPV (as percentage of full chargeable (NPV)	Remarks
1.	i) Schools ii) Hospitals iii) Children's play ground of non-commercial nature iv) Community centers in rural areas v) Overhead Tanks vi) Village tanks vii) Laying of underground drinking water pipeline up to 4" diameter and viii) Electricity distribution line upto 22 KV in rural areas	Full exemption up to <b>1.00 Ha</b> of forest land provided a) no felling of trees is involved ; b) alternate forest land is not available; c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of government; and d) the area is outside National Park/ Sanctuary.	As per Hon'ble Supreme Court Order Dated 09.5.2008 regarding correction of the judgement Dated 28.03.2008.
2.	Relocation of Villages from the National Parks / Sanctuaries to alternate forest land	Full exemption	-do-
3.	Collection of boulders / silts from the river belts in the forest area	Full exemption provided :- a) area is outside National Park/ Sanctuary; b) no mining lease is approved/signed in respect of this area; c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; d) the activity is necessary for conservation and protection of forests; and e) the sale proceeds are used for protection/conservation of forests.	-do-

4.	Laying of underground optical fiber cable	Full exemption provided: a) no felling of trees is involved; and b) areas falls outside National Park/ Sanctuary	-do-
5.	Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages.	Full Exemption provided these are strictly in accordance with MOEF's Guidelines Dated 18.09.1990.	- do-
6.	Underground mining	50% of the NPV of the entire area	-do-
7.	Field Firing Range	Full exemption provided: a) no felling of trees are involved; and b) no likelihood of destruction of forest is involved.	As per Hon'ble Supreme Court Order Dated 24.04.2008.
8.	Wind Energy Projects	50% of the minimum rate of the NPV irrespective of the eco-class in which the project lies provided minimum tree felling is involved.	-do- and CEC clarification Dated 22.12.2008.

In case of any other category seeking exemption from payment of NPV, the State Government/User Agency may approach Hon'ble Supreme Court of India as per its order Dated 24.04.2008 & 09.05.2008. This issues with the approval of competent authority.

(C.D.Singh)

Sr. Assistant Inspector General of Forests

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# Linear Proposals



**F. No.11-9/98-FC****Dated: 16.10.2000**

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

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purpose under the Forest (Conservation) Act, 1980 were finalized and circulated to all the State Government / Union Territories on 25.10.1992. A constant review of these guidelines has been done from time to time. After a recent review the Ministry has observed that in certain proposals of public importance involving laying underground telephone lines/optical fiber cables and drinking water supply pipelines the land requirement is small, the land use is temporary & usually one time affair, is in a form of strip with minimum damage, which is restored after use and are normally laid along the roads.

In view of the above, the Central Government hereby conveys its general approval under Section – 2 of the Forest (Conservation) Act, 1980 for diversion of forest land for underground laying of optical fiber cables. Underground laying of telephone lines & underground laying of drinking water supply pipelines which involve no tree felling are outside National Parks or Wildlife Sanctuary are laid along the roads and within the existing right of way and the maximum size of the trench is 2.00 metre depth & 1.00 meter width. Any deviation from the above category/conditions will require separate submission of proposal / permission under Forest (Conservation) Act, 1980.

This approval will be subject to the following conditions:

1. The User Agency will seek permission from the State Forest Department under local Acts / Rules etc.
2. The user agency agrees to make good the land after use/maintenance.
3. The user agency agrees to make good any loss to forests/ environment.
4. The user agency seeks permission from local Forest Deptt. For carrying out any maintenance.

The State Government / Union Territories will submit a quarterly progress report on the extent of the forest land diverted for each purpose to the Ministry as well as the concerned Regional Offices. This approval under the Forest (Conservation) Act, 1980 is being conveyed initially for a period of two years subject to review thereafter.

(R.K.Gupta)

Assistant Inspector General of Forests

#### **APPENDIX- 6**

**F.No. 11-9/98-FC****Dated: 19.09.2003**

Sub:- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. (For laying of UNDERGROUND OPTICAL FIBER CABLES, UNDER GROUNDED ELECTRIC CABLES, UNDER GROUND LAYING OF TELEPHONE LINES AND UNDER GROUND LAYING OF DRINKING WATER SUPPLY PIPELINES.)

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 were finalized and circulated to all the State

Government / Union Territories on 25.10.1992. A constant review of these guidelines has been done from time to time.

After a review, the Ministry of Environment & Forests, Government of India vide letters of even number Dated 16.10.2000, 31.10.2001 and 23.12.2002, had conveyed its general approval under Section-2 of the Forest Conservation Act, 1980 from time to time, for diversion of forest land for underground laying of optical fiber cables, under grounded electric cables, underground laying of telephone lines and underground laying of drinking water supply pipelines subject to certain parameters/conditions. Last general approval will expire on 15.10.2003. Considering requirement of infrastructure development in the country and for their expeditious implementation, the Ministry of Environment and Forests, Government of India further extends the period of general permission for a period of two years i.e, from 16.10.2003 to 15.10.2005, subject to all the parameters and conditions stipulated in the letters Dated 16.10.2000, 31.10.2001 & 23.12.2002.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

**F. No.11-48/2002**

**Dated: 14.07.2004**

**Sub: Clarification on repair and MAINTENANCE OF ROADS constructed on forest lands for public purpose prior to 1980.**

Sir,

I am directed to refer to your letter No.F.1(17)Van/91 Dated 20-7-2004 on the above mentioned subject. In this regard, the matter has been examined by the central Government in its entirety. Since, good roads are the means of better communication and indicator of development and as these also help in better patrolling, protection and management of forests, the Central Government issue the following clarifications for the repair and maintenance of roads constructed on forest lands for public purpose prior to commencement of Forest (Conservation) Act, 1980.

1. Roads constructed on forest lands prior to 25.10.1980 (Dated of enactment of FC Act, 1980) may be repaired and maintained and black topping may be done with prior permission of the State Forest Department. While undertaking such works, State Government shall ensure:
  - (i) No tree felling should be allowed.
  - (ii) No widening of roads should be undertaken without prior permission of central Government under Forest (Conservation) Act, 1980.
  - (iii) No breaking of fresh forest land is carried out.
  - (iv) While black-topping, adequate precaution should be taken by the user agency to avoid any damage to flora and fauna.
  - (v) Plantation activities are taken up along the road at the cost of user agency, if the concerned Divisional Forest Officer finds it necessary.
2. However, for the repair and maintenance of roads in protected areas like National Park/ Sanctuaries, prior permission of National Board of Wildlife shall be taken by the State Government on case to case basis in view of the Supreme Court order Dated: 14-2-2000 in Writ Petition (C) No.202 of 1995.

This issues with the approval of competent authority.

(Anurag Bajpai)

Assistant Inspector General of Forests

F. No. 11-9/98/FC

Dated: 15.06.2004

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

LAYING OF UNDERGROUND TELEPHONE LINES AND DRINKING WATER SUPPLY  
PIPELINES

Sir,

In continuation of Ministry of Environment & Forests Lr.No. even dt: 19.9.2003 on the above mentioned subject wherein a general approval was granted under Section 2 of Forest (Conservation) Act, 1980 by the Central Government for diversion of forest land for **underground laying of telephone lines and underground laying of drinking water supply pipelines** subject to certain conditions, the following clarification is hereby issued for further necessary action.

“Government of India has granted approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of forest land for such public utility projects and delegated the power to the State/UT Governments, to expedite the disposal of such projects of public utility, subject to fulfillment of certain conditions as stipulated in the letter of even No. dt: 16-10-2000. Since, this general approval was given with the condition that such projects should **not involve tree felling; therefore** the question of **compensatory afforestation does not arise**. In case tree felling is involved and the diverted forest area is upto 1 Ha Plantation of 10 times the number of trees likely to be carried out by way of compensatory afforestation.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

F.No.1-14/2003-FC

Dated: 23.6.2004

**Sub:** Guidelines for diversion of forest land for non-forestry purpose under the Forest (Conservation) Act, 1980 – Clarification regarding processing of proposals for **approach roads of the petrol pumps**.

Sir,

I am directed to invite your kind attention to the above-mentioned subject. In this regard, it has come to the notice of the Ministry of Environment & Forests that the proposals of approach roads for the petrol pumps at different locations/ districts in Gujarat for the same user agency are being merged by the Regional Office, Bhopal and in that way the area becomes more than one hectare. Then the user agency is being asked for the Compensatory Afforestation over non-forest land.

In this context, I am directed to clarify that the proposals of approach roads for the petrol pumps at different locations/ districts could be processed as a bunch by the State Government but cannot be considered as a single proposal and have to be given approval separately for each case. For ease of working, approval can be conveyed for each bunch in a single letter giving details of each proposal. This issues with the approval of competent authority.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

F.No.11-48/2002-FC

Dated: 29/30 .04.2005

Sub: Guidelines under Forest (Conservation) Act, 1980, for **up-gradation of 'Kutcha roads constructed prior to 1980 in forest areas, to Pucca roads'.**

Sir,

In continuation of this Ministry's letter of even number Dated 14-9-2004 regarding guidelines for repair and maintenance of roads constructed on forest lands prior to 1980, and with reference to the above-mentioned subject, I am directed to convey the approval of the Central Government to the following guidelines, meant for up-gradation of 'Kutcha roads constructed prior to 1980 in forest areas, to Pucca roads'.

1. The up-gradation of roads constructed in forest areas prior to 1980 from 'Kutcha to Pucca' is allowed to the extent that these roads are not black topped/tarred, and if during the process of up-gradation these roads need to be black topped/tarred, prior environmental clearance shall be sought by the user agency in this regard.
2. For such up-gradation in protected areas like National Park/Sanctuaries, prior permission of National Board of Wildlife and the Supreme Court shall be taken by the State/UT Government.
3. Fire for melting of coal tar and mixing, shall be lit at a safe distance from the trees/vegetation, which shall be decided by the concerned Divisional Forest Officer. For such construction, it is better to avoid dry/hot windy seasons. For this purpose, fuel wood shall be purchased by the implementing agency in advance from the depot of State Forest Development Corporation.
4. No crushing/breaking of stones shall be allowed inside forest areas. Ready made materials shall be used for up-gradation of such roads.
5. Both sides of the upgraded roads shall be reinforced with brick/stone works, and vegetative measures to check soil erosion, at the project cost, in Consultation with the Divisional Forest Officer.
6. No tree felling shall be allowed.
7. No widening of roads shall be undertaken without prior permission of the Central Government under Forest (Conservation) Act, 1980.
8. No breaking of fresh forest land shall be carried out.
9. Plantation activities, if the concerned Divisional Forest Officer finds it necessary, shall be taken up along the road at the project cost immediately. The plantation shall be maintained at the project cost.
10. No labour camp shall be established on the forest lands.
11. No work shall be allowed after sunset.
12. Any other condition that the Divisional Forest Officer may impose from time to time for the protection and improvement of flora fauna in the forest area, shall be applicable.
13. Any damage to forest area due to such up-gradation works shall be compensated by the implementing agency from the project cost. The extent of damage shall be assessed by the concerned Divisional Forest Officer.
14. State Forest Department shall establish permanent check posts on strategic locations on such roads which are already up-graded/under up-gradation.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

**F. No.11-9/98-FC****Dated: 21.11.2005**

**Sub:** Guidelines for diversion of forest land for non-forestry purpose under the Forest (Conservation) Act, 1980 – guidelines related to general approval for underground laying of optical fibre cables, underground laying of telephone lines and underground laying of drinking water supply pipelines.  
Sir

Detailed guidelines were issued on 16.10.2000, granting general approval under section – 2 of the Forest (Conservation) Act, 1980 for diversion of forest land for underground laying of optical fiber cables, underground laying of telephone lines and underground laying of drinking water supply pipelines. The general approval granted was subject to various parameters / conditions which involves, in addition to others, no tree felling, area being outside the National park or Sanctuaries, and that lines are laid out along the roads and within the existing right of way and the maximum size of the trench is 2 Mtrs deep and 1 Mtrs wide. The validity period of these guidelines was extended vide letters of even no Dated: 31.10.2001, 23.12.2002 and 19.9.2003. The validity period of the guidelines has since expired on 15.10.2005. The issue of further extension of these guidelines was examined by the Forest Advisory Committee constituted under Section – 3 of the Forest (Conservation) Act, 1980.

Considering the facts that these guidelines are related to development of basic infrastructure and are for public utility in nature, and on the basis of the recommendations of the Committee, the Central Government extends the validity period of general approval for a further period of 2 years i.e., upto 15.10.2007 subject to the parameters and conditions already stipulated in this office letter of even no. Dated: 16.10.2000.

All the State / UT Governments are also requested to submit the details of all proposals approved earlier by them under these guidelines.

All the state / UT Governments are requested to ensure compliance of the above instructions.

**(Pankaj Asthana)**

**Assistant Inspector General of Forests**

**F. No. 11-47/2006-FC****Dated: 06.10.2006**

**Sub:** Guidelines for preparation of projects to obtain prior approval of Central Government under Forest (Conservation) Act, 1980 – for diversion of forest land for construction of roads passing through a number of Divisions/ Districts / States.

Sir,

The Ministry has been receiving references in respect of practical difficulties being faced at the State Level for preparation of projects to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for construction of road passing through a number of Divisions / Districts / States. The existing guidelines in this regard under the Forest (Conservation) Act, 1980 have been recently revisited in consultation with various stakeholders (NHAI/ State Governments), and on the basis of the recommendations of the Forest Advisory Committee constituted under Section-3 of the said act, following revised guidelines are hereby issued by the Central Government:

1. All completed proposal of Sub – Projects (of NHAI) shall be submitted to the Ministry of Environment and Forests (MoEF) or it's Regional Offices, as the case may be, for obtaining forest clearance in the form of single consolidated proposal. Basic unit of project proposal for diversion of forest land for construction of road shall be the Sub-Project for consideration under the provisions of Forest (Conservation) Act, 1980.
2. Entire forest land involved in all such sub-projects shall be considered in the consolidated proposal for diversion by the Central Government.
3. Each consolidated proposal for forest clearance shall be essentially accompanied by a detailed Route Map of roads intended to be upgraded / renovated/ reconstructed/ realigned in the entire state, and also in the adjoining States (wherever possible). The Route Map shall be depicted on a Survey of India toposheet of 1:50,000 scale, or in case of non-availability of Survey of India toposheet on detailed map of suitable scale. This map should be essentially superimposed (preferably using GIS technology), on forest cover map of the area, showing clearly the route through different categories of forest areas, e.g., Reserve Forest/ Protected Forest/ Deemed Forest/ National Parks. Sanctuaries/ other Wild life areas etc. The sub-category (i.e. natural forest, plantation etc), density, species etc. of the forest areas should be clearly indicated on the map.
4. An undertaking shall be furnished by the User Agency alongwith each Sub-project to the effect that in case of the road, or part thereof, passing through any National Park/ Sanctuary, prior permission of the National Board for Wild Life (NBWL) and Hon'ble Supreme Court shall be obtained before posing the proposal for clearance under Forest (Conservation) Act, 1980, and that in case the Hon'ble Supreme Court, in its order, directs the User Agency to avoid use of Forest Land in a particular National park/ Sanctuary, the User Agency shall forthwith comply with the Court's directions by immediately effecting the change in alignment of the proposed road to detour the National Park / Sanctuary. The User Agency shall also give an undertaking that forestry clearance of other stretches of the same or other Sub-projects shall not be cited as reason for clearance of any particular stretch in future.

Para 2.2(iii) of the guidelines issued by the Ministry of Environment and Forests under the Forest (Conservation) Act, 1980 stand modified to the above extent.

These issues with the approval of the Competent Authority.

(Sandeep Kumar)

Assistant Inspector General of Forests

**F. No.11-9/1998-FC**

**Dated: 14.09.2006**

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – General approval under Section-2 of Forest (Conservation) Act, 1980 – modification thereof.

**Sir,**

The State Government of Jharkhand has raised the issue of extending general approval granted vide this office letter even no. Dated.03-01-2005, to 33kV/ 11kV transmission lines also, so as to facilitate laying of transmission lines in rural areas.

The Ministry has granted general approval under Section-2 of the Forest (Conservation) Act, 1980 on 03.01.2005 for diversion of forest land upto 1.00 HA of forest land for various projects to be executed by the Government Departments, with a view to facilitating developmental activities in the rural areas of States. The General Approval Dated.03-01-2005 granted by the Central Government



already includes electric lines. The State Government of Jharkhand may, therefore lay 11kV/33kV Transmission Lines (TL) as per the conditions already stipulated in the general approval granted on 03.01.2005.

However, for laying of such TL on already diverted forest land for road, railway tracks, electric lines, no separate clearance under Forest (Conservation) Act, 1980 will be required. In such cases, the TL may be laid, after submission of a proposal by the User Agency, and after getting the approval for change in land use of already diverted forest land, from the Prl.Chief Conservator of Forests/ Nodal Officer (FC) of the State Government.

All other States/ Union Territories Government may also take similar action in respect of above mentioned transmission lines.

(Pankaj Asthana)

Assistant Inspector General of Forests

**F. No.11-9/98-FC**

**Dated: 08.04.2009**

**Sub:** Guidelines for diversion of forest land for non-forestry purpose under the Forest (Conservation) Act, 1980 – guidelines related to general approval for underground laying of optical fibre cables, underground laying of telephone lines and underground laying of drinking water supply pipelines.  
Sir,

In continuation of this Ministry's letter of even number Dated: 27.12.2007 granting general approval under Forest (conservation) Act, 1980 for underground laying of optical fibre cables, underground laying of telephone lines and underground laying of drinking water supply pipelines for a period up to 31.12.2008, the guidelines granting general approval under Forest (Conservation) Act, 1980 have been further extended till further orders subject to the parameters and conditions already stipulated in this Ministry's letter of even number Dated 16.10.2000 and 21.11.2005.

All the State / UT Governments are requested to submit a quarterly progress report on the extent of forest land diverted for each purpose to the Ministry as well as the concerned Regional Officers.

(CD Singh)

Sr. Assistant Inspector General of Forests

**F. No. 5-3/2007-FC (Pt-I)**

**Dated:18.03.2010**

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – procedure for utilizing the land for **approach / exit road to petrol / CNG pumps**

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations from different State / UT Governments and various project proponents seeking clarification in respect of detailed guidelines Dated 15.07.2004 on procedure for utilizing the land for approach / exit road to petrol pumps. The representations / suggestions were discussed by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the said Act, in its meeting on 07.01.2010.

After careful examination of the proposal and on the basis of the recommendations of the FAC, the Central Government hereby conveys its approval for modifying the existing provisions of the guidelines Dated 15.07.2004 for utilizing the land for approach / exit road to petrol / CNG pumps under the Forest (Conservation) Act, 1980 as given below:

1. The total frontage of 30-40 meter depending upon the request of the applicant be considered for clearance.
2. Excepting the entry & exit, the entire frontal portion should be maintained under some kind of shrubby or ornamental vegetation and never put to any commercial utilization including construction of buildings.
3. Entire periphery of the establishment should be lined up with tree plantation at a close spacing of 1.0 to 1.5 meter keeping an off-set of 1.5 meter from the boundary with light crown trees which will maintain greenery without compromising with the land requirement of the establishment.
4. The detailed guidelines issued by MoEF on procedure for utilizing the land for approach / exit road to petrol pumps Dated 15.07.2004 may include petrol, diesel, LPG, CNG or any kind of fuel distribution.

The guidelines Dated 15.07.2004 issued by the MoEF on procedure for utilizing the land for approach / exit road to petrol pumps stands modified to the extent mentioned above.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

**F. No. 5-3/2007-FC**

**Dated: 17.01. 2011**

**Sub:** Guidelines under the Forest (Conservation) Act, 1980 for **Black topping and bituminous work** under **Pradhan Mantri Gramin Sadak Yojana (PMGSY)** using cold mix.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations from various Ministries and the State / UT Governments seeking black topping and bituminous work of forest management roads, constructed after 25.10.1980 and has now been covered under PMGSY using cold mix. Similar references were also made by the Empowered Group of Officers, constituted by Cabinet Secretariat to suggest measures for accelerated development of Left Wing Extremism (LWE) affected areas.

The matter has been examined in the Ministry by the Forest Advisory Committee (FAC) constituted by the Central Government under section-3 of the Forest (Conservation) Act, 1980, wherein it has been noted that forest management roads are normally **katcha** fair-weather roads, constructed for forest management, including protection and conservation works, without the approval under the Forest (Conservation) Act and are appearing in the Working Plan of the forest area. It was also noted that there is already a provision under the guidelines to convert forest management roads, constructed before 25.10.1980, into **Pucca** road without attracting the provisions of Forest (Conservation) Act, 1980.

The Committee further noted that forest management roads, constructed after 25.10.1980, are not only used for protection, management and conservation of forests, but also often used by tribal & local forest dwellers living in & around forests. These roads act as fire lines and help in protection of forests from forest fires. During rainy season, these roads get cut-off for 4 months making the movement of people difficult especially in LWE affected areas. The FAC, after taking all above factors into account, recommended the black topping and bituminous work of forests management roads under **Pradhan Mantri Gramin Sadak Yojana (PMGSY)** using cold mix.

In view of the above, I am directed to convey the approval of the Central Government under the provisions of Forest (Conservation) Act, 1980 for black topping and bituminous work of those

forest management roads, which have been brought under PMGSY subject to fulfillment of the following conditions:

1. Bitumen cold mix for black topping should be prepared outside the forest or at an approved site by the DFO.
2. The project proponent shall maintain the curves of the roads inside the forest and will not straighten the same.
3. The project proponent shall install speed breakers and speed control signages at regular intervals to avoid accident with wild animals.
4. The project proponent shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.
5. The project proponent shall provide side drains for proper drainage.

(C.D. Singh)

Deputy Inspector General of Forests

F. No. 8-44/2002-FC (pt)

Dated: 24.01.2012

**Sub:** Guidelines for maximum allowable width of Right of Way for transmission lines in forest area.  
Sir,

I am directed to invite your attention to the guidelines for laying transmission lines through forest areas with respect to the width of Right of Way (RoW) for various transmission voltages to determine the area of forest land for diversion under Forest (Conservation Act, 1980. The matter has been re-examined in the Ministry and keeping in view the recent technological developments and consequent design and configuration of towers which require lesser width of RoW. This Ministry, in consultation with the Central Electricity Authority, has decided to revise the maximum width of ROW for various voltage levels, as given below:

Sl.	Transmission Voltage (kV) -	Width of Right of Way (Meter)
1	400 kV SIC	52
2	400 kV DIC	46
3	765 kV SIC (with delta configuration)	64
4	765 kV DIC	67
5	±800kVHVDC	69
6	1200 kV AC	89

Revised width of ROW, as given above, will be implemented with immediate effect in all the States and Union Territories. The existing guidelines in this regard stand modified to that extent.

This issues with the approval of the competent authority.

(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

F. No. 11-91/ 2012-FC (pt)(1)

Dated: 08.04.2013

**Sub:** Recommendations of the Forest Advisory Committee in its meeting Dated 20th – 21st February 2013- Reg.

Sir,

I am directed to bring to your notice that while submitted the proposals seeking diversion of forest land, particularly those for transmission line projects, the State Governments are furnishing the information about total number of trees falling within the area proposed for diversion without giving details of trees which are actually required to be felled. On the other hand, many of the Nodal Officers of the States/user agencies while making presentations before the FAC, are indicating the actual number of trees to be felled which are different from those shown as affected in the proposal of State Government. You will appreciate the fact that in case of transmission line projects, the norms for felling of trees are well laid out and, therefore, it is possible to enumerate the trees which are actually required to be felled. This issue also caught the attention of FAC in its meeting on 20<sup>th</sup> – 21<sup>st</sup> February 2013 and after thorough discussions, FAC made following observations.

The FAC observed that generally in the proposals, especially those related to transmission lines, number of trees actually required to be felled are different from the total number of trees enumerated in the area proposed for diversion. The State Government is merely sending the total number of trees enumerated within the area proposed for diversion. This does not give clear picture about the trees affected by the project.

Therefore, F AC recommended that in the proposals where actual number of trees required to be felled are different from those enumerated in the proposed area for diversion, the State Government shall clearly mentioned the number of trees enumerated as well as the number of trees actually to be felled.

Accordingly, I am directed to say the proposals seeking diversion of forest land for **transmission line projects**, the State Governments shall clearly report the actual number of trees required to be felled as well as the number of trees enumerated in the total forest land proposed for diversion.

(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

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# Development of Tribal Areas

## APPENDIX- 9

F. No. 2-1/2003-FC

Dated: 20.10.2003

**Sub:**“Guidelines For Diversion Of Forest Land For Non-Forest Purposes Under Forest (Conservation) Act, 1980, FOR STEPPING UP THE DEVELOPMENT PROJECTS IN TRIBAL AREAS”

Sir,

As you are aware, National Forest Policy, 1988 recognizes the symbiotic relationship between tribal people and forests. It emphasizes that the primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forests. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to development of cooperatives; protection, regeneration and optimum collection of minor forest produce; development of forest villages at par with revenue villages; family oriented schemes and integrated area development programme to meet the needs of tribal economy.

Further, the Ministry of Environment and Forests has noticed that conflict between the Forest Administration and the tribals in various State/UTs exist, which is certainly not in the interest of the forest conservation. Government of India recognizes that development of tribals is an integral part of the conservation efforts. It has become relevant to issue separate Guidelines to execute the developmental projects in the tribal areas consistent with the provisions of the Forest (Conservation) Act, 1980, which is a tribal friendly Act.

Accordingly, in conformity with the National Forest Policy, 1988 and considering the fact that there is requirement of equitable development all over the country including tribal areas, after a recent review, the Ministry of Environment & Forests, Government of India, has approved certain specific “Guidelines under the Forest (Conservation) Act, 1980 for stepping up the development projects in tribal areas”. We hope that your State/UT will take full advantage of these guidelines for the development of tribal area.

The guidelines are as follows:

- i) It must be recognized by all that the maintenance of good forest cover is essential for sustaining the livelihood of tribal population. Therefore, only infrastructure development projects (other than commercial) should be encouraged in tribal areas.
- ii) For the purpose of implementation of these guidelines, tribal areas will be those areas, which are recognized in the Schedule V and VI of the Constitution of India. With all the proposals, the latest census data clearly indicating size of tribal population shall be enclosed by the State/ UT Governments.
- iii) In the tribal areas, there shall be general approval under Section-2 of the Forest (Conservation) Act, 1980 for under ground laying of electricity cables and electric wires to individual households, drinking water supply/water pipelines, telephone lines, which involve felling of trees not exceeding 50 number per project (should be below 60 cm girth class) and are outside National parks or Wildlife Sanctuary and are laid along the roads and within the existing right of way. This general approval shall be subject to the conditions that the Nodal Officer shall certify compliance. Records of such works undertaken shall be maintained by the Nodal Officer and the Territorial DFO. Nodal Officer shall send quarterly report to concerned Chief Conservator of Forests (Regional



Office) for monitoring purpose. In lieu of felling of trees, five times of the number of felled trees shall be planted by the User Agency at or near the site. Any diversion shall require permission from the Central Government under the Forest (Conservation) Act, 1980.

- iv) Infrastructure development projects like power, roads, railways, telephone line/cables, irrigation, drinking water facility, schools, hospitals etc. designed for tribal areas, should be given priority and forwarded by the State/UT Governments in the prescribed time frame to the concerned Regional Office or Central Governments as the case may be, for consideration.
- v) During the execution of the project, the State Government/User Agency shall ensure maximum employment for the local tribals.
- vi) While formulating a project in a tribal area, the User Agency shall earmark 5% the total project cost for the development of indigenous skill of tribals, basic amenities, education, health, sports facilities for children/youth etc. in the area. The detailed plan should be enclosed along with the proposal. The funds for these components shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA) to be created by Government of India.
- vii) All the project proposals involving diversion of 40 ha. or more forest area in tribal areas, should have an important component of providing the alternative source of domestic energy on subsidized basis like distribution of LPG, etc., to reduce pressure on the existing forests. The funds for these components shall be deposited with CAMPA.
- viii) For regularization of encroachments, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-F.P. (1) Dated 18.9.1990 shall be strictly followed in a time bound manner.
- ix) For review of disputed claims over forest land, arising out of Forest Settlement, detailed guidelines issued in this regard vide this Ministry's letter No. 13.1/90-FP (2) Dated 18.9.90 shall be strictly followed in a time bound manner.
- x) For disputes regarding Pattas/Leases/Grants involving Forest Land - Settlement thereof - detailed guidelines issued in this regard vide this Ministry's letter No.13.1/90-FP (3) Dated 18.9.90 shall be strictly followed in a time bound manner.
- xi) For conversion of forest villages into revenue villages, detailed guidelines issued in this regard vide this Ministry's letter No. 3.1/90-FCP (5) Dated 18.9.90 shall be strictly followed. Proposals for conversion of all forest villages into revenue villages should be submitted to Government of India in a time bound manner.
- xii) If the tribals are residing inside a National Park/ Sanctuaries/ Protected Area/ Reserve, para 2.7 (ii) of the guidelines shall remain applicable.

**Dr. V.K. BAHUGUNA**

**Inspector General of Forests**

#### APPENDIX- 14

**F. No. 2-1/2002-FC (Pt)**

**Dated:05.02.2004**

**Sub: REGULARISATION OF THE RIGHTS OF THE TRIBALS ON THE FOREST LANDS.**

Sir,

The Government of India have been receiving a number of representations for regularization of rights of tribal forest dwellers on forest lands in different parts of the country. The question has also been raised in various public discussions including meetings of various Standing Consultative Committees of Parliament attached to different Ministries, as also various State Governments, that the tribals have been living in harmony with the forests since time immemorial, and their right on

such lands should be recognized. However, while these areas were being brought under the purview of relevant Forest Acts their traditional rights could not be settled due to number of reasons, making them encroachers in the eyes of the law. The Central Government in September, 1990 vide No. 13-1/90-FP (2) & (3) had requested the State Governments/UTs to settle the disputed claims, issue patta lease, etc of the tribal population on the forest land, but so far no such proposals have been received. Proposals have been received only under the category of regularization of eligible encroachments only from a couple of States. This has deprived the tribals of natural justice, as guidelines for regularization of encroachment are different from the guidelines for settling disputed settlement claims.

This issue has been examined in its entirety in considerable depth by the Central Government and after careful consideration, the Central Government hereby takes the following decisions with a request to the State Governments/ UT Administrations to take necessary follow up action as under:

- 1) The State Government/ UT Administration should recognize the traditional rights of the tribal population on forest lands, and these rights should be incorporated into the relevant Acts, rules and regulations prevalent in the concerned States/UTs by following the prescribed procedure.
- 2) (i) In respect of these recognized rights of the tribal forest dwellers on the forest lands, the Central Government upon receipt of complete proposals from the State Government/UT Administration concerned, shall consider these proposals for diversion of continuously occupied forest land under the Forest (Conservation) Act, 1980 so that these tribals can get unfettered legal rights over such lands. The tribals shall have heritable but inalienable rights over such lands. This decision shall apply for those tribal dwellers who are in continuous occupation of such forest land at least since 31.12.93.  
 (ii) The diversion proposals shall, however, be considered only if an integrated tribal rehabilitation scheme forms part of the proposals to be submitted by the State/UT, along with the financial commitments, so that the tribal population are retained at that particular land, and the problem is solved once and for all. In order to ensure in situ biodiversity conservation with the rehabilitation package, the programme should be implemented by the tribal rehabilitation wing of the forest department. Where such wings do not exist these may be created. The model adopted by the Kerala Government for rehabilitation of the tribals is a case in point and the State Governments may follow this pattern.  
 (iii) As the Hon'ble Supreme Court vide their Order Dated 23.11.2001 in WP 202/95 had restrained the Central Government from regularization of encroachments, the Central Government shall approach the Court for modification of their order so that the instant decision taken in this regard by the Central Government is implemented.
3. In respect of any fresh occupation of forest land by tribals and non-tribals in forest areas henceforth, the State Government/UT Administration shall hold the concerned District Magistrate and Collector, Superintendent of Police, and the Divisional Forest Officer personally responsible for such encroachment and they will be liable for disciplinary action in respect of any such encroachment.
4. Attention of State Government /UT Administration is invited to this office letter No. 7-16/2002-FC Dated 3<sup>rd</sup> May, 2002 in which the constitution of State Level and Circle level encroachment monitoring committees had been suggested. Apart from this, a district level committee consisting of District Magistrate & Collector, Superintendent of Police and the Divisional Forest Officer should also be constituted immediately for eviction of encroachment, and monitoring of the same should be done at the State level, the Circle level and the District level Committees at quarterly

intervals. The notification constituting these committees and action taken by them shall also be part of the diversion proposal.

5. The State Government and UTs should make sincere efforts for making available an equivalent area of non-forest land wherever feasible for inclusion of such lands as reserved forests or protected forests.
6. It is also clarified that in respect of pre-1980 eligible encroachers, the Central Government has already approached the Supreme Court in October 2002 to permit to regularize such eligible encroachments as per the guidelines and policy of the Government.
7. The consideration of the proposals from the State Governments/ UTs shall depend on the progress achieved by the concerned State/UT Administration in eviction of all pre-1980 and post 1980 ineligible non-tribal encroachers and all encroachers' post 31.12.1993.
8. It may please be noted that this issue of tribal rights must be settled in a fixed time period of one year from the date of issue of this letter and no proposals shall be entertained thereafter.
9. The State level committee, headed by the Chief Secretary mentioned under Para 3 above, shall monitor the implementation of the above decisions.

(Dr. V.K. Bahuguna)

Inspector General of Forests (FC)

F.No.2-1/2003-FC

Dated: 15.04.2005

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – **Review of Para (vi) of the guidelines for stepping up the development projects in tribal areas thereof.**

Sir,

Please refer to the guidelines issued by this Ministry under Forest (Conservation) Act, 1980 for stepping up the development projects in tribal areas issued vide letter of even number Dated 20-10-2003.

In this regard, I am directed to inform you that **para (vi)** of guidelines, which reads, “*Which formulating a project in a tribal area, the User Agency shall earmark 5% of the total project cost ..... to be created by the Government of India.*”, has been reviewed by the Ministry in view of the representations received from various user agencies including Central Government undertakings. The Ministry observed that funds were separately being collected from the various user agencies towards compensatory afforestation, catchment area treatment, and net present value of forest lands etc, to mitigate the ill-effects on environment, arising out of diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980. Ministry also considered the point raised in representations that the additional burden of 5% of total project cost, may further escalate the project cost, and make the projects economically unviable.

Having carefully examined the matter, and taking a holistic view from socio-economic and legal angle, **the Ministry has decided to keep implementation of para (vi) of the guidelines, in abeyance with immediate effect till further orders.**

However, the funds already collected towards tribal development under various projects in accordance with the guidelines, shall not be refunded and expended for the intended purpose.

(Anurag Bajpai)

Asst. Inspector General of Forests

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Conversion of forest villages  
into Revenue Villages

## APPENDIX- 13

F. No. 11-70/2002-FC (Pt)

Dated: 03.02.2004

**Sub: STEPPING UP OF PROCESS FOR CONVERSION OF FOREST VILLAGES INTO REVENUE VILLAGES.**

Sir,

As you are aware that the National Forest Policy of 1988 envisages that development of forest villages should be on par with the revenue villages. In order to ensure this, the Ministry had issued guideline on 18<sup>th</sup> September 1990 vide this Ministry letter No. 30-1/90-FP (5) for conversion of these forest villages into revenue villages. But so far, very few proposals have been received from the State Governments, and even of the proposals received, many are either incomplete and/ or also include the encroachments in adjoining forests, as also the balance forest land in the compartment. So far only 384 forest villages have been converted into revenue villages (311 in Madhya Pradesh and 73 in Maharashtra) during the last one year. From rest of the States, proposals are yet to be received.

The matter was reviewed last year in September, 2003 by the Ministry on the basis of information furnished by 13 States (Assam, Chhattisgarh, Gujarat, Jharkhand, Maharashtra, Meghalaya, Madhya Pradesh, Mizoram, Orissa, Tripura, Uttaranchal, Uttar Pradesh and West Bengal), a total of 2690 forest villages have been enumerated as existing in the country. It has been decided that the state governments may be requested to immediately expedite the process of conversion of these forest villages into revenue villages.

The following procedure may be followed while preparing the proposals so that the complete proposals are sent within a fixed time limit for taking a decision under the provisions of the Forest (Conservation) Act, 1980.

- i) This is to reiterate that the Central Government is committed to the conversion of forest villages into revenue villages in accordance with the guidelines approved by the Union Cabinet in 1990.
- ii) Central Government would consider all land on which pattas have been issued prior to 25.10.1980 by the concerned Divisional Forest Officers or the authorized officers and patta holders and the land is in their or legal successors' continuous possession. These lands will include land under habitation, existing buildings, gochar lands, health center, community center, cremation ground, road, etc. for diversion. Isolated patches of settlement should be brought to the periphery of forests by the State Government and proposals sent for the areas in which the resettlement will take place.

For purposes of conversion of forest villages into revenue villages, the State Government shall submit a map delineating the external boundaries of the areas where pattas have been issued pre-1980. It should not be necessary for them to submit details of individual pattas.

- iii) The balance forest areas in the forest compartment shall be demarcated and retained as reserve forests and managed by the State Forest Department. These areas shall also be demarcated in the field by the State Forest Department.
- iv) Forest lands which have been encroached shall be dealt with in accordance with the guidelines issued by the Ministry for regularization of the encroachment and the State Governments shall ensure that all ineligible pre-1980 and post-1980 encroachments are evicted in tune with the Hon'ble Supreme Court orders. Only eligible category of pre-1980 encroachment shall be

considered for regularization if and when the ban on regularization of the encroachment is lifted by the Supreme Court. The State Governments may also simultaneously approach the Supreme Court in this regard.

- v) If any of the forest village falls in a National Park and Sanctuary, the State Government shall submit the proposal for conversion to the revenue villages only after obtaining the approval of the Standing Committee of the National Board of Wildlife and Hon'ble Supreme Court.
- vi) Regarding traditional rights of inhabitants of forest villages on forest lands outside the village boundaries, the State Governments may document such rights and notify them under the provisions of relevant Acts or Rules as applicable, furnishing the details of specific rights so granted, the villages where individuals are entitled and the specific forest-lands on which such rights may be exercised.

It is therefore, requested that a time bound programme may be drawn up by the State Government for expeditiously converting forest villages into revenue villages in the next six months so that the people living in these villages can enjoy the fruits of development and also their dependency on forest is reduced.

(Dr. V.K. Bahuguna)

Inspector General of Forests

F.No.2-1/2003-FC

Dated: 13.11.2009

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – **Review of Para (vi)** of the guidelines Dated 20.10.2003 for **stepping up the development projects in tribal areas thereof** – clarification.

Sir,

The Ministry of Environment and Forests, Government of India had issued guidelines for stepping up the development projects in tribal areas vide its letter of even number Dated 20.10.2003. The Para (vi) of the guidelines reads as '*while formulating a project in a tribal area, the User Agency shall earmark 5% of the total project cost for the development of indigenous skill of tribals, basic amenities, education, health, sports facilities for children/ youths etc. in the area. The detailed plan should be enclosed along with the proposal. The funds for these components shall be deposited with Compensatory Afforestation Management and Planning Authority (CAMPA) to be created by Govt. of India*'. However, this para(vi) of the guidelines, after having carefully examined the matter on the basis representations of various user agencies including Central Government undertakings and taking a holistic view from socio-economic and legal angle, was kept in abeyance vide Ministry's letter of even number Dated 15.4.2005.

The Hon'ble High Court of Himachal Pradesh on 03.04.2008, in a Writ Petition (Civil) No.244/2007 between **Rama Nand Negi** and others vs. **Government of India** and others, desired to know the background on the basis of which the guideline Dated 20.10.2003 for earmarking **5% of the total project** cost as development fund were issued and the circumstances under which it has been kept in abeyance by the Ministry and how much more time is required to take a final decision.

Accordingly, the matter was re-examined in the Ministry and after careful examination of the issue, the Ministry of Environment and Forests has **decided to delete para (vi) of the guidelines Dated 20.10.2003 with immediate effect.**

(C.D.Singh)

Sr.Assistant Inspector General of Forests





CAMPA

## APPENDIX- 16

**THE GAZETTE OF INDIA EXTRAORDINARY**  
**Part II – Section 3 – sub-section (ii)**  
**MINISTRY OF ENVIRONMENT AND FORESTS**

## ORDER

F. No. 5-1/98-FC

Dated: 23.04. 2004

S.O. 525 (E) – Whereas a Central Empowered Committee (hereinafter referred to as CEC) was constituted for examining the issues relating to compensatory afforestation, net present value of diverted forest land, other monies recoverable, received and utilized in this regard; and

Whereas, the CEC has inter-alia observed that it is desirable to create a separate fund for compensatory afforestation etc. wherein all the monies received from the user agencies are to be deposited and subsequently released directly to the implementing agencies as and when required; and

Whereas, the recommendations of CEC have been accepted by the Hon'ble Supreme Court and the Hon'ble Supreme Court in its order Dated: 30-10-2002 in Interlocutory Application No. 566 in Writ Petition (C) No. 202 of 1995 directed the Central Government to take necessary steps required for implementing the recommendations of the CEC.

And whereas, the Central Government considers it necessary and expedient to constitute a body for the management of compensatory afforestation funds; now, therefore,

In exercise of the powers conferred by Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), and in pursuance of the Hon'ble Supreme Court's order Dated the 30th October 2002 in IA No.566 in Writ Petition (Civil) No.202 of 1995, the Central Government hereby constitutes an authority to be known as Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as CAMPA) with effect from the date of publication of this order for the purpose of management of money towards compensatory afforestation, Net Present Value and any other money recoverable in pursuance of the Hon'ble Supreme Court's order in this regard and in compliance of the conditions stipulated by the Central Government while according approval under Forest (Conservation) Act, 1980 (69 of 1980) for non-forestry uses of the forest land.

2. CAMPA shall consist of the following Chairperson and Members and shall function through a Governing body and an Executive body namely;

**2.1 GOVERNING BODY:**

- |  |               |
|--|---------------|
| i) Minister for Environment and Forests, Govt of India   | - Chairperson |
| ii) Secretary, Ministry of Environment & Forests,<br>Government of India                                   | - Member      |
| iii) Director General of Forests & Special Secretary,<br>Ministry of Environment & Forests, Govt. of India | - Member      |
| iv) Addl. Director General of Forests (Forests) Ministry<br>of Environment & Forests, Govt. of India       | - Member      |
| v) Addl. Director General of Forests (Wildlife) Ministry   |               |

of Environment & Forests, Government of India	- Member
vi) Joint Secretary and Financial Advisor, Ministry of Environment and Forests, Government of India	- Member
vii) Regional Chief Conservator of Forests (Bangalore, Bhopal, Bhubaneswar, Lucknow and Shillong regions) and Regional Conservator of Forests, Chandigarh	- Member
viii) Six Principal Chief Conservator of Forests one each from six regions- to be nominated annually by MOEF on rotation basis	- Member
ix) Inspector General of Forests (Forest Conservation) Ministry of Environment and Forests, Government of India	- Member
x) An eminent professional ecologist, not being from the Central and State Government, for a period of two years at a time, for upto two consecutive terms	- Member
xi) Chief Executive Officer (CAMPA)	- Member Secretary

## 2.2 EXECUTIVE BODY:

i) Director General of Forests and Special Secretary Ministry of Environment and Forests, Govt. of India -	- Chairperson
ii) Addl. Director General of Forests (Forests) Ministry of Environment and Forests, Government of India	- Member
iii) Addl. Director General of Forests (Wildlife)	- Member
iv) Inspector General of Forests (Forest Conservation) Ministry of Environment and Forests, Govt. of India	- Member
(v) Joint Secretary and Financial Advisor, Ministry of Environment and Forests, Govt. of India	- Member
(vi) Chief Executive Officer (CEO)	- Member
(vii) A professional ecologist .not being from the Central and State Government, for a period of two years at a time, for up to two consecutive terms	- Member

## 2.3 The Chief Executive Officer (CEO) shall be an officer of the rank of Inspector General of Forests.

**2.4 In addition to the CEO,** there shall be one Joint CEO of the level of Conservator of Forests and two Deputy CEOs of the rank of Deputy Conservator of Forests to assist the Executive Body. These officers shall be appointed by the CAMPA on deputation basis for a period not exceeding five years after obtaining required clearances from the competent authority in the Ministry of Environment and Forests. The Governing Body can create posts in CAMPA at the level of Deputy Inspector General of Forests and Assistant Inspector General of Forests to be filled on deputation. They shall be appointed for a period not exceeding five years on terms and conditions to be decided by the CAMPA with the concurrence of the Central Government in Ministry of Environment and Forests.

## 3. POWER AND FUNCTIONS OF THE GOVERNING BODY:

The Governing Body shall-

- i) review the broad policy framework of the CAMPA;

- ii) monitor the progress of the utilization of funds released by the CAMPA;
- iii) approve the annual budget of CAMPA for expenditure subject to overall ceiling of 10% of the average income from interest etc. on establishment and capital expenditure excluding income from funds received as per para 6.2 (iii);
- iv) appoint the CEO, Joint CEO and Deputy CEO;
- v) be empowered to create posts in CAMPA equivalent to the level of Deputy Inspector General of Forests and Asst. Inspector General of Forests;
- vi) approve the annual reports and audited accounts of the CAMPA

#### **4. MEETINGS:**

The governing body shall meet at least once in six months.

#### **5. POWERS AND FUNCTIONS OF THE EXECUTIVE BODY:**

The Executive body shall decide -

- (a) Deployment of staff on contractual basis or on deputation;
- (b) Financial procedure;
- (c) Delegation of financial or administrative powers;
- (d) Other day-to-day working in respect of receipts of funds;
- (e) Investment of funds;
- (f) Expenditure on establishment and other overheads including office accommodation subject to the approval of the annual budget by the Governing Body.

#### **6. COMPENSATORY AFFORESTATION FUND:**

6.1. The CAMPA shall be custodian of the Compensatory Afforestation Fund and shall have the following functions and powers relating to the Fund, namely;

6.2. There shall be constituted a fund to be called the Compensatory Afforestation Fund and there shall be credited thereto--

- i) Receipt of all monies from user agencies towards Compensatory Afforestation, Additional Compensatory Afforestation, Catchment Area Treatment Plan or for compliance of any other condition (s) stipulated by the Central Government while according approval under the Forest (Conservation) Act, 1980.
  - ii) The unspent funds already realized by the States/Union Territories shall be transferred to the CAMPA by the respective States /Union Territories to user agencies within six months from the date of the issue of this Order and any Compensatory Afforestation Funds which have not yet been realized shall be realized by the States and Union Territories and transferred to the CAMPA.
  - iii) The funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas i.e. areas notified under Sections 18, 26-A or 35 of the Wildlife (Protection) Act, 1972 (53 of 1972) for undertaking activities related to protection of biodiversity and the Wildlife shall be maintained separately.
  - iv) Net Present Value (NPV) of the forest land diverted for non – forestry purposes which may be realized pursuant to the Hon'ble Supreme Court's order Dated 30-10-2002 in I.A. No. 566 in Writ Petition (C) No. 202 of 1995.
  - v) Money receivable in pursuance of the orders of the Hon'ble Supreme Court or the Central Government or any other competent authority authorized in this regard by the Central Government.
-

**6.3. MANAGEMENT OF THE FUNDS:**

- i) The amount collected by the CAMPA shall be invested in Reserve Bank of India, Nationalized Banks, Post Office, Government Securities, Government Bonds and deposits.
- ii) The non-recurring as well as recurring cost for the management of CAMPA including the salary and allowances payable to its officers and staff shall be met by utilizing a part of the income byway of accrued interest on the funds invested by the CAMPA excluding income from funds received per para 6.2 (iii).
- iii) The expenditure incurred on independent monitoring and evaluation shall be borne by the CAMPA out of the income by way of interest on the funds invested by the CAMPA excluding income from funds received as per para 6.2 (iii).
- iv) The CAMPA shall get the annual accounts audited internally as well as externally through chartered accountant(s) who are on the panel of the Comptroller and Auditor General of India and the auditor(s) shall be selected on the approval of the Governing Body.

**6.4. DISBURSEMENT OF FUNDS:**

- (i) The money received for compensatory afforestation, additional compensatory afforestation may be used as per the site-specific schemes received from the States and Union Territories alongwith the proposals for diversion of forest land under the Forest (Conservation) Act, 1980.
- (ii) The money received towards Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.
- (iii) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form the corpus and the income there from shall be used exclusively for undertaking protection and conservation activities in protected areas of the States and the Union Territories and in exceptional circumstances, a part of the corpus may also be used subject to prior approval of the CAMPA.
- (iv) CAMPA shall release monies to the concerned State and Union Territory in predetermined installments through the State Level Management Committee as per the Annual Plan of Operation (APO) finalized by the concerned State and the Union Territory.
- (v) The monies received in CAMPA from a State or the Union Territory as per para 6.2 and the income thereon after deducting expenditure incurred by the CAMPA on its establishment cost, monitoring and evaluation on a prorata basis shall be used only in that particular State or the Union Territory.

**6.5. MONITORING AND EVALUATION OF THE WORKS:**

- (i) An independent system for concurrent monitoring and evaluation of the works implemented in the States utilizing the funds released by the CAMPA shall be evolved and implemented to ensure effective and proper utilization of funds and services of the Regional Offices of the Ministry of Environment and Forests in this regard may also be utilized.
  - (ii) The CAMPA shall have the powers to order inspection and financial audit of works executed by utilizing CAMPA funds in any State or the Union Territory.
  - (iii) On being satisfied that the funds released to a particular State or the Union Territory are not being utilized properly, the Executive Body of the CAMPA shall have the power to withhold or suspend the release of remaining funds or part thereof.
-

#### 6.6. OTHER FUNCTIONS:

- (i) The CAMPA may establish Special Purpose Vehicles (SPV) for undertaking Compensatory Afforestation particularly by involving large public sector undertakings which frequently require forests land for their projects, in consultation and as far as possible with the concurrence of the CEC.
- (ii) The CAMPA may also consider evolving new mechanism to generate additional sources of fund for forest conservation works and to create capacity and data base for better conceptualization and management of fund.

#### 7. Every State or the Union Territory shall have a Steering Committee and Management Committee consisting of the following Chairperson and Members namely;

##### 7.1 STATE LEVEL STEERING COMMITTEE:

(i) Chief Secretary	-Chairperson
(ii) Principal Chief Conservator of Forests	-Member
(iii) Principal Secretary (Forests)	-Member
(iv) Principal Secretary (Finance)	-Member
(v) Principal Secretary (Planning)	-Member
(vi) Chief Wildlife Warden	-Member
(vii) Nodal Officer	-Member
(viii) An eminent Non- Government Official to be nominated by the State Govt. for a period of two years at a time who shall be eligible for re-nomination	-Member
(ix) Chief Conservator of Forests(Plan/Schemes)	-Member Secretary

##### 7.2 STATE MANAGEMENT COMMITTEE:

(i) Principal Chief Conservator of Forests	-Chairperson
(ii) Chief Wildlife Warden	-Member
(iii) Chief Conservator of Forests (Planning /Schemes)	- Member
(iv) Financial Controller/Financial Adviser in the Office of the Principal Chief Conservator of Forests	-Member
(v) An eminent Non- Government Official to be nominated by the State Government for a period of two years at time who shall be eligible for re-nomination	-Member
(vi) Nodal Officer	-Member Secretary

#### 8. POWERS AND FUNCTIONS OF THE STATE STEERING COMMITTEE:

The Steering Committee shall-

- (i) facilitate and be responsible for policy decision;
- (ii) ensure inter departmental coordination;
- (iii) take steps for grant of special sanction for procurement;
- (iv) accord concurrence to the Annual Plan of Operation (hereinafter referred to APO)

##### 8.1. MEETINGS:

The Steering Committee shall meet at least once in six months.



**9. POWERS AND FUNCTIONS OF THE STATE MANAGEMENT COMMITTEE SHALL BE AS UNDER:**

- (i) Preparation of the Annual Plan of Operation (APO) of the State for various activities in conformity with para 6.4
- (ii) (a) Submission of the Annual Plan of Operation (APO) to the CAMPA after obtaining concurrence of Steering Committee for release of fund giving break up of the proposed activities and estimated cost.  
(b) The Annual Plan of Operation (APO) may include the expenditure on overhead and contingency expenses upto a maximum of 2% of the total annual expenditure.
- (iii) (a) Qualitative and quantitative supervision of the works being implemented in the State out of funds released from CAMPA.  
(b) It shall also be responsible for proper auditing of both receipt and expenditure of funds.
- (iv) Development of the code for maintenance of the account at implementing agency level.
- (v) Submission of reports or clarifications to CAMPA.

10. The mechanism for receipt and disbursement of funds by the State Management Committee shall be decided by the CAMPA in consultation with the States or the Union Territories concerned.

11. The CAMPA shall function under the supervision of the Central Government in the Ministry of Environment and Forests.

12. The jurisdiction of the CAMPA shall be the whole of India.

13. The Head Quarters of the CAMPA shall be at New Delhi.

**Dr VK Bahuguna**  
**Inspector General of Forests**  
(Forest Conservation)

.....



Wind Energy

## APPENDIX-17

F. NO. 8-84/2002-FC

Dated: 14.05.2004

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 –For projects utilizing wind energy thereof.

Sir,

Please refer to the policy guidelines issued by the Central Government for diversion of forest land for projects utilizing Wind Energy under the Forest (Conservation) Act, 1980 vide Ministry of Environment & Forests' letter of even number Dated: 10-11-2003. In this context, subsequently the Ministry of Environment & Forests has received some representations from various stakeholders seeking certain modifications in the policy guidelines to make it more compatible with the Indian conditions and available technology. Accordingly, a meeting of stakeholders was called by the Ministry of Environment & forests on 13-04-2004 to discuss these issues, which was attended by representatives of Ministry of Non-Conventional Energy Sources, Government of India; Government of Karnataka, Maharashtra, Rajasthan besides the representatives of Indian Wind Turbine Manufacturers' Association, Indian Wind Energy Association and various other stakeholders.

The stakeholders have represented on certain points of policy guidelines. These issues were discussed at length in the meeting. After taking a holistic view on the existing technology available in the country and need to promote the investment in environment friendly energy sector and after careful examination of the technical issues with the State Governments and user agencies, the Government hereby, approves modifications in the already issued guidelines.

Therefore, **in suppression of the guidelines issued vide letter of even number Dated: 10-11-2003**, the Central Government hereby issues the following guidelines.

1. In order to have a long term view on energy sources, the State/UT Governments should fix the ratio of the wind energy with respect to other sources of energy in advance i.e., the ratio of thermal, nuclear, wind energy in the State/ UT.
2. (i) Areas like National Parks and Sanctuaries, Areas of Outstanding Natural Beauty (AONBs) Natural Heritage Site, sites of Archeological importance and sites of Special Scientific Interests and other important landscapes should not be considered for the wind energy farms.  
 (ii) The wind energy farm shall be located at a safe distance from the sites mentioned in para 2 (i).  
 (iii) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits. The State Government should take sufficient precaution in considering the location of the wind mills so that it should not stand in the migratory path of the birds and should not be near the breeding sites of the migratory birds as the turbine of the wind mill produces a humming sound, which may cause disturbance for the avian habitat.  
 (iv) The distance of the wind mill turbines from the highways, village habitation shall be at a safe distance, and in normal course, a distance of 300 meters would be considered safe.
3. (i) A large number of small wind turbines, together with their access paths, will constitute more disturbances to the forest area than a small number of large turbines. Large size wind turbines upto 4.5 MW capacity are being now utilized in most of the countries. Large size wind turbines are not only cost effective and generate substantially more power but also need less forest land. Therefore, as the technology is available, in forest areas the wind mills of less than 500 KW

power generating capacity shall not be allowed. However, within the perimeter of wind farm having at least 500 KW power generating capacity turbines, smaller turbines may be allowed for optimization of wind energy.

- (ii) If the terrain permits, wind mills of capacity of at least 1 MW should be installed in order to ensure optimal use of forest land. However, this condition shall not be applicable to the proposals involving wind mills of 500 KW and above but below 1 MW power generating capacity, already in pipeline or pending before the State Government/ Central Government as on date.
  - (iii) As an exception, “Stand alone” wind mills upto 10 KW off grid (where no transmission grid is needed) shall be allowed in the forest areas, so that developer could strive for providing electricity in remote rural areas.
  - (iv) Wind energy sector is witnessing rapid technological innovation at the global level through research and development activities. In order to bring latest technology, after a period of 3 years, the Ministry will review the situation and technology available to consider any further changes. The policy will be further reviewed after 5 years in order to see if the wind mills of high power generation capacity on the forest lands could be promoted. The wind farm developers should therefore, be encouraged and motivated to adopt latest technology best at par in the world.
  - (v) The lease period initially shall be for a period of 30 years. The forest land will be first be leased in favour of the developers and within a period of 4 years of Stage-II approval, the lease shall be transferred, in the name of investors/power producers. In case the developers fail to develop wind farms, the land shall be reverted back to Forest Department without any compensation.
  - (vi) The proposal shall include requirement of forest land inclusive of the corridors between the successive wind mills, statutory buildings, earthing pits, transmission lines and roads including provision for repose, breast walls, drains, curvature etc.,
  - (vii) Details of alternatives explored on non-forest lands shall be clearly given in the proposal.
  - (viii) Since the output of the wind mills is only 25% of its capacity, cost benefit analysis of the project would be an essential requirement. Details of employment generated, cost of electricity produced by wind energy, economic viability of the project etc., should also be given in the proposal.
4. In order to plan the wind farms on the forest land systematically, reconnaissance survey etc., as allowed in other cases, shall be allowed for wind farms development also in accordance with para 1.3 (i) of the guidelines issued under the Forest (Conservation), Act, 1980. For this purpose, the developers should ensure that “Wind Met mast” are erected in forest areas for wind mapping covering an area of not more than 50 m X 50 m @ one Wind Mast for every 500 hectare. A onetime payment of Rs. 1.00 lakh per wind mast shall be charged for this permission. The amount so collected shall be deposited with CAMPA which shall be further utilized for forest conservation activities and providing gas connections to the forest dependent communities. The wind mast shall be removed maximum after two years. Further, wherever wind data is already available, erection of wind mast shall not be mandatory. After the wind density and other technical parameters are ascertained, the proposal shall be forwarded by the State/UT Forest Department to the Central Government, for diversion of forest land for establishment of wind farms. However, existing proposals in the pipeline or under consideration at various stages shall

be dealt with according to the guidelines and parameters issued for different wind density regions by the Ministry of Non-conventional Energy Sources, Government of India.

5. A lease rent of Rs. 30,000/- per MW for the period of lease in addition to compensatory afforestation, net present value etc., shall be charged from the user agency. This amount shall be utilized in providing gas connections to the local villagers under the Joint Forest Management Programme and for other conservation measures. This amount shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA).
6. (i) Due to high wind velocity, most of the areas where the wind farms are being established are having scrubby vegetation devoid of large size trees. Around 65% to 70% lease out areas in the wind farms shall be utilized for developing medicinal plant gardens, wherever feasible, by the Forest Department at the cost of the User Agency. The State/UT Governments could also take help of National Medicinal Plant Board in properly creating corridors of medicinal plant gardens. The intervening areas between two wind mills foot prints should also be planted up by dwarf species of trees at the project cost.  
(ii) Soil & Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill.
7. The alignment of roads shall be done by a recognized firm and got approved by the Divisional Forest Officer concerned. Further, the transmission lines from the wind farms to the grid as far as possible should also be aligned collaterally along the roads.
8. The wind turbines/wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India.

The States/UT should follow these guidelines while considering proposals for diversion of forest lands for establishment of wind energy farms on forest lands.

This issues with the approval of the competent authority.

(Dr. V.K. Bahuguna)  
Inspector General of Forests

F.No. 8-84/2002/FC

Dated: 10.6.2004

**Sub:-** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Clarification regarding **para 3 (ii)** of the guidelines for projects utilizing **Wind Energy** thereof.

Sir,

The Central Government has issued guidelines for diversion of forest lands for the projects utilizing wind energy under Forest (Conservation) Act, 1980 vide letter of even No. dtd: 14.5.2004. It has come to the notice of the Ministry of Environment & Forests that para 3 (ii) has not been properly interpreted by the officials in the field and the user agencies. Ministry of Environment & Forests has also received a representation from Indian Wind Turbine Manufacturers Association (IWTMA) in this regard.

Therefore, in continuation of Ministry of Environment & Forests letter of even number dt: 14.5.2004, I am directed to clarify regarding para 3 (ii) of the guidelines that the guidelines issued for wind energy projects on forest lands, over that the wind turbines of 500 KW and above may be allowed on the forest lands. However, if the physical features of the land area in question permit, wind mills of capacity of 1 MW should be promoted in order to ensure optimal use of forest land

for power generation, but it shall not be the deciding factor for use of forest land for such purposes. The choice shall depend upon the feasibility of use by the promoter and the technology available. This issues with the approval of the competent authority.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

F.No.8-84/2002-FC

Dated: 06.04.2005

**Sub:** Guidelines Dated 14.05.2004 issued under Forest (Conservation) Act, 1980 for diversion of forest lands for establishment of **wind energy** projects – **Clarification on para 3 (v) of the guidelines thereof.**

Sir,

Please refer your letter No. F(C) A/11.3/153/KAR/Misc/2332 Dated 04.02.2005 on the above mentioned subject. In this context, I am directed to clarify that the word “.....transferred.....” in **para 3 (v)** of the guidelines for wind energy projects Dated 14.05.2004, shall be read in context of, and in accordance with “Transfer of lease” as mentioned in **para 2.8** of general guidelines issued under Forest (Conservation) Act, 1980, i.e.,

“Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and the new user agency has to submit an undertaking that they shall abide by all the condition on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government / State Government in future.”

*Further, for transfer of lease to the new user agency (s), i.e., investors/power producers interested in installation of wind energy turbines in the already diverted forest area in favour of developers, the State / UT Governments shall have to submit the formal proposal in the prescribed format under the rules, to the Central Government for prior approval. No sub-leasing of forest lands by any user agency is permissible under the Act.*

(ANURAG BAJPAI)

Assistant Inspector General of Forests

F.No.8-84/2002-FC

Dated:16.12.2005

**Sub:** Guidelines for diversion of forest land under Forest (Conservation) Act, 1980 for establishment of Wind Power Projects, charging of lease rent- regarding.

Sir/ Madam,

As you are aware, the Ministry of Environment of Forests issued guidelines for diversion of forest land under Forest (Conservation) Act, 1980 for establishment of Wind Power Projects vide letter of even number Dated:14.05.2004 in order to encourage production of power in the form of non-polluting environment –friendly energy. The guidelines contain certain provisions in the interest of conservation of forests and environment. One of such provisions, as reflected in item no.5 of the said guideline, relates to charging of lease rent in addition to Compensatory Afforestation, Net Present Value, etc. The matter has been recently discussed and reviewed in the ministry in



consultation with various Wind Energy Associations with respect to the periodicity of charging the lease rent.

2. In this connection, I am directed to say that after a critical examination of the issue, it has been decided to clarify that the lease rent is to be charged as lump-sum one-time payment only, for the entire period of the lease, as provided in the guidelines Dated.14.05.2004. Therefore, the item No.5 of the guidelines issued in respect of Wind Power Projects vide letter no.8-84/2002-FC, Dated:14.05.2004 shall read as under:-

*"A lease rent at the rate of Rs.30,000/ per MW shall be charged from the User Agency by the State Government as lump-sum onetime payment, for the entire period of lease. The State/ Union Territory (UT) Government shall maintain this fund in the form of Fixed Deposits in the name of the concerned DFO/ Nodal officer of the State till such time the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) intimates the Head of Accounts for deposition of such funds".*

3. Any payment already made by the User Agency in this regard shall be adjusted against the total payment to be made as per the above provision, as clarified.

**(Sandeep Kumar)**

**Assistant Inspector General of Forests**

**F.No.8-84/2002-FC**

**Dated: 20.02.2006**

**Sub:** Guidelines for diversion of forest land under Forest (Conservation) Act, 1980 for establishment of Wind Power Projects, procedure for transfer of lease from the User Agency to investors/ power producers- regarding.

Sir/ Madam,

In order to give a boost of Wind Power Generation in the country, the Ministry of Environment and Forests issued guidelines for diversion of forest land under the Forest (Conservation) Act, 1980 for establishment of Wind Power Projects vide letter of even number Dated.14.05.2004. Clause 3 (v) of these guidelines provides for transfer of lease from the developer i.e., the User Agency, to investors/ power producers. The procedure for such transfer of lease came up for consideration in the Ministry recently, and the matter was placed before the Forest Advisory Committee. After considering all aspects in details, and on the basis of the recommendations of the Committee, approval of the Competent Authority is hereby conveyed for a simplified procedure given below, to be adopted for transfer of lease from the developer, i.e., the User Agency, to investors/power producers in already approved proposals.

*"for cases of transfer of lease from the developer i.e. the User Agency, to investors/ power producers under clause 3 (v) of the guidelines issued vide letter No. 8-84/2002-FC Dated 14-05-2004 in respect of utilization of wind energy, the User Agency shall submit the details in the format prescribed in this regard (enclosed) to the Nodal Officers, Forest (Conservation) Act, 1980 of the State/ Union Territory with a copy marked to the Ministry of Environment and Forests, New Delhi. The Nodal Officer shall complete the examination of the particulars furnished by the User Agency in the said format within a period of forty five (45) days. The State / Union Territory Government shall forward its recommendations within forty five days to the Central Government for consideration. If no decision is communicated by the State / union Territory Government on the proposal till the expiry of a period of ninety (90) days w.e.f the date submission of the proposal, action as considered appropriate, shall be initiated by the Central Government".*

**(Sandeep Kumar)**

**Assistant Inspector General of Forests**

**FORMAT FOR TRANSFER OF LEASE IN ACCORDANCE WITH PARA 3 (V) OF THE  
GUIDELINES Dated 14-05-2004 ISSUED UNDER FOREST (CONSERVATION) ACT, 1980  
IN RESPECT OF WIND POWER PROJECTS**

**(A)** {PART(A) TO BE FILLED IN BY THE USER AGENCY}

S.No.	Particulars	Desired Information
1.	Name of the proposal approved under the Forest (Conservation) Act, 1980	
2.	Forest area diverted (in Ha)	
3.	Name of the User agency	
4.	Order No. and date of final approval of the proposal under the Forest (Conservation) Act, 1980.	
5.	Name(s) alongwith the details of the proposed investors/ power producers (attach a table)	
6.	Details of the transfer of lease with specific location(s) depicted on a copy of the original map submitted by the User Agency, viz	
	Area (ha) involved in the transfer of lease	
	Location (s) of the lease area (on map) proposed to be transferred.	
	Essential features of the agreement for transfer of lease (with a copy of the agreement).	
	Other important details.	
7.	No objection of the User Agency to the lease – transfer agreement (Certificate to be enclosed).	
8.	No objection of the investors/ power producers to the lease transfer agreement (Certificate to be enclosed)	
9.	Undertaking by the investors/ power producer to comply with all the conditions stipulated by the Central Government under Forest (Conservation) Act, 1980 while granting final approval (see col.4)	

In the event of breakdown of the lease-transfer agreement due to the investors/power producers moving out by breach of the lease –transfer agreement thereby abandoning the project fresh proposal for transfer of lease to the new investors/power producers shall be moved by the User Agency accordingly to these guidelines.

Signature with Stamp and Date.

(B) Recommendation of the State Forest Department:

(to be signed by the Nodal Officer/ Principal Chief Conservator of Forests/ Head of the Forest Department).

Signature with Stamp and Date.

(C) Recommendation of the State Government:

(to be signed by the Principal Secretary/ Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of under Secretary).

Signature with Stamp and Date.

**F. No. 8-84/2002-FC**

**Dated: 22.06. 2007**

**Sub:** Guidelines for diversion of forest land under the Forest (Conservation) Act, 1980 for establishment of Wind Power Projects, maximum allowable base area for installing individual Wind Met-mast – modification, regarding.

Sir/Madam,

The Ministry of Environment and Forests issues detailed guidelines for diversion of forest land under the Forest (Conservation) Act, 1980 for establishment of Wind Power Projects to promote investment in environment friendly energy sector vide letter of even number Dated 14.05.2004. Clause 4 of these guidelines provides for installing Wind Met-masts in forest areas for Wind mapping / reconnaissance survey, etc. for which maximum base area of 50 met. per Wind Met-mast for every 500 ha. was allowed.

2. The Ministry has received representation from Indian Wind Turbine Manufacturers Association (IWTMA) seeking increase in the base area allowed for installing individual Wind Met-mast, as taller wild Met-masts are required to be installed in order to obtain wind characteristics at greater heights. The issue was discussed by the Forest Advisory Committee, and on the basis of the recommendations of the Committee, approval of the Competent Authority is hereby conveyed to the effect that base area of the individual Wind Met-mast shall be allowed upto the area of a circle of 100m diameter.

3. The guidelines for establishment of Wind Power Projects issued vide this Ministry's letter number 8-84/2002-FC Dated 14.05.2004 stand modified to the above extent.

**(Sandeep Kumar)**

**Assistant Inspector General of Forests**

**F.No.8-47/2008-FC**

**Dated: 16.03.2008**

**Sub:** About Terms of Reference for studies on potential impact on wind mills on birds and bats through rotor impacts on terrestrial species of wildlife through habitat damage.

**Sir,**

I am directed to invite your attention to the issue of comprehensive study of ecology of birds particularly Raptors to be completed by an organization / individual as per the terms and conditions to be drawn by the Forest Advisory Committee and binding of the outcome on the User Agency.

Accordingly, a Term of Reference has been drawn in consultation with Wildlife Institute of India (WII) and Bombay Natural History Society (BNHS) and it has been approved by the Forest Advisory Committee.

I am further directed to communicate that comprehensive study of ecology of birds particularly Raptors shall be completed by any organization / individual as per the terms and conditions enclosed at the User Agency's cost and outcome/ mitigative measures shall be borne by the User Agency.

**(B.K.Singh)**

**Sr. Assistant Inspector General of Forests.**

## TERMS OF REFERENCE FOR UNDERTAKING STUDIES ON POTENTIAL IMPACTS OF WIND MILLS

### PREAMBLE

In view of the mounting evidence from potential adverse impacts of wind mills on arboreal species including birds, bats and flying squirrels through rotor impacts and on terrestrial species of wildlife resulting from alternation and damage to habitats Forests Advisory Committee (FAC) recommends that all wind mill projects proponents should fund independent impact assessment on studies of their projects at specific sites. The following broad terms of reference are suggested for studies to be taken up by credible institutions.

#### **Basis**

the studies should refer to and cite pertinent literature relevant to the issues as well as any other studies related to wildlife/ bird migration/ local movements in the site or in nearby areas, while assessing the impact of the proposed project. If any wind power projects exists in the area / region, the study team must visit these and look at past impacts.

#### **Establishing the impacts of wind mills on birds.**

1. To establish whether wind mills, and which type of wind mills, kill or injure birds and bats or otherwise pose impediment for the movement of birds to their destination. This should be done keeping in view annual migration patterns as well as nearby roosting birds.
2. To establish which size classes or groups of birds, bats and other arboreal primates and gliding species, are vulnerable / affected by windmill farms.
3. To examine if ground nesting birds nest in windmill farms, and if the patterns of nest densities/ nesting success are similar when compared to areas outside farms.
4. To examine the impact of wind mill farm on roost or congregation site for species like harriers/ fruit bats alongwith the status of congregation site post construction of the wind farm.
5. To examine if the wind farm adversely affects the foraging capabilities of the birds of the area.
6. To assess if the forest canopy contiguity is likely to be affected and the consequent impacts on glider species (e.g.flying squirrels).
7. To suggest preventive, ameliorative and restorative strategies for addressing significant potential impacts of proposed windmill farms on wildlife.

#### **Site selection of wind farm to examine.**

8. If large bodied birds, such as bustards, vultures or cranes or larger bat species are present in the existing / proposed wind mill farm site.
9. To examine if the wind mill farm is situated along migratory routes of birds both local or long distance.
10. To examine if wind mill is situated along and across pathways of birds on routes to or from roosts.
11. To examine if the site holds other forms of terrestrial birds/ mammals / reptiles and assess how these would be affected by the establishment of the project.
12. To assess the impact of wind mill farm location on land use of the area and the consequent shift of anthropogenic pressures to other ecologically sensitive areas/ habitats

#### **National/ state level exercise by FAC / NBWL**

13. To map the location of windmill farms existing / proposed and to examine these sites for “wind mill vulnerable” bird species.

14. To develop an atlas of “no” and “yes” sites for windmill farms in India based on energy and bird/wildlife priorities.
15. Review the performance of existing windmill farms with respect to the incorporation of best practices and good mitigation strategies for addressing biodiversity / wildlife conservation concerns to accordingly set criteria for environmental appraisal of wind mill farm projects.

F.No.11-113/2008-FC

Dated: 30.12.2008

Sub: Issue of Facilitation letter to Indian Renewable Energy Development Agency Ltd. (IREDA), India Habitat Center, Lodhi Road, New Delhi for Extending Financial Benefit.

I am directed to refer to above mentioned matter in view of the representations from various Wind Power Developers regarding funding of wind power projects by the banks/ financial institutions. The issue of Facilitation letter to different bank / financial institutions for funding of wind projects was examined by the Ministry in view of the Forest (Conservation) Act, 1980.

Accordingly, I am further directed to enclose a sample copy of a Facilitation letter issued by the State Forest Department, Madhya Pradesh and it is advised that the State Forest Department may consider issuing similar facilitation letters to the wind power Developers as and when they approach to them with such requests.

(B.K.Singh)

Sr. Assistant Inspector General of Forests

**Office of Principal Chief Conservator of Forests (land Management)**  
**Satpura Bhavan, Bhopal**

Ref: LM/04/2007/10-11/2413

Dated: 29.10.2007

To  
 IREDA  
 (Indian Renewable Energy Development Agency Ltd)  
 New Delhi

**Sub:-** Issue of Facilitation letter to IREDA for Extending Financial benefit by State of India to M.P.EWFL, Bhopal.

Ref:- Enercon India Ltd's letter noEIL/BPL/2006-07/Forest/987, Dated: 24.11.2006.

M/s Enercon India Limited have informed the Forest Department that its investor, M/s M.P.EWEL., Bhopal seeks financial assistance to an extent of Rs. 273.00 Lacs from IREDA, New Delhi for setting up a 0.8MW capacity wind energy generator at Nagda, Dewas, consisting of 01 machine of 0.8 MW capacity. Further, it has requested for a facilitation letter to enable the said bank to extent the loan to the investor.

1. It is understood from the letter referred to above, that the IREDA needs to safeguard its loan in the event of default by the investors and towards that and desires free access to the site after due permission from the Forest Department. In the eventuality of such a happening, the IREDA would further need to take into custody and subsequently hand over the Wind Generators to alternate investors if considered necessary. The forest department does not have any objection in letting IREDA sell the equipments hypothecated to its by M/s M.P. EWFL, Bhopal in respect of their 0.8 MW wind power project situated at the following places as detailed in its letter referred above.

S.No	Villages	Taluk District	Forest Comt. No	WTG No	Extent of area (Ha)
1	Nagda	Dewas	1&2	12	0.09Ha

2. The above land cannot be mortgaged.

3. In the event of the borrower committing any default in repayment of due to IREDA such selling of plant and equipments (movable properties) is only permitted without creating any encumbrance on the land on which the wind farm is set up, as the ownership of land lies with the Government of Madhya Pradesh. Any default / breaches committed by the borrower, which results in selling of the equipment shall be intimated to Forest Department as and when the same is noticed by IREDA. All necessary details of the party to whom the equipments are to be sold by IREDA for recovery of dues shall be intimated to Forest Department and such party will be permitted to run the project at the site on the same terms and conditions as agreed for the original allottee on the payment of necessary charges to Forest Department.

4. The forest department shall keep IREDA informed about breaches committed by the borrower in terms of the allotment of the land. It also agrees to give a minimum notice period of 90days to IREDA from the date of the above said notice before initiating any proceedings against the borrower.

5. It is reiterated that none of the above actions should, under any circumstance compromise any of the provisions of the Forest Conservation Act 1980 or other related rules & regulations in force from time to time. In such an event, the department of Forest Government of Madhya Pradesh reserves the exclusive right to impose punitive/disciplinary / other action as considered appropriate.

6. The issue of this "Facilitation Letter" is without any liability whatsoever on the part of Forest Department / Government.

Chief Conservator of Forests  
(Land Management)  
Bhopal, MP

**F.No.8-47/2008-FC**

**Dated: 30.01.2009**

**Sub:** Proposals seeking diversion of forest land for setting up the Wind Energy Projects – Impact on birds etc.

Sir,

I am directed to refer to out sanction orders conveying the Stage-I approval in respect of certain proposals for diversion of forest land for setting up of Wind Energy Projects, wherein as one of the conditions we have stipulated that Stage-II (Final) clearance would be issued in respect of those proposals only after the completion of a study to assess the impact of such wind energy projects on territorial species of wild life and birds particularly raptors.

We have re-examined the issue. As per our assessment to conduct a comprehensive study it would require at least a period of one year in a State. Therefore, after reconsideration of the situation it has been decided that the Ministry of Environment and Forests will consider to issue the final approval in all such cases without waiting for the compliance of this particular condition pertaining to the impact of wind energy projects on raptors and wildlife animals etc.

In view of the above, the State Government is requested to kindly forward the compliance report



in respect of such proposals where Stage-I clearance has been issued without the compliance of the conditions pertaining to the impact of birds etc. Further, the fresh proposals for diversion of forest land for establishment of wind energy projects may also be forwarded to the Central Government. In the meantime, we have initiated the process for getting the study conducted for assessment of the impact which would be taken care of by employing mitigative measures.

(B.K. Singh)

**For Assistant Inspector General of Forests**

**F.No.8-84/2009-FC**

**Dated: 05.08.2009**

**Sub:** Establishment of Wind Power Projects in Forest areas

Sir,

Indian Wind Power Association, an umbrella Association of Wind Power Generating Companies has brought to our notice that a number of applicants are directly submitting applications to State Governments for diversion of forest land for setting up of wind power projects. This is against the norms which provide that such applications should be routed through the State Nodal Agencies such as Non-conventional Energy Development Corporation of Andhra Pradesh Ltd., a nodal agency in respect of State Government of Andhra Pradesh. Likewise, every State has such nodal agency. Only after the application is cleared by the Nodal agency the applications for diversion of forest land needs to be considered by the State Forest Department.

Accordingly, the State Government is requested to kindly suitably advice the Nodal Officer appointed under the Forest (Conservation) Act, 1980 to process only those applications for Wind Power which are duly forwarded by the State Nodal Agency under non- conventional energy sour

(Ansar Ahmed)

**Inspector General of Forests**

**F.No.8-84/2009-FC**

**Dated:11.08.2009**

**Sub:** Establishment of Wind Power Projects in Forest areas

Sir,

Kindly refer to our letter of even no Dated 5<sup>th</sup> August 2009 on the above mentioned subject. The contents of the said letter are effective from the date of the letter i.e. 05<sup>th</sup> August 2009 and not from retrospect effect.

(Ansar Ahmed)

**Inspector General of Forests**

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Mining

F.No.11-1/2004-FC

Dated: 09.06.2004

**Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – For installation of temporary Crushing and Screening Plants in the mining lease areas** already approved for diversion by Central Government thereof.

Sir,

Ministry of Environment and Forests has received many representations from the Ministry of Mines, Government of India, State Governments, User Agencies and the Regional Office, Bangalore for the uniform guidelines for installation of temporary Crushing and Screening Plants in the already approved mining lease areas. The matter was examined by this Ministry in consultation with mining experts and was placed before Forest Advisory Committee (FAC) constituted under Section 3 of Forest (Conservation) Act, 1980 on 26-7-2004 and 24-8-2004. After careful examination of the matter by the FAC, and as per their recommendations, Central Government issues following guidelines under Forest (Conservation) Act, 1980 for installation of temporary Crushing and Screening Plants in the mining lease areas already approved for diversion by Central Government: Crushing, sizing, grading and screening operations by dry methods create significant air pollution, which have adverse effect on the health of humans and plants. Either dust extraction – a close system with dust collectors/cyclones or dust suppression measures should be provided to control the pollution. However, in a Mobile unit, a close system with dust extractions is not possible. In order to control the pollution from such units, following guidelines are issued:

1. To suppress the fugitive dust at crushing screen mobile plants, special **water jets with mist spray** should be provided at dumper platform, crusher, screens transfer points and unloading points. At all transfer points, sprinkling of water with the help of spray nozzles will suppress the fugitive dust.
2. In sensitive areas, mobile crusher-screening unit should adopt wet dust suppression measures augmented by foam injection to control dust from the material handling and processing operations, if found necessary.
3. As an administrative control, any movement of these mobile plants should be informed to the State Pollution Control Board or Regional office of Ministry of Environment and Forests, to keep a track of their location and check pollution control measures taken by the operators.
4. As far as possible, no such unit should be located within 2 km from Forest/Colony/National or State Highway without effective wet dust suppressing measures at the crusher, screen, transfer and unloading points.
5. There should be significant safeguards against noise pollution and safe noise levels should be maintained.
6. If found necessary for better control in such locations, prior permission to operate, shall be taken from the State Forest Department and the State Pollution Control Board.
7. Since all these are mobile operations, the local administration and forest officials should be kept posted with the change of location and possible time period of its operations within the leasehold.
8. Necessary permission under relevant Acts like Environment (Protection) Act, 1986 and the Air Act shall be taken by the user agency.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

F.No. 2-1/2003/FC, (Pt.III)

Dated: 10.6.2004

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Inclusion of **Central Mine Planning and Design Institute Ltd., 2**  
Sir,

In continuation of Ministry of Environment & Forests letter No. 2-1/2003/CA, dt: 20-10-2003. I am directed to inform you that Central Government has approved to include Central Mine Planning and Design Institute Ltd., (CMPDI) along with Banaras Hindu University, ISM Dhanbad, any of the IITs located at Delhi, Mumbai, Kharagpur, Chennai, Roorkee and Guwahati, and M/s. CMRI in para 2.2 (vii) 1 of the guidelines issued under Forest (Conservation) Act, 1980 for the purpose of numerical modeling in 3-dimension for subsidence prediction in respect of underground mining.

(ANURAG BAJPAI)

Asstt. Inspector General of Forests

Lr.No.F.No.2-1/2003- FC(Part-IV)

Dated: 06/07.12.2004

**Sub:** Guidelines in respect of pre-1980 **underground mining leases** for action of Minerals involving **extension of already broken** up underground forest land.

Sir,

The Central Government have been receiving representations seeking clarifications in respect of renewal of underground mining leases granted prior to commencement of Forests (Conservation) Act, 1980, i.e. 25-10-1980. The desired clarification revolves around the issue whether extraction of minerals from an underground mine involving extension of already broken up underground forest land requires prior permission of the Central Government under Forest (Conservation) Act, 1980. After considering the issue in holistic manner including the relevant provisions of Indian Forest Act, 1927, the Central government hereby clarifies that for underground mines, in respect whereof lease was granted prior to commencement of Forest (Conservation) Act, 1980 i.e., 25-10-1980, prior approval of the Central Government under the Act must be obtained for:

1. Extraction of minerals from an underground mine un worked till 25.10.1980; or
2. Extraction of minerals involving extension after 25.10.1980, of the forest land broken underground (in case of those mines from which extraction of mineral took place before 25-10-1980 at least from a part of the leased area).

Therefore, for those pre-1980 under-ground mining leases, which are still operative and are yet to expire, breaking up of fresh forest land after 25-10-1980 for extraction of mineral, constitutes violation of the Forest (Conservation) Act, 1980. Ex-post facto approval of the Central Government for the underground area broken, if any, after 25-10-1980 till date, along with the permission for underground mining, if required, must be obtained under Forest (Conservation) Act, 1980.

(Anurag Bajipai)

Asstt. Inspector General of Forests.

F.No.2-1/2003- FC (Part-II)

Dated: 14.12.2004

**Sub:** Guidelines for diversion of forest land for non – forest purposes under the Forest (Conservation) Act, 1980 – Revision of the **Para 4.17** of the guidelines regarding **grant of TEMPORARY**

**WORKING PERMISSION (TWP) over already broken up** area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980, thereof.

Sir,

During the course of implementation of Para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980, the Central Government has experienced the lack of communication of vital information between the State Government and the Central Government. Further, Supreme Court has also issued various important orders from time to time regarding mining in forests, national parks/sanctuary, charging of net present value etc which have additional implications, and so need to be taken note of. Therefore, Central Government found it appropriate to revisit para 4.17 of the existing guidelines. The matter was examined by the Central Government in a holistic manner. After detailed examination of the matter, and to make the mechanism more effective and accountable, the Central Government hereby issues revised Para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, under Forest (Conservation) Act, 1980, New Para 4.17 will read as follows:

**4.17 (i)** If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency to the State/UT Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on a simple application of the user agency in the prescribed format (Annexure), may grant temporary working permission (TWP) over already broken up area for a maximum period of one year, provided that the mining leases area does not form a part of a National Park/Sanctuary/Protected area and no violation of Forests (Conservation) Act, 1980 has been committed by the user agency during the previous mining lease. Within this period, the State/UT Government shall take a decision on the proposal and forward it to the central Government. If the proposal is not received from the State/UT Government on expiry of the period of TWP, it will be deemed to have been rejected till the state/ UT Government send its specific recommendations.

**4.17(II)** In view of the Supreme Court order Dated: 30.10.2002 in writ Petition (C) No.202 of 1995 regarding collection of Net Present Value of diverted forest land, Net Present Value shall be paid by the user agency for the already broken up area within the period of first six months of the temporary working permission. Subsequent extension of TWP if any, shall be considered only on the production of receipt of payment of Net Present Value to the State/UT Government, in the name of concerned DFO/Nodal Office in fixed deposits in a nationalized bank. In the event of rejection of the proposal, the amount shall be refund to the concerned user agency after deducting the cost reclamation of that particular broken up area, as determined by the concerned State /UT Governments.

**4.17 (iii)** To ensure the refund of the money deposited towards the Net Present Value of the area being operated under TWP by the user agency, following procedure shall be adopted:

- (a) the funds shall be collected by the concerned DFO as security deposits.
  - (b) Funds shall be maintained by the concerned Divisional Forest Officer (DFO) or Nodal Officer (Forest Conservation), in fixed deposits in a nationalized Bank in the name of the Divisional Forest Officer or Nodal Officer (Forest Conservation).
  - (c) Concerned DFO shall maintain records of such security deposits collected towards Net Present Value for the area under TWP, under intimation to Nodal Officer (Forest Conservation) of the State/UT.
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- (d) In the event of rejection of the proposal, the concerned DFO shall assess the cost of reclamation of broken up area.
- (e) After deduction the cost of reclamation of the broken up area and allied costs if any, from the total deposits including interest earned on them, balance money will be refunded to the concerned user agency within a period of one month by the concerned DFO/Nodal Officer (Forest Conservation) of the State / UT.

These guidelines are issued in suppression of this Ministry's earlier guidelines regarding para 4.17, issued vide letter No. 5-5/86-FC Dated 23-12-2002 and printed in the Handbook published by this ministry in June, 2004. These guidelines shall come into force with immediate effect.

(Anurag Bajipai)

Asstt. Inspector General of Forests.

### FORMAT

Application For Temporary Working Permission (TWP) in Cases of Renewal of Mining Leases (See Para 4.17 of the Guidelines issued under Forest (Conservation) Act, 1980 vide Ministry of Environment and Forest Letter No.2-1/2003 – FC (Pt. II) Dated: 14-12-2004

S. NO	Particulars	To be filled user agency
1.	Name of Proposal	
2.	Date of Submission of renewal Proposal to be the concerned Divisional Forest Office (enclose copy of relevant documents)	
3.	Date of previous lease (enclose copy)	
4.	Period of previous lease	
5.	Previous lease granted by (enclose order copy)	State Govt / Central Govt
6.	If previous lease granted by Central Government under Forest (Conservation) Act, 1980, order number and date	
7.	Total Forest area under lease in hectare	
8.	Area in hectare applied for renewal	
9.	Already Broken up area in hectare	
10.	Map (Cadastral Map) of total leased area/ forest land showing broken up area in different shades with boundary descriptions	
11.	Name of mineral / ore to be extracted	
12.	Estimated reserve in broken up forest area in Million tonne	
13.	Whether mining lease forms part of a National Park / Sanctuary / Protected Area / Biosphere reserve	
14.	Distance of nearest protected area from the mining lease	
15.	Whether Reclamation Plan enclosed in the DRP	Yes/No



16.	Extent of Area proposed for reclamation	
17.	Period proposed for reclamation	
18.	Any violation of Forest (Conservation) Act, 1980 during previous lease and Court case	
19.	Status of proposal – whether under consideration; if yes, pending at what level	
20.	Dues to Government Department and description of payments	
21.	If any court case is pending on any issue related with lease / land (If yes, details thereof)	
22.	Achievements made under reclamation / rehabilitation / afforestation / dump stabilization etc.	

F.No.7-19/2004-FC

**Sub:-** Orders passed by Hon'ble Supreme Court of India in IA No.1413,1414,1415, in IA No.1413, 1426,1428,1439,1440,1444-1445 & 1460 in Writ Petition (C) No.202 of 1995.

Sir/Madam,

I am directed to refer to the subject mentioned above and enclose herewith the orders passed by Hon'ble Supreme Court of India on 04.08.2006 for necessary information and necessary action.

(S.K.Chadha)

Enclosed: as above (5-pages)

**Assistant Inspector General of Forests**

Copy to :

- i) PPS to DGF&SS
- ii) Principal Chief Conservator of Forests (all States/UTs)
- iii) Regional Chief Conservator of Forests(Central), Bangalore, Bhopal, Chandigarh
- iv) PS to ADG(FC)/IG(FC)/Director(FC)
- v) Guard File

#### ORDER OF HON'BLE SUPREME COURT OF INDIA

I.A.Nos.1413,1414,1454, in I.A.No.1413,1426,1428,1440,1439,1441,1444-1445,1459 and 1460 in Writ Petition(C) No.202 of 1995:

By order Dated 16<sup>th</sup> September, 2005, it was, inter alia, directed that no **Temporary working Permissions** or Temporary Permit or any other permission, by whatever name called, shall be granted for mining activities in the National Parks, Sanctuaries and Forest areas. It was further directed that no mining activity would continue under any **Temporary working permit or Permission (T.W.P.)**, which may have been granted. This order was later relaxed on the applications filed by some of the applicants. Suggestions have been filed by the learned Amicus Curiae and the Ministry of Environment and Forests, besides the Foundation of Indian Minerals Industries (FIMI) regarding the conditions, which would govern grant of T.W.P.

On consideration thereof, the conditions precedent for the grant of T.W.Ps as well as the procedure

for their grant shall be as provided hereinafter. At the outset, it is clarified that T.W.Ps shall be granted only where the following conditions are satisfied.

**PRE-CONDITIONS: --**

- i) T.W.Ps can only be granted for renewal of mining leases, and not where the lease is being granted for the first time to the applicant user agency;
- ii) The mine is not located inside any National Park/Sanctuary notified under Section 18, 26-A or 35 of the Wildlife (Protection) Act, 1972;
- iii) The grant of the T.W.P. would not result in any mining activity within the safety zone around such areas referred to in (ii) above, **(as an interim measure, one kilometre safety zone shall be maintained subject to the orders that may be made in I.A.No.1000 regarding Jamua Ramgarh Sanctuary);**
- iv) The user agency who has broken up the area of the mine (in respect of which the T.W.P. is being sought) has or had the requisite environmental Clearances and at no time prior to the grant of T.W.P. was any mining being carried on by the user agency in relation to the mine in question, in violation of the provisions of the Forest (Conservation) Act. [for short, "F.C. Act"] In cases involving violation of the F.C. Act, a formal decision on merit should be taken under the F.C. Act after considering the gravity of the violation. However, the grant of a T.W.P may be considered where past violations have been regularized by the Ministry of Environment and Forests (for short, "MOEF") by the grant of an approval under the F.C. Act with retrospective effect;
- v) The conditions attached to the approval under the F.C. Act for the grant of the mining leases (or the renewal of the mining lease), have been fulfilled, particularly those in respect of (but not limited to) compensatory afforestation, reclamation plan and over burden dumping on the specified site;
- vi) The user agency has, within the stipulated time, already filed a proposal in conformity with the Forest (Conservation) Rules, 1980, for seeking an approval under the F.C. Act along with the complete details, as are required to be furnished. An application for the grant of the T.W.P. in favour of the user agencies, who have either not filed a proper proposal and/or have not provided complete information, particularly in respect of (but not limited to) compensatory afforestation, phased reclamation plan, felling of trees, details of minerals extracted in the past, etc., should not be entertained.
- vii) A T.W.P. shall be granted only limited to working in the area broken up legally and during the validity of the lease. No T.W.P. can be granted in the respect of, or extending to either unbroken area or the areas which have been broken after the expiry of the mining lease or have been broken in violation of the F.C. Act or any other law for the time being in force;
- viii) **In no circumstances can be duration of a T.W.P. extend beyond the period of one year.** Where an application for grant of permission under the F.C. Act is not disposed of during the currency of T.W.P. the applicant, on the strength of the same **T.W.P. may continue to operate for a period not exceeding three months unless specific orders are obtained from this Court.**
- ix) A valid lease under the M.M.R.D. Act exists (including by way of a deemed extension in terms of Rule 24-A (6) of the Mineral Concession Rules) in respect of the area of the T.W.P.

**3. PROCEDURE FOR GRANT OF CLEARANCE UNDER THE F.C. ACT AND THE ISSUANCE OF T.W.Ps (in relation to renewal of mining leases) :-**

- i) the user agency shall submit, in the first instance, to the **State Government, proposal seeking renewal of the mining leases under the F.C. Act not less than two years prior to the expiry**

**of the mining lease, except the leases which are due to expire before August, 2008, provided applications are made on or before 31<sup>st</sup> October, 2006;**

- ii) on receipt of the proposal within the stipulated time as aforesaid, and upon its examination, where the State Government is of the view that further details (besides the information submitted by the user agency in the prescribed formats) are necessary, the State Government shall give intimation thereof not later than ninety days of the receipt of the proposal;
- iii) the State Government shall forward the proposal together with their recommendations to the Central Government not later than nine months after receipt of the proposal;
- iv) the Central Government shall ordinarily dispose of the application for grant of permission not later than four months of its receipt;

Provided where the Central Government is unable to dispose of the application within four months as aforesaid, it shall record special reasons explaining the delay;

- v) where the application for grant of permission under the F.C. Act is delayed beyond the periods stipulated hereinabove, the user agency may then apply for the grant of a T.W.P. In such cases, the user agency will have the option of applying for a T.W.P. through the State Government in the proformae prescribed by M.O.E.F. with an advance copy both to the M.O.E.F. and the Regional office of the M.O.E.F. Such applications shall be made at any time after the expiry of thirteen months from the date of filing of the proposal with the State Government but not later than nine months prior to the expiry of the existing approval under the F.C. Act. In cases where lease/renewal was granted prior to the enactment of the F.C. Act and the lease period has not expired, the application shall be made at least nine months prior to the expiry of lease period;
  - vi) the proposal seeking the T.W.P. **shall be processed by the State Government and forwarded to the M.O.E.F. within a period of three months, who shall place the proposal before the F.A.C. constituted under Section 3 of the F.C. Act in its next meeting.** The information/details, which have not been filed by the user agency, either in respect of the proposal under the F.C. Act or in the proposal for the T.W.P. shall also be sought by the State Government and made available by the user agency during this period;
  - vii) In the event of failure on the part of the State Government to send its recommendations on the proposal submitted by the user agency for grant of T.W.P. **within the stipulated period, the advance copy of the application, already sent by the user agency to the Central Government, shall be placed before the F.A.C. for its consideration.** The F.A.C. shall provide an opportunity to the State Government and user agency to be heard before giving its recommendations on the merits of the case.
  - viii) If the State Government, for reasons to be recorded in writing, recommends a refusal of the request to grant a T.W.P. and F.A.C. shall, after giving the user agency and the State an opportunity to present their views pass such orders as it thinks fit. The F.A.C. shall be at liberty to evolve a suitable procedure for this purpose;
  - ix) In respect of cases where no **recommendation has been received from the State Government within the stipulated time, the F.A.C. shall, after giving the State an opportunity to be heard, examine the proposal on merit and pass appropriate orders. The F.A.C. should evolve a suitable procedure that shall be fair and reasonable and would ensure adherence with the time schedule;**
  - x) All proposals for grant of F.C. Act clearances and T.W.Ps. in respect of mining leases shall be placed before the F.A.C. Where the F.A.C., by order recommends the grant of a clearance or a
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T.W.P., the M.O.E.F. shall, **within a period of four weeks from the date of such order, issue order for the grant of clearance on the usual terms, including those relating to payment of N.P.V;**

Provided where a T.W.P. is being granted, it shall only be for a period not exceeding one year and upon payment of N.P.V. for the already broken up area;

xi) Decision on grant of T.W.P. shall be taken before the expiry of the mining lease. Decision of the M.O.E.F. on the proposal for diversion of forestland for mining lease under the F.C. Act shall be conveyed to the user agency before the expiry of the T.W.P.

xii) In case the M.O.E.F. disagrees with the recommendations of the F.A.C. it shall record its reasons in writing and communicate the same to the F.A.C., and the F.A.C. may, after considering such reasons, pass such further orders as it thinks fit;

Provided where the Government still disagrees with the order passed by the F.A.C., it may seek appropriate directions from this Court;

xiii) All the orders of the F.A.C. shall be made available to the user agency and the State Government;

xiv) In cases where the recommendations have been made by the F.A.C. without ascertaining the view of the State Government, the T.W.P. shall become effective only after the details made available by the user agency are confirmed by the State Government within a maximum period of one month. In case the information furnished by the user agency is found to be at variance with the factual position, the State Government shall refer the matter back to the M.O.E.F., who may, if so advised, suspend the grant of T.W.P. ;

xv) The T.W.P. shall become effective only after the payment towards the N.P.V. for the already broken up area is deposited by the user agency;

xvi) In cases where site inspection by the Regional C.C.F. is mandatory, the proposal for the T.W.P. shall be examined by the F.A.C. after considering the site inspection report of the Regional C.C.F., the Regional C.C.F. shall ensure that the inspection is completed in such time as may be directed by the F.A.C.; and

xvii) At the time of payment of N.P.V. at the present rate, the user agency shall also give an undertaking to pay the additional N.P.V., if so determined as per the final decision of this Court. Those who are continuing to operate on the strength of the temporary permit under the interim protection granted by this court, would continue, as before, for a period of not exceeding four months. We direct that their cases shall be decided by the F.A.C. within the said period of four months.

The State Government are directed to consider and send their recommendations to the M.O.E.F. forthwith, and not later than six weeks from today, with a view to ensure decision within the stipulated period of four month.

To consider the question of constitution of appropriate F.A.C., adjourned to 25<sup>th</sup> August, 2006.

**F.No.15-26-ROHQ/2004-FC**

**Dated: 14.04.2006**

**Sub:** Removal of already quarried and stacked material / mineral from Mining lease.

Sir/ Madam,

The Ministry has been receiving references regarding removal of already quarried and stacked material / minerals from the mining lease area. It has been brought to the notice of the Ministry that the User Agency are not being able to remove already quarried and stacked material/ mineral

from the mining lease area in respect of which Temporary Working Permission (TWP) granted by the Central Government under the Forest (Conservation) Act, 1980 was withdrawn / became infructuous due to the ban imposed by the Hon'ble Supreme Court of India on grant of TWP vide order Dated 16-09-2005 in IA No 1000 in WP (C) No 202 of 1995.

2. In this connection, I am directed to say that the matter has been examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980 and on the basis of the recommendations of the Committee, it has been decided by the Central Government that *"the State/ Union Territory Governments may be used to provide inventory of already quarried material / mineral lying over -ground, if any, in the mining lease areas, alongwith background of the case, for prior approval of the Central Government for transportation of such mineral outside the mining lease area. Such transportation shall be done by the Forest Department in the project cost. Only those area shall be covered under these guidelines in respect of which Temporary Working Permission was withdrawn or became infructuous in view of the order of the Hon'ble Supreme Court Dated. 16-09-2005 in IA No 1000 in WP (C) No 202 of 1995.*

(Sandeep Kumar)  
Asstt. Inspector General of Forests.

**F. No. 5-3/2007-FC**

**Dated: 16.12.2008**

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – for stipulating the norms for **SURVEY AND INVESTIGATION (PROSPECTING OF ORES)** on forest land.

The Ministry of Environment and Forests, Government of India has been receiving number of representations from various Ministries and the State/UT Governments seeking clarification in respect of norms for Survey and Investigation (Prospecting of Ores) on forest land.

After careful examination of the proposal and on the basis of the recommendations of the Committee of Experts, constituted to revisit the guidelines, and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its approval for replacing the existing provision given under 1.3(v) *under investigation and Survey* of the Handbook of Forest (Conservation) Act, 1980 – Guidelines and Clarifications (upto June, 2004) guidelines with the provision as given below:

\* *"Prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection/removal of samples from the Forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, **in case of metallic ores** – test drilling upto 20-25 boreholes of maximum 4" dia per 10 sq.km. and in case of coal and Lignite (**non-metallic Ores**) – (a) test drilling upto 15 boreholes of maximum 4" dia per 10 sq.km for opencast mining; and (b) test drilling upto 20 boreholes of maximum 4" dia per 10 sq.km for 10 sq.km for under-ground mining for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases, involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required"*

(C.D. Singh)  
Sr. Assistant Inspector General of Forests

\* **Revised vide GOI, MoEF F.No-5-3/2007-FC Dated: 19.08.10**



F.No.5-3/2007-FC

Dated: 19.08.2010

**Sub:-** Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 – for stipulating **the norms for Survey and Investigation (Prospecting of ores)** on forest land.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving number of representations from various Ministries and the State / UT Governments seeking clarification in respect of norms for Survey and Investigation (prospecting of ores) on forest land. The Ministry of Mines requested for special dispensation in the form of exemption under the provisions of guidelines 1.3(v) of the handbook of Forest (Conservation) Act, 1980 to the Geological Survey of India (GSI) on the plea that GSI's activities are of general survey nature, to be done systematically all over the country, for locating mineralization for better land use planning.

The matter was referred to the Forest Advisory Committee, which listened to the presentations made by the representatives of Ministry of Mines, Ministry of Coal, GSI, Indian Bureau of Mines (IBM) & Mineral Exploration Corporation Limited (MECL) highlighting their role in prospecting of mineral resources and their requirement and noted the different requirements of different organizations. The suggested modification in the guidelines by the Ministry of Mines for allowing Geo-scientific investigation by GSI and other Government agencies for prospecting exploration (G3) under prospecting license, which may involve shallow pitting, trenching and sampling, including collection of samples of rock, soil, fossils, water, stream sediment, etc. without attracting the provisions of the Forest (Conservation) Act, 1980 provided there is no felling of trees.

After careful examination of the proposal and on the basis of the recommendations of the Experts and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its approval for replacing the existing provision given under 1.3(v) under Investigation and Survey of the Handbook of Forest (Conservation) Act, 1980 – Guidelines and Clarifications (upto June 2004) guideline 3s (circulated vide this ministry's letter of even number Dated 16<sup>th</sup> December 2008) with the provision as given below:

*“Prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, **in case of Coal, lignite and metallic ores** – test drilling up to 20 boreholes of maximum 8” dia per 10 sq Km and **in case of non-metallic Ores excluding coal & lignite** – test drilling up to 16 boreholes of maximum 6.6” dia per 10 sq.km for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required”.*

(C.D. Singh)

Sr. Assistant Inspector General of Forests

F. No. 11-9/1998-FC

Dated:03.05.2010

**Sub:** Diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980 – Guidelines for **‘Transfer of Lease’** from one user agency to another user agency – regarding.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations



from various project proponents / individuals through different State / UT Governments seeking directions / guidelines of the Central Government on transfer of leases **particularly mining leases**, with respect to area limit, cases of death or inheritance of individual incumbent / liquidation of companies, etc. The questions have been raised about imposition of transaction / transfer fee for such transfers of leases.

In this connection, it is submitted that similar matter was taken up in the Forest Advisory Committee (FAC) on 17.09.2009 and the FAC recommended that transfer of leases, being an administrative issue need not be brought before the FAC, and the Administrative Ministry may take a decision in this regard. Accordingly the matter was analyzed in the Ministry and it was noted that any diversion of forest land is for a specific purpose for a specific applicant / user. However, transfer can be considered for the same purpose and under the same conditions.

In view of the above, I am directed to convey the approval of the Central Government to levy **10% Net Present Value (NPV) or Rs. 1,00,000/- whichever is less**, as transfer fee to discourage middle man from processing proposals and then selling it to others under the provisions of the Forest (Conservation) Act, 1980. This, however, is not applicable in case of Wind Power Generation, which involves large number of transferees.

This is issued with the approval of competent authority.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

**F. No. 11-9/1998-FC**

**Dated: 04.01.2011**

**Sub:** Diversion of large area of forest land for **mining** and other non-forestry purposes under the Forest (Conservation) Act, 1980 – **Stipulation of additional conditions.**

Sir,

I am directed to say that with a view to facilitate employment of the local resident to the maximum extent possible, this Ministry while according prior approval of the Central Government under the Forest (Conservation) Act, 1980, for diversion of large forest areas for mining and other non-forestry purposes, has recently started to stipulate that the user agencies may explore feasibility to set up Vocational Training Institutes at appropriate locations in vicinity of the forest land being diverted Pending adequate support for the useful & productive livelihoods of the project-affected persons is all the more important as the floating population would tend to settle on forest areas if not provided proper skill, employment and living premises.

Keeping in view the willing acceptance and positive feedback received from various quarters on the said condition, which presently is stipulated on case to case basis, as an advisory, the Central Government has decided that the all the fresh approvals under the Forest (Conservation) Act, 1980, to the **proposals seeking diversion of more than 500 Ha forest land** and the proposals involving displacement of more than 1,000 persons irrespective of the forest land being diverted, in each case, will be subject to the following additional conditions:

- (i) The user agency shall establish and operate a Vocational Training Institute having capacity to impart training in at-least five disciplines, to be decided by the State Government concerned in consultation with the user agency, for the benefits of the eligible unemployed youth in the project affected villages. The user agency should also endeavor to employ such trained manpower in their own industry or any other appropriate industry, preferably located in vicinity of the forest

land being diverted; and

- (ii) The user agency shall set up an independent **Social Welfare Department / Division** and follow the subsequent condition of the project-affected and the project-displaced persons in such a way as to understand their socio-economic conditions before and after the project and take such corrective measures as are necessary to restore them to their original or better-than-original condition.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.No.11-168/2009-FC (pt.)

Dated: 02.02.2012

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980 – **Submission of mining plans.**

Sir,

I am directed to say that a Group of Ministers constituted by the Cabinet Secretariat vide their OM No.121/4/3/2010-Cab. Dated 3.2.2011 to consider the environmental and developmental issues relating to coal mining and other development projects, in its fifth meeting held under the Chairmanship of Hon'ble Finance Minister on 20<sup>th</sup> September, 2011 *inter-alia* accepted the following recommendations made by a Committee constituted under the Chairmanship of Shri B.K.Chaturvedi, Member (Energy), Planning Commission:

1. Project proponent should submit time bound plan indicating Scientific Sequential Mining, back filling and afforestation in mined out areas. The mining permission has to be for phased mining operations initiating afforestation work in the first phase while mining starts in second phase. This will ensure demonstration of sincerity of the projects proponent on the above commitments.
2. If phased mining operations are conducted, afforestation should start from 5<sup>th</sup> to 7<sup>th</sup> year. Phased mining operations should be completed with a strong monitoring by third party whose reports should be published every year and put up on the website.

Accordingly, I am directed to say that para 2.2(vii) 4 of the guidelines issued by this Ministry for implementation of the Forests (Conservation) Act, 1980, which reads as “4. Mining Plan. Ministry of Environment and Forests is receiving a large number of proposals for grant of renewal of mining leases. In order to take holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal along with map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet” shall read as below:

#### **4. Mining Plan**

Ministry of Environment and Forests is receiving a large number of proposals for grant of renewal of mining leases. In order to take holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur in case of minerals other than Coal and lignite and by CMPDI, Ranchi in case of coal should be enclosed with the proposal along with map of forest area on printed original copy of Survey of India topo sheet 1:50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet.

Mining plan *inter-alia* shall indicate scientific mining, back filling and afforestation in mined out areas along with annual plan/map indicating afforestation in mined out area.”

(H.C. Chaudhary)

Assistant Inspector General of Forests

F. No. 8-25/2010-FC

Dated: 12.07.2012

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

Sir,

I am directed to refer to the Para 4.7 (i) of the guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980, which reads as below:

***“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.”***

The Ministry of Environment and Forests after review of the said guideline decided that the para 4.7(i) of the said guideline should read as below:

***“Approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency. However, forest area required for safety zone 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.”***

(H.C. Chaudhary)

Assistant Inspector General of Forests

F.No.11-362/2012-FC

Dated: 01.02.2013

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980 – Submission of proposals to obtain approval for diversion of **entire forest land located within the mining lease** and grant of **Environment Clearance to mining projects**.

Sir,

It has been observed that the Central Government is receiving proposals from various State/ Union Territory Governments to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for diversion of a part of the forest land located within the mining leases. The Central Government after examination of the matter observed that no forest land can be leased/assigned without first obtaining the approval under the FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining lease approved under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Both necessarily have to be the same.

The issue has been examined in its entirety in considerable depth by this Ministry and after careful considerations; this Ministry hereby takes the following decisions:

- i) Henceforth, in case of mining leases having forest land in part or in full, approval under the FC Act for diversion of entire forest land located within the mining **shall be obtained before execution/renewal of the lease** under the MMDR Act. Applications seeking prior approval

under FC Act for diversion of the entire forest land (and not a portion thereof) located within the area proposed to be assigned on lease shall only be accepted by the Nodal Officers in the concerned State/Union Territory Governments.

- ii) All State/UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government. The State Governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after **two years** will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area.
- iii) As regards **Environment Clearance (EC) cases** of existing mining operations, where approval under the FC Act for the full forest area in the mining lease area is not available, granting of EC may be considered and the following process will be adopted for processing such cases:
  - a) Grant of EC may be considered only for the non-forest area plus the forest area within the mining lease for which FC is available. No mining activities will be allowed in the forest area for which the FC is not available, and
  - b) The project proponent will seek and obtain approval under the FC Act for diversion of the entire forest land located within the mining lease within a period of two years from the date of issue of these guidelines, failing which the mining lease area will be reduced to the non forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In the case of reduction in mine lease area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and enter into a new mining lease as per reduced lease area. The EC will be construed to be available for the mining lease area as per the revised mining lease deed.

This issues with the approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F. No. 11-285/2011-FC

Dated: 05.11.2013

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Simplified procedure for grant of approval in certain cases of renewal of mining leases.

Ref: GOI, New Delhi, F. No.11-285/2011-FC, Dated: 05.11.2013.

Sir,

This Ministry has been receiving representations to stipulate simplified procedure for grant of approval under the Forest (Conservation) Act, 1980 (FC Act) for renewal of mining leases. After careful examination of the matter the following has been observed:

- (i) Ideally a lessee should seek and obtain approval under the FC Act for diversion of entire forest land located within a mining lease at the time of its renewal. However, it has been observed that in many mines, approval under the FC Act for diversion of forest land has

been sought in a piece-meal manner. Lessees in such cases continued to undertake mining in non-forest land or non-forest land plus a part of the forest land for which approval under the FC Act has been obtained.

- (ii) With increased awareness and strict enforcement by Central and State / Union Territory Governments and various Courts of Law, lessees of these mines submitted Ministry vide letter No. 11-362/2012 FC Dated 1st February 2013 has also directed the State/ UT Governments to ensure that approval under the FC Act for diversion of entire forest land located within a mining lease shall be obtained within two years (i.e., on or before 31.01.2013).
- (iii) In some of the mining leases, where this Ministry after critical examination of the status of reclamation and surrender of the mined out forest land and ensuring compliance with all existing statues and guidelines, as applicable to such proposals, accorded in-principle approval not long ago-before expiry of the mining leases, validity of the mining lease has expired before grant of final approval for diversion of forest land.
- (iv) In such cases adherence to existing procedure involving examination of proposal at several levels in the State / Union Territory and Central Governments to obtain prior approval of Central Government under the FC Act for renewal of mining lease is not likely to serve any useful purpose as no new facts, significantly different from those observed during examination of the previous proposal, not long ago, are likely to emerge from processing of de-novo proposals.

After careful examination of the matter it has therefore, been decided that in cases, where before submission of a report on compliance to conditions stipulated in the in-principle approval by the concerned State / Union Territory Government within the stipulated period of five years from the date of grant of in-principle approval, and grant of final approval by the Central Government, validity of mining expires, instead of submission of a de-novo proposal to obtain approval of Central Government under the FC Act, for such forest land, for renewal of mining lease, the State/ UT Governments while submitting report on compliance to conditions stipulated in the in-principle approval may seek approval of Central Government under the FC Act for diversion of such forest land for (i) original period of the mining lease for which in-principle approval has already been accorded by the Central Government; and also for (ii) renewal of mining lease for a period as specified by the State / Union Territory Government, not exceeding twenty years. Report on compliance to a statute(s), circular(s), circular(s) or directive(s), as applicable to such proposals, which came into force after grant of in-principle approval, if any, shall also be submitted to the Central Government along with the report on compliance to conditions stipulated in the in-principle approval.

In such cases, a part from grant of final approval under the FC Act for diversion of such forest land for original period of mining lease, the Central Government, shall, after considering advice of the Forest Advisory Committee or the State Advisory Group, as the case may be, and after such further enquiry as it may consider necessary, grant approval to the proposal of the State / UT Government for renewal of mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions or reject the same.

H.C.Chaudhary  
Asst. Inspector General of Forests

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Tusser Cultivation



## APPENDIX- 19

F.NO. 2-1/2003-FC (Pt.III)

Dated: 07.06.2004

**Subject: Guidelines for diversion of forest land for non- forest purposes under Forest (Conservation) Act, 1980 – Revised guidelines for TUSSER CULTIVATION (*Vanya Silk Cultivation*).**

Sir,

I would like to draw your attention towards the National Forest Policy, 1988 which recognizes that the holders of the customary rights and concessions in forest area should be motivated to identify themselves with the protection and development of forests from which they derive their livelihood. The rights and concessions from forests should primarily be for the bonafide use of the communities living in and around forest areas, especially tribals.

The National Forest Policy also recognizes that the symbiotic relationship between tribal people and forests is essential for sustainable forest management. It emphasizes that the primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to them.

Tusser culture is a way of life for many tribal families and forest dwellers particularly in Central and Eastern India. Therefore, silk cultivation in forest areas which can be termed as “Vanya Silk Cultivation” with active participation of local communities could be one such area which can earn benefit for them and help conservation and protection of forests by reducing their dependency on forests. The silk cultivation has got tremendous potential for contributing to the economy of the forest dependent communities. It is estimated that at least one family can earn upto Rs. 13,000/- per annum through cultivation of silk.

The issue of cultivation of silk worm in forest areas was examined in detail in the Ministry of Environment & Forests in consultation with various State/UT Governments and Ministry of Textiles, Government of India. After careful consideration in the interest of forest conservation and protection, the Central Government hereby, issues following guidelines for *Vanya Silk Cultivation* under Forest (Conservation) Act, 1980:

1. The State/UT Forest Departments shall encourage silk cultivation in forest areas by tribals and non-tribals who live in and around the forests and are dependent on such forests for their livelihood. However, priority shall be given to the tribals and to those who enjoy traditional rights on such forests.
2. The State/UT Forest Departments shall permit such activities in already identified naturally grown forest areas for silk cultivation and the plantations raised for the purpose thereof in coordination with the State/UT Sericulture Department and Central Silk Board.
3. Central Silk Board and the State/UT Sericulture Department shall ensure training of the growers involved in silk cultivation prior to taking up such activities in forest areas.
4. Cultivation of trees on which Vanya Silk or silk worms of Tusser, Oak Tusser, Muga, Eri and Frithi could be reared by tribals and non-tribals living in and around the forest areas for their livelihood without undertaking monoculture plantations shall be treated as forestry activity. Therefore, no prior permission of the Central Government under Forest (Conservation) Act,

1980 is required. The concerned Divisional Forest Officer/Deputy Conservator of Forests shall however, maintain the record of such activities and people involved in it.

5. The State/UT Sericulture Department or Central Silk Board shall issue the pass books to each silk worm grower.
6. Vanya silk cultivation in forest areas for which specific plantation of food trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity. This will not require prior approval of the Central Government under Forest (Conservation) Act, 1980 provided such plantation activities do not involve any felling of trees; provided further that while undertaking such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.
7. Vanya silk cultivation shall be allowed on following tree species as host trees:

Sl..No.	Scientific Name	Local Name/Common Name
	<b><u>For Tusser:</u></b>	
(i)	<i>Terminalia arjuna</i>	Arjun
(ii)	<i>Terminalia tomentosa</i>	Asan
(iii)	<i>Shorea robusta</i>	Sal
(iv)	<i>Lagerstroemia indica</i>	Saoni
(v)	<i>Lagerstroemia parviflora</i>	Sidha
(vi)	<i>Syzygium cumini</i>	Jamun
(vii)	<i>Zizyphus mauritiana</i>	Ber
	<b><u>For Oak Tusser (Temperate Tusser):</u></b>	
(viii)	<i>Quercus serrata</i>	Phanat
(ix)	<i>Quercus seniserrata</i>	Phanat
(x)	<i>Quercus dealbata</i>	Uyung
(xi)	<i>Quercus semicarpifolia</i>	Phanat
(xii)	<i>Quercus leucotricophora</i>	Phanat
(xiii)	<i>AQuercus glauca</i>	Phanat
(xiv)	<i>Quercus himalayana</i>	Phanat
	<b><u>For Muga:</u></b>	
(xv)	<i>Machilus bombycina</i> ( <i>Persea bombycina</i> )	Som
(xvi)	<i>Litsea polyantha</i> ( <i>L. monoptela</i> )	Soalu
	<b><u>For Eri:</u></b>	
(xvii)	<i>Heteropanax fragrans</i>	Kesseru
(xviii)	<i>Evodia fraxinifolia</i>	Payam
(xix)	<i>Ailanthus altissima</i>	Barkesseru
(xx)	<i>Ailanthus grandis</i>	Gulancha
(xxi)	<i>Other Ailanthus species</i>	Maharukh, Bhotera

8. This activity could also be introduced on degraded forest lands under Joint Forest Management, especially in tribal areas through tribal cooperative societies with proper investment from public

or private sources for raising a mixture of indigenous species including tree species suitable for silk cultivation as given in list mentioned in para 6 above. For this purpose, a Micro-plan shall be prepared jointly by the State/UT Forest Department, village communities, State/UT Sericulture Department and the Central Silk Board.

9. In order to ensure that the silk cultivation is within the carrying capacity of the forests, the concerned Divisional Forest Officer shall issue the permit based on the recommendations, which shall involve technical parameters evolved by the State/UT Sericulture Department and Central Silk Board for rearing of silk worms.
10. To preserve the ecology of a particular forest area, no exotic silk worm or any hybrid variety developed by using exotic genome, shall be introduced in forest areas.
11. This activity shall not be permitted in National Park, Sanctuaries or Biosphere Reserves.
12. Biannual monitoring of the forest areas under silk cultivation shall be done by a team comprising of the concerned Divisional Forest Officer, Director (Sericulture Department) and the officials of Central Silk Board in order to ensure prevention of any epidemic in forest areas as well as proper handling of trees by the growers. The monitoring report shall be submitted to the concerned Regional Office of Ministry of Environment & Forests.

The States/UTs should follow these guidelines while considering proposals for diversion of forest lands for Vanya Silk Cultivation on forest lands.

This issues with the approval of the competent authority.

**(ANURAG BAJPAI)**  
**Asstt. Inspector General of Forests**

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Catchment area treatment  
plan

F.No.8-227/87-FC

Dated: 15.6.2004

**CATCHMENT AREA TREATMENT (CAT) PLAN**

Sir,

**Sub:** Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – Preparation and implementation of **Catchment Area Treatment (CAT) Plan** – Reg.

The Ministry of Environment & Forests has been stipulated the condition of preparation and implementation of Catchment Area Treatment Plan in cases related to diversion of forest land for medium and major irrigation projects and for hydroelectric power projects. The Catchment Area Treatment Plan is an essential document as it portrays the ecological health of the catchment area and various soil & moisture conservation and watershed management programmes required to arrest soil erosion, to improve free drainage in the area and to rejuvenate the degraded eco system in the catchment. However, it has been observed that the Catchment Area Treatment Plan have not made significant impact on the ecology of the area, at many places as it is not focused on site specific treatment. It is therefore, suggested that while formulating the Catchment Area Treatment Plan following aspects should also be considered.

1. In the dense forest area major concentration should be on soil & Water Conservation including water harvesting for which various water harvesting structures like check dams, gully plugging, gabion dams, contour trenches and vegetative structures should be made.
2. In the open forest besides taking up soil & water conservation measures plantation of local indigenous tree and shrub species should be done. In higher altitudes Devdar can be planted but plantation of Chir should be avoided.
3. A lot of pressure of the cattle is on revenue forest/civil soyam forest and these forest form an important component of the catchment. The CAT plan should therefore, include a component of fodder development on the civil soyam forest or on revenue/private lands in order to meet the requirement of fodder/small timber/firewood and in turn reduce pressure on Reserve Forest.
4. Plantation of rare/medicinal species should also be taken up.
5. The CAT plan should invariably have a component for socio-economic component like supply of gas connection to the project affected families. This component should be implemented through Van Panchayats or Joint Forest Management Committees.
6. The infrastructure component like construction of buildings, vehicles, salaries of staff etc, should constitute a very small percentage of the CAT plan as the main emphasis is on soil & water conservation and ecological improvement of the area.

Wherever development/procurement of infrastructure is required it should be site specific and should be supported by proper justification.

7. It is very essential that proper and regular monitoring be carried out for effective implementation of the CAT plan. The Chief Project Officer of the user agency must associated in implementation as well as monitoring of the progress of CAT plan. The monitoring on monthly basis should be done by the concerned conservator of Forests where respective DFO and representative of user agency should participate. Monitoring on quarterly basis should be carried out by a committee of the following officials.

Committee for monitoring of the CAT plan:

PCCF	Chairman
Secretary (Agri) or his representative	Member
Secretary (Animal Husbandry) or his representative	Member
Project Officer – User Agency	Member
Respective Conservator of Forests	Member
Nodal Officer	Member Secretary

(PANKAJ ASTHANA)  
Asstt. Inspector General of Forests

F.No.11-54/2012-FC

Dated 09.11.2012

**Sub:** Guidelines issued under the Forest (Conservation) Act, 1980- Realization of amount required for **implementation of CAT Plan** in more than one installment for small Hydel projects having installed capacity less than 25 MW

Sir,

The Government of India have been receiving representations for receiving amount required for implementation of Catchment Area Treatment (CAT) Plan in more than one installment for small Hydel projects.

The matter has been examined in the Ministry, and after careful consideration, the Central Government hereby decides that the amount required for implementation of the Catchment Area Treatment (CAT) plan for Hydel project having installed capacity less than 25 MW may be realized in more than one installment, subject to fulfillment of the following conditions:

- (i) It shall be applicable only to the small Hydel projects having installed capacity less than 25 MW;
- (ii) The last installment shall be realized at least six months prior to commission of the project; and
- (iii) State Government shall submit an undertaking that the annual installment of funds realized from the User Agency for implementation of the CAT plan shall be transferred to Ad-hoc CAMPA within fifteen days from its receipt.

This issues with the approval of the competent authority.

(HC Chaudhary)  
Assistant Inspector General of Forests

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Traditional rights of tribals  
on forest lands

F. No. 2-3/2004-FC (Pt-II)

Dated: 21.12.2004

**Sub: Traditional rights of tribals on forest lands – DISCONTINUANCE OF EVICTION OF TRIBALS thereof.**

Sir,

All over the world, forestry, as a land-use, has survived on the concept of sustained yield which was ensured by creating compatible legal systems. In India, consolidation of forest laws started during the British period with the inception of the Indian Forest Department in 1864 and scientific management of forests was introduced for planned and systematic management of the forests. The British government enacted the first law on forests in 1865. To consolidate the law relating to forests, the transit of forest produce and other related matters, the Indian Forest Act was enacted in 1927. According to the Indian Forest Act, 1927, the Government can constitute any forest land or waste land which is the property of Government or over which the Government has proprietary rights, a reserved forest, by issuing a notification to this effect. Commercial interests of the then British Government motivated it to declare more and more lands as reserved forests, without ascertaining the rights of the tribals and other forest dwellers.

Even after independence in 1947, during the process of amalgamation of princely states, the activity of consolidation of government forests continued. The State Governments / UT Administrations proclaimed the lands of ex-princely states and the zamindar-lands as Reserved Forests. However, no effective steps were taken to simultaneously settle the rights of tribals and other forests dwellers. Absence of records of rights which never existed for these people, became the main constraint in resolving this issue. As a result, the rural people, especially tribals and forest dwellers who have been living in the forest since time immemorial, have come to be erroneously looked upon as encroachers of forest lands.

The burning human problem of non-recognition of tribal rights over land with its origin in faulty implementation of legal provisions in pre-independent India, and the same remaining unresolved even after independence, has continued to attract public attention. Having acknowledged the gravity of the problem the Government has been contemplating ways and means to address it. Consequently, for the first time, the guidelines under the Forest (Conservation) Act, 1980, showed the way for legal solutions to the long pending unresolved problem of settlement of rights of the tribals and other forest-dwellers living on the forest lands since time immemorial.

Side by side, recognition of the concept of sustainable forest management through participatory approach, in the National Forest Policy, 1988, brought to the fore mutual interdependence of forests and people. Unlike the 1952 Forest Policy which centered around production and commercial forestry, the 1988 Policy gives due regard to the traditional rights of the tribal people on forest land. While recognizing the symbiotic relationship between the tribal people and forests, it also safeguards the customary rights and interests of the tribal people and forest dwellers on forest lands.

To fulfill the commitments as enshrined in the national forest Policy, 1988, in respect of settlement of people's rights, especially rights of tribals and forest dwellers, over forest lands in a regulated manner, the Central Government on 18 September 1990 issued guidelines for settlement of disputed claims of tribals, which were reiterated on 30-10-2002, requesting State/UT Governments to consider the settlement of disputed claims of tribals over forest lands and to set up Commission / Committees at the district levels involving the Revenue, Forest and Tribal Welfare Departments

for the settlement of disputed claims of tribals and forest dwellers. The State Governments/ UT Administrations were also requested to submit proposals in this regard to enable the Central Government to take a final decision in the matter in a time-bound manner. However, the State/UT Governments could not implement the guidelines effectively and the issue remained unresolved.

The situation of the tribals became more vulnerable when, in pursuance of the Hon'ble Supreme Court order Dated 23-11-2001 in IA No. 703 in IA No. 502 in Writ Petition (C) No. 202 of 1995, the Central Government instructed all the State/UT Governments on 3 May 2002 to evict the ineligible encroachers and all post-1980 encroachers from forest lands in a time bound manner. Consequent follow up action by the State / UT Governments for evicting the ineligible encroachers brought more intensely to the forefront, the issue of the disputed claims and rights of the genuine tribals and forest dwellers. They could not be distinguished from encroachers, and were proceeded against. This generated much consternation. Various organizations took up the case of such tribals and forest dwellers whose disputed claims had not been enquired into, and who were being proceeded against and evicted. This prompted the Central Government to issue a clarification on 30-10-2002 to the effect that there is no change in the policy of the Ministry with regard to regularization of pre-1980 eligible encroachments, and the commitment with reference to forest-tribal interface on the disputed settlement claims remained valid.

The Central Government in its continuous bid to settle the disputed claims of the tribals and the forest dwellers, and to legitimize their traditional rights over forest lands, of subsistence agriculture, and trade in MFP issued supplementary Guidelines on 5-2-2004 to encourage the State Governments / UT Administrations to take up the matter of settlement of rights of tribals and forest dwellers in the right earnest and perspective. However, before action could start on these guidelines, their operation was stayed by the Apex Court ex-parte on 23-2-2004. Central Government has moved an application before the Apex Court for vacation of the order.

After a critical examination of the issue of settlement of claims over forest lands and eviction of ineligible encroachers of forest lands, what emerges is that the State/UT Governments were not able to distinguish between the encroachers, and the original tribals and other forest dwellers living on forest lands since time immemorial.

The Central Government is convinced that the difficulty in distinguishing between genuine tribals/ forests dwellers and ineligible encroachers by the State Governments / UT Administrations is the main cause of the problems of tribals. Therefore, some kind of interim measures are necessary to safeguard the interests of the tribals and forest dwellers who have been living in forests since long, and whose disputed claims are yet to be settled.

In view of the above, and without prejudice to Supreme Court's order Dated 23-11-2001 and 23-2-2004, it has been found appropriate to request the State/UT Governments, that as an interim measure, they should not resort to eviction of tribal people and forest dwellers other than ineligible encroachers, till the complete survey is done for the recognition of such people and their rights, after setting up of District level Committees involving a Deputy Collector, a Sub-Divisional Forest Officer, and a representative of Tribal Welfare Department, by the State/UT Governments as reiterated in guidelines Dated 18-09-1990 and 30-10-2002 of the Central Government. The State/UT Governments are advised to exclude such tribals/ forest dwellers, other than ineligible encroachers, from the eviction drives. Simultaneously, it is also clarified here that this interim measure does not stop State/UT Governments from evicting the ineligible encroachers from forest lands.

Suitable instructions may be issued to forest functionaries at all levels to keep the aforesaid in view while dealing with eviction of ineligible encroachments from forest lands.

(N.K. Joshi)

Copy to:

1. The PMO (Attn. Shri. K.V. Pratap, Deputy Secretary)
2. Officer on Special Duty (Attn. Shri. Dhiraj Srivastava), National Advisory Council, 2, Motilal Nehru Place, New Delhi.
3. Secretary, Ministry of Tribal Affairs, Government of India.
4. All PCCF's/Nodal officres (All States/UT's).
5. All Regional Offices, Ministry of Environment and Forests.
6. Director (FC)
7. AIG's (FC)
8. Guard file.

**F.No.11-9/1998-FC**

**Dated 9/10.6.2005**

Sub: **Rights of the forest dependent rural poor** including **tribals** recognized under Indian Forest Act, 1927, **to collect stones/slates/boulders etc. for bonafide use** from forests.

Sir,

Ministry of Environment and Forests has received representations that the rural poor are unable to enjoy their rights of collection of stones/slates/boulders etc. from forest areas for their bonafide use due to the provisions of Forest (Conservation) Act, 1980, though they have enjoyed this right in the past. The matter was examined by the Ministry of Environment & Forests in depth. Ministry observed that although the provisions of Forest (Conservation) Act, 1980 are not the real hurdle, yet a confusion is prevailing in various quarters on this issue and therefore found it appropriate to clarify that the enjoyment of these rights should not be hampered and this will motivate the people including tribals for protection of forests and participation in various Government schemes for development of forestry. After holistic examination of the issue and to provide better living conditions to the rural poor people, which is our constitutional requirement as well, and for the convergence of the provisions of the Indian Forest Act, 1927 and Forest (Conservation) Act, 1980 for their better implementation, the Central Government hereby grants general approval to the State / UT Governments under section 2 of Forest (Conservation) Act, 1980 to permit the right holders to collect the stones/slates boulders etc. from forest areas for their bonafide use subject to fulfillment of following conditions:

- (i) The enjoyment of rights shall be restricted for bonafide domestic use, within the limits of the Gram Panchayats of the right holders.
- (ii) The stones/slates/boulders etc. will be collected only from the area where the rights of right holder are recognized.
- (iii) The rights will be limited to the extent permitted under the provisions of Indian Forest Act, 1927 of State Forest Act.
- (iv) Under no circumstances, the general approval given shall be used for commercial purposes.

**(Anurag Bajpai)**

**Asstt. Inspector General of Forests**

F.No.2-3/2004-FC

Dated 12.05.2005

**Sub: Traditional rights of tribals on forest lands –DISCONTINUANCE OF EVICTION OF TRIBALS –clarification thereof.**

Sir,

In continuation of this Ministry's letter vide No. 2-3/2004- FC (Pt.II) Dated 21.12.2004 on the above mentioned subject, I am directed to clarify following points:

- 1- The cut –off date for settlement of land rights including regularization of encroachments, on forest land shall be 25.10.1980, i.e. the date of enactment of Forest (Conservation) Act, 1980, as indicated in the guidelines issued on 18<sup>th</sup> September 1990.
- 2- 'Forest dwellers' means any individual who inhabits the forestlands.
- 3- 'Forest dwellers' including tribals, who are in continuous possession of forestland at least from prior to 25.10.1980 i.e. the date of enactment of Forest (Conservation) Act, 1980, shall be eligible to be considered for settlement of land right including regularization of encroachment of forest land, irrespective of the fact that the State Government has taken a prior decision or not for such regularization.
- 4- Forest dwellers including tribals, who have occupied forestland on or after 25.10.1980, shall be in-eligible for settlement of land right including regularization of encroachment on forest land.
- 5- It is clarified that the State / UT Government shall not resort to eviction of forest dwellers including tribals other than in-eligible encroachers, till the complete verification is done for the recognition of such people and their rights on forest lands. Further, no forest dwellers including tribal, can be declared 'ineligible' without such determination following prescribed due process of verification.
- 6- The State / UT Governments should adopt a transparent procedure for pro-active verification within the framework of guidelines issued on 18.9.1990 under Forest (Conservation) Act, 1980 and the directives issued vide letter Dated 21.12.2004.
- 7- For eviction of the encroachers, the State / UT Governments should follow the procedure prescribed in law, and it should be done in humane manner.
- 8- The State / UT Governments may also look into the feasibility to adopt a common policy for providing alternate sustainable livelihood options in respect of people evicted from Revenue lands, Municipal lands and Forestlands.

This issues with the approval of Minister of Environment and Forests.

(Anurag Bajpai)

Asstt. Inspector General of Forests.

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Disposal of Trees standing on  
forest lands diverted for  
non-forestry purposes



F.No.5-1/98 FC(Pt.II)

Dated: 29.03.2005

**Sub: DISPOSAL OF THE TREES STANDING ON THE FOREST LAND DIVERTED FOR NONFORESTRY USE** under the Forest (Conservation) Act, 1980 – Clarification – Regarding.

Sir,

With reference to the subject mentioned above, kindly refer to your letter No. 795(870) FCA/FEWMD Dated 05.01.2005 seeking clarification regarding disposal of the trees standing on the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980. The matter has been considered holistically, and I am directed to furnish following opinion of the Ministry in this regard –

S. No.	Category of Land/forests	Operational Works (felling of trees, dragging of timber etc)*	Disposal of timber and sale proceeds
1.	Notified Forests	<ul style="list-style-type: none"> <li>Operational cost to be deposited by the User Agency directly in the name of the concerned Divisional Forest Officer or the Nodal Officer.</li> <li>Such operation shall be carried out by the State Forest Department.</li> </ul>	<ul style="list-style-type: none"> <li>Timber shall be disposed of by the State Forest Department in the manner as deemed fit by it and the sale proceeds shall also accrue to the department.</li> </ul>
2.	Forests/Plantations notified as protected forests on the lands owned by Govt. Departments (other than Forest Department)	<ul style="list-style-type: none"> <li>The User Agency shall be responsible for the operation at the project cost under supervision of the land owning Govt. Department, or</li> <li>According to any other arrangement reached between the User Agency and the land owning Govt. Department.</li> </ul>	<ul style="list-style-type: none"> <li>Timber shall be disposed of by the land owning Govt. Department in consultation with the State Forest Deptt., and the sale proceeds shall also accrue to the land owning department, or</li> <li>According to any other arrangement reached between the User Agency and the land owning Govt. Department in consultation with the State Forest Department.</li> </ul>
3.	Government land other than Notified Forests		
4.	Private land	<ul style="list-style-type: none"> <li>The User Agency shall be responsible for the operation at the project cost under supervision of the land owner, or</li> <li>According to any other arrangement reached between the User Agency and the land owner.</li> </ul>	<ul style="list-style-type: none"> <li>Timber shall be disposed of by the land owner in consultation with the State Forest Deptt., and the sale proceeds shall also accrue to him, or</li> <li>According to any other arrangement reached between the User Agency and the land owner in consultation with the State Forest Department.</li> </ul>

\*In all cases, felling and transit regulation framed/adopted by the concerned State/UT Government shall apply.

(Sandeep Kumar)  
Assistant Inspector General of Forests

**F.No.5-1/98 FC(Pt.II)**

**Dated:11.12.2008**

**Sub: Clarification on payment towards cutting, felling, logging and transportation charges of project affected trees in addition to Compensatory Afforestation (CA), and Net Present Value (NPV) under the Forest (Conservation) Act, 1980.**

Sir,

I am directed to refer to various communications received from different State/ UT Governments and different User / Project Implementing Agencies on the subject cited above seeking clarifications on payment towards cutting, felling, logging and transportation charges of tree to the State Forest Departments in addition to Compensatory Afforestation (CA) and Net Present Value (NPV).

In this connection, I am directed to say that the matter has been examined in the Ministry in terms of various orders of Hon'ble Supreme Court of India and other relevant Acts/ Rules/ Guidelines on the subject including the Hon'ble Supreme Court's judgment Dated.28.03.2008 and to inform that the User / Project Implementing Agencies are not required to pay the cost of trees to the State Forest Departments but are required to make payment towards cutting, felling, logging and transportation charges of project affected trees to the State Forest Departments in addition to Compensatory Afforestation (CA) and Net Present Value (NPV). The guidelines issued vide our letter no.5-1/98-FC(Pt-II) Dated.29.03.2005 (copy enclosed) are relevant and in force. These contain detailed procedure in this regard.

It is also requested to bring this to the knowledge of all concerned.

(C.D. Singh)  
Sr. Assistant Inspector General of Forests

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Implementation of recognition  
of rights of tribals and traditional  
forest dwellers act

F.No.2-3/2004-FC

Dated:03.11.2005

**Sub: Guidelines for diversion of forest land for non - forest purposes under the Forest (Conservation) Act, 1980 – VERIFICATION / RECOGNITION OF RIGHTS OF TRIBALS AND FOREST DWELLERS ON FOREST LAND.**

Sir,

State/Union Territory (UT) Governments are aware that this Ministry has issued detailed guidelines on 18<sup>th</sup> September 1990 to address contentious issues related to forest-tribal interface namely (i) settlement of disputed claims arising out of defective forest settlement; (ii) cases of pattas, leases, grants involving forest land; (iii) conversion of forest villages into revenue villages and settlement of other old habitations; and (iv) regularization of encroachment on forest land. These guidelines had provided for a three-member committee consisting of an official each from Revenue, Tribal welfare and Forest Department to verify the rights/claims of tribals and other forest dwellers covered under the above guidelines.

2. The guidelines of 18<sup>th</sup> September 1990 mentioned above sought to address the problems of the forest dwellers, including tribals, which originated from faulty forest consolidation both during the British and the post independence periods. However, no further progress could be made due to various reasons and no proposal was received by the Central Government for consideration under the provisions of Forest (Conservation) Act, 1980. The Central Government also issued a clarification vide letter No. IGF/FC/2002 Dated 30.10.2002 regarding settlement of disputed claims, simplified the procedure for stepping up of process of conversion of forest villages into revenue villages vide letter No.11-70/202-FC(Pt) Dated 03.02.2004 and issued supplementary guidelines for regularization of the rights of the tribals and other forest dwellers on forest land vide circular No. 2-1/2003-FC(Pt) Dated 05.02.2004.
3. State/UT Government are also aware that the Hon'ble Supreme Court of India has issued certain directions which are also related to a few issues of forest-tribal interface. These are (i) order Dated 13.11.2000 restraining de-reservation of forests till further orders; ii) order Dated 23.11.2001 restraining regularization of encroachment on forest land till further orders; and (iii) order Dated 23.2.2004 staying the operation of Ministry's guidelines Dated 5.2.2004 cited above. The Central Government has already filed affidavits and requested the Apex court to modify/withdraw the above restraints.
4. However, in pursuance of the Supreme Court order Dated 23.11.2001, the Central Government had instructed all the State/UT Government on 3<sup>rd</sup> May 2002 to evict all ineligible encroachers from forest land in a time bound manner. Consequent follow up action by the State/UT Governments for eviction the in-eligible encroachers brought the issue of the disputed claims and rights of the genuine tribals and forest dwellers on the forest land, to the forefront. Upon critical examination of the issue, it emerged that State/UT Government could not maintain a distinction between traditional tribals/forest dwellers and in-eligible encroachers, while dealing with the eviction of in-eligible encroachers.
5. The Ministry of Environment and Forests observed that, though the orders Dated 13.11.2000, 23.11.2001 and 23.2.2004 of the Supreme Court are still in force, there is no bar on verification of claims related to the period prior to 25.10.1980 which can be undertaken to avoid further delay in resolving the matter once the Apex Court accepts the request of the Government to

withdraw/modify the restrictions imposed by it. Simultaneously, taking the genuineness of claims of tribals/forest dwellers into Consideration and without prejudice to Supreme Court orders the Ministry of Environment and Forest found it appropriate to request the State /UT Government that, as an interim measure, they should not resort to eviction of tribals and forest dwellers other than in-eligible encroachers till complete survey is done for recognition of such people and their rights. Orders have already been issued in this regard by the Ministry of Environment and Forests vide letter Dated 21.12.2004.

6. Therefore, without prejudice to the orders of the Hon'ble supreme court of India, keeping in view the facts mentioned above and with an objective of making best use of interregnum to verify the claims of tribals/forest dwellers, the state/UT Governments are requested to adopt following procedures.

### **(1) FORMATION OF COMMITTEES**

- (i) Set up a Village Level or Local Committee to verify the claims of disputed settlement of tribals and forest dwellers (other than in-eligible encroachers) on forest land. This committee shall consist of the following members:

- a. Sarpanch of the village (Chairperson);
- b. Two Knowledgeable village elders or senior citizens (at least one being woman) selected in Gram Sabha meeting specifically called for this purpose;
- c. Talathi or Patwari;
- d. Chairman of the Joint Forest Management Committee (If existing) and;
- e. Forest /Beat Guard (To be Secretary of the Committee).

In case of Group Gram Panchayat and for villages other than the main village, a member of Gram Panchayat will be the chairperson. In case of forest settlements not coming under any Gram Panchayat, the traditionally accepted Mukhiya shall be the chairperson.

- (ii) Set up Block or Taluka Level Review Committee to review such cases where the claimant is aggrieved by the decision of the Village Level or Local Committee. This Committee shall consist of the following members:

- a. Member of Zilla Parishad as Chairperson (nominated by Chairperson of Zilla Parishad);
- b. Member of Panchayat Samiti (nominated by the Block Pramukh);
- c. Naib Tehsildar;
- d. Asstt. Tribal Welfare Officer or Asstt. Project Officer (ITDP); and
- e. Concerned Range Forest Officer nominated by the territorial Divisional Forests Officer Forest Officer concerned (to be Secretary of the Committee).

- (iii) Set up District level Committees (DLCs) involving Deputy Collector, Sub Divisional Forests Officer and the representative of Tribal Welfare Department for final ratification. Sub Divisional Forests Officer (Asstt. Conservator of Forests) shall be the Convener of the committee.

### **(2) PROCEDURE TO BE FOLLOWED BY THE COMMITTEES**

- a) It is necessary to examine all claims pertaining to disputed claims arising out of defective forest settlements and pattas and leases granted on forest land. This will be done within the purview of the guidelines of Government of India Dated: 18.09.1990.

The claims should cover not only claims over individual plots of land but also collective/communitarian ownership claims and should include claims over forest products from surrounding forests based on customary use and /or use permitted by earlier princely state/

Zamindari regimes. The claims of shifting cultivators and pre agricultural communities should also be addressed within such a framework.

- b) With a view to ensuring that –
  - (i) all concerned claimants are informed,
  - (ii) all claimants have an opportunity to make their claims in their language,
  - (iii) The weaker sections of the community are spared the time and expense of travel,
  - (iv) all claimants are covered and no person is not given an opportunity to be heard,
 Calling for and verification of claims shall be done in the gram sabha meeting of the village specifically called by the Local Committee for the purpose.
- c) A timetable giving the Date and time of the meetings of the gram sabha should be prepared and publicized in advance within a fixed Time period-
  - (i) to select two village elders or senior citizens to act as members of the committee,
  - (ii) for the local committee to invite claims supported by evidence,
  - (iii) for the local committee to verify the claims and present their findings,
- d) A team comprising one officer each from Revenue, Tribal Welfare and Forest Department should be appointed at Block level to ensure that the process is conducted in a disciplined and regulated manner to enhance local women and men's participation.
- e) Traditional methods of publicity in the local language must be used to inform the people about the programme of deciding the eligibility of claims. Field staff of State Forests Department, joint Forest Management Committees (if existing), Rural Development, Social Welfare and ICDS etc. should be involved in dissemination information about the progress, particularly to village women through the organization such as SHGs and Mahila Mandals.
- f) Information regarding the task of the committee, its aims, objectives and procedure should be made available in the village square, Gram Panchayat office of all villages, Pantheist Samiti, Forest Range Office and Tehsil office as well as ICDS, Rd, State Forest Department, Health and Education Departments. State Forest Department shall pay special attention in communication information to remote settlements and unsurveyed villages.
- g) After publicizing the programme of the Gram Sabha at least three weeks in advance, a Gram Sabha meeting calling for claims should be conducted by the village committee.
- h) On receipt of complete application (in Gram Sabha) from the claimants, all claims should be verified in the presence of the assembly in the subsequent Gram Sabha meeting specifically called for the purpose not later than two weeks of such receipt.
- i) As far as possible, all meetings of the Gram Sabha should necessarily be held in the late afternoon or late evenings so as to ensure large attendance of villagers.
- j) All claims verified and accepted by the village Level or Local Committee shall be forwarded to the Block Level Review Committee.
- k) The Local Committee will also give a copy of its findings to the claimants in the Gram Sabha meeting.
- l) The Block Level Review Committee will submit its recommendations to the District Level Committee (DLC) for final ratification. DLC, while ratifying, will take following into consideration:
  - (i) The DLC must satisfy itself that the name (S) of the tribals/forest dwellers exist in the census data of 1981, 1991 and 2001 including the electoral rolls of the area to confirm their existence and continued possession of forest land.
  - (ii) The tribals and other forest dwellers should be living on the forest land prior to 1980 and



also should be in continued possession of forest land till date.

(iii) In no case, the Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

(iv) The Committee shall examine traditional and customary rights of the particular tribe and other forest dwellers on particular forest land and forest produce.

(v) The Committee shall examine the land use pattern of the forest land under occupation of people.

m) All appeals will be heard by the Block Level Review Committee or District Level Committee, as the case may be, after three weeks' notice to the appellant.

### **(3) NATURE OF EVIDENCE TO BE ADDUCED BEFORE THE LOCAL/BLCOMK LEVEL COMMITTEES**

a) It is necessary to clarify the type of evidence (s) that may be used to decide the period of land occupation. As a POR is not necessarily a proof of claim or otherwise, an assessment of the ground realities, as they existed in the relevant time, is necessary and is possible by verification of natural and situational evidence (S) of the subsisting claims. Hence, a responsible local committee conversant with ground realities has the opportunity to verify the same and can record the evidence of the claimant and opinion of other knowledgeable villagers about the point of time since when the land has been under continuous occupation of the claimant. Benefit of doubt should be given to the claimant.

b) A variety of evidences, both oral and/or documentary, establishing the claim period can be regarded as proof of the claim; hence, the Committee can accept the following as evidence:

i) Documentary evidence from any Government/Semi-Government source;

ii) Documentary evidence from any prior research or documentation of a reputed institution, including survey maps;

iii) Relevant evidence gathered from spot verification to be done by more than three members of the committee including Patwari;

c) It is important that the Village Level or Local Committee definitively decides about the period of the claim. While giving the findings about eligible cases, the following two points should be kept in mind:

i) The claimant should also fulfill also other conditions laid down in the respective Government's decisions in that regard. In case, the eligibility criteria specified by the respective State/UT Government are not in consonance with those contained in the guidelines issued in 1990 by the Ministry of Environment of Forests, the latter, i.e. provisions of 1990 tribal-forest guidelines shall prevail.

ii) If the respective State/UT Government has not issued any specific orders prescribing any other eligibility criteria for claims arising out of defective forest settlements, pattas and leases granted and subsisting encroachments prior to 1980, the criteria laid down in the 1990 guidelines issued by the Ministry of Environment and Forests shall be adopted.

### **(4) CRITERIA FOR ACCEPTING CLAIMS**

While deciding upon the claim, the village level committee should pay attention to the following criteria within the limits of the guidelines issued by the Ministry of Environment and Forests in 1990-

(i) All claims where the claimant has government/semi-government/other relevant documentary evidence in support, and the claimant has been living on the forest land prior to 1980 and also is in continuous possession of forest land till date, should be accepted.

- (ii) If a claimant does not have documentary evidence in support of her/his claim but the gram Sabha, on the basis of other relevant evidence, is of the opinion that the claim is legitimate, such claims should be carefully examined by the local committee and the benefit of doubt should be given to the claimant. Decision of the local committee shall be taken by simple majority.
- (iii) If a claimant does not have relevant documentary evidence and the gram sabha has also rejected her/his claim, the veracity of such claims should be carefully examined by the local committee and such claims should be specifically referred to the review committee.
- (iv) Claims should cover not only claims regarding individual plots of land but also collective/communitarian ownership claims. Claims should also include claims over forest products based on customary use. Claims of shifting cultivators and pre- agricultural communities should also be addressed within this framework.
- (v) All claims that are upheld within the purview of the 1990 guidelines of the Ministry of Environment and Forests shall be forwarded by DLC to the Nodal Officer (Forest Conservation) of the State/UT Government who, in turn, shall forward the proposal duly recommended by the PCCF, to State/UT Government
- (vi) In case, where claims are rejected, necessary action should be taken for ex-situ rehabilitation, on-non-forest government lands.
- (vii) In case of National Parks/Sanctuaries, State/UT Governments shall consider ex- situ rehabilitation on non-forest government lands outside the limits of the National Parks/Sanctuaries.
- (viii) The proposals to be sent to central government should be submitted according to the procedure and conditions prescribed under the forest Conservation Act, 1980 and shall, in addition, include a proposal for permanent demarcation of the land for which claims are proposed to be settled and a proposal for compensatory Afforestation in lieu of forest land diverted for settlement.

#### **(5) TRAINING AND PUBLICITY WORKSHOP AT TALUKA LEVEL**

- (i) The following process may be adopted with a view to expedite the process and keep it simple: Pre- planned publicity should be done. After the publicity is done, and before the process of verification is initiated, training workshops be organized by the district committee with the assistance of knowledgeable NGOs at the taluka level for Sarpanchas, Dy. Sarpanchas, Panchayat Samiti and Zila Parishad members, Forest Officers and functionaries, Tribal Welfare Officers and functionaries, traditional Leaders, senior Citizens, Journalists, Revenue Officials and functionaries, Talathis and members of the Taluk/village level Committees,
  - (i) All officials should be invited to these workshops and should be given the information of the procedures and processes of village level enquiry.
  - (ii) A separate session should be held for NGOs, CBOs, Activists and journalists.
  - (iii) Gram sabha meetings should be held after the programme is planned and announced.

#### **(6) OTHER MATTERS**

- (i) To supervise the progress of verification of claims of forest dwellers, including tribals, on forest land prescribed under these guidelines mentioned above, a State Level Task Force may be constituted under the chairmanship of chief Secretary with Principal Chief Conservator of Forests being the co-chair. Task Force shall meet after every three months.
- (ii) Entire process may be completed within a period of one year.
- (iii) Last but not least, the purpose of this communication is to complete the process of survey and documentation of claims for future implementation (subject to the final orders to be passed

by the Hon'ble Supreme Court of India) if the guidelines Dated 18.309.1990 of the Ministry of Environment and Forests, as relevant to pre-1980 situation, in respect of which no follow up action could be taken presumably for want of supporting procedural guidelines. These procedures have been prescribed now, without prejudice to the orders of the Apex Court.

(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:

1. Principal Secretary/Secretary(Forests), All State/Union Territory Governments.
2. PCCFs/Nodal Officers, All States/UTs.
3. All Regional Offices, Ministry of Environment and Forests, government of India.
4. The PMO (Attn shri R. Gopalakrishnan, JS), South Block, New Delhi.
5. Officer on special Duty (Attn, Shri Dhiraj Srivastava), National Advisory Council, 2 motilal Nehtu Place, New Delhi.
6. Secretary, Ministry of Tribal Affairs, Government of India.
7. Director (FC) MoEF, New Delhi.
8. All AIFs (FC), MoEF, New Delhi.
9. Guard file.

(Sandeep Kumar)

Assistant inspector General of forests

**F.No.11-9/1998-FC(pt)**

**Dated : 30.07.2009**

**Subject:** Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – **ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.**

I am directed to invite the attention of the State Government to the operationalization of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which has become effective from 01.01.2008. It is observed that the proposals under the Forest (Conservation) Act, 1980 are being received from different States/UT Governments with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/UT Governments are, wherever the process of settlement of Rights under the FRA has been completed or currently under process, required to enclose evidences for initiating/completion of the above process. These enclosures of evidence shall be in the form of following:

- a. A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held;
- b. A letter from each of the concerned Gram Sabhas indicating that all formalities/processes under the FRA have been carried out, and that, having understood the purposes and details of proposed diversion, they have given their consent to it.
- c. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under Section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.
- d. A letter from the State Government certifying that proposals for such diversion (with full details

of the project and its implications, in vernacular/local languages) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;

- e. A letter from the State Government certifying that discussions and decisions on such proposals had taken place only when there was a quorum of minimum of 50% of members of the Gram Sabha present;
- f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.
- g. Any other aspect having bearing on operationalization of the FRA.

The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with the approval of Minister of Environment and Forests.

(C.D.Singh)

Sr. Assistant Inspector General of Forests

F.No.01-9/1998-FC(pt)

Dated : 03.08.2009

**Sub:** Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – **ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.**

In continuation to this Ministry's letter of even number Dated 30.7.2009, I am directed to invite the attention of the State Government to the operationalization of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which has become effective from 01.01.2008. It is observed that the proposals under the Forest (Conservation) Act, 1980 are being received from different states/UT Governments with the submission that the settlement of rights under Forest Rights Act, 2006 (FRA) will be completed later on.

Accordingly, to formulate unconditional proposals under the Forest (Conservation) Act, 1980, the State/UT Governments are, wherever the process of settlement of Rights under the FRA has been completed or currently under process, required to enclose evidences **for having initiated and completed the above process, especially among other sectors, Sections 3(1)(f), 3(1)(e) and 4(5).**

These enclosures of evidence shall be in the form of following:

- a. A letter from the State Government certifying that the complete process for identification and settlement of rights under the FRA has been carried out for the entire forest area proposed for diversion, with a record of all consultations and meetings held;
- b. A letter from the State Government certifying that proposals for such diversion (with full details of the project and its implications, in vernacular/local languages) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- c. A letter from each of the concerned Gram Sabhas, indicating that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures if any, having understood the purposes and details of proposed diversion.
- d. A letter from the State Government certifying that the diversion of forest land for facilities managed by the Government as required under Section 3(2) of the FRA have been completed and that the Gram Sabhas have consented to it.
- e. A letter from the State Government certifying that discussions and decisions on such proposals

had taken place only when there was a quorum of minimum 50% of members of the Gram Sabha present;

- f. Obtaining the written consent or rejection of the Gram Sabha to the proposal.
- g. A letter from the State Government certifying that the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable, have been specifically safeguarded as per Section 3(1)(e) of the FRA.
- h. Any other aspect having bearing on operationalization of the FRA.

The State/UT Governments, where process of settlement of Rights under the FRA is yet to begin, are required to enclose evidences supporting that settlement of rights under FRA 2006 will be initiated and completed before the final approval for proposals.

This is issued with the approval of the Ministry of Environment and Forests.

(C.D.Singh)

**Sr.Assistant Inspector General of Forests**

(Certain modifications made vide Lr.F.No.11-9/SP-FC (pt) Dated: 5<sup>th</sup> February, 2013)

**F.No.23011/15/2008-SG.II**

**May 18, 2009**

**Government of India  
Ministry of Tribal Affairs  
Shastri Bhawan, New Delhi**

**Subject:** Procedure for seeking prior approval for diversion of forest land for non-forest purposes for **facilities managed by the Government** under **Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

Sir,

I am directed to invite attention to Sub-Section(2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which provides that notwithstanding anything contained in the Forest(Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, --

- i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. The question of laying down the procedure for implementing the above provisions of the Act has been under examination of this Ministry, in consultation with the Ministry of Environment and Forests and other concerned Ministries. The agreed procedure for considering and approving proposals for diversion of forest land for non-forest purposes under Section 3(2) of the Act is annexed to this letter.

3. It is requested that the procedure as in the Annexure may be brought to the notice of all Principal Secretaries/Secretaries (Forests)/PCCFs in the State/UT for information and necessary action.

4. Further, the Nodal Agency nominated in your State/UT for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) ACT, 2006 may also be directed to take necessary steps immediately for giving wide publicity to the procedure and to bring the same to the notice of all the Gram Sabhas in your State.



5. This issues with the concurrence of Ministry of Environment & Forests vide their O.M.No.11-9/98-FC(pt) Dated 19.3.2009, Ministry of Panchayati Raj, vide their O.M.No. R-12011/04-PR(Pt.1) Dated 12.3.2009 and Ministry of Rural Development (Deptt. of Land Resources) vide their O.M.No.14015/5/2007-LRD(pt.) Dated 19.3.2009.

(A.K. Srivastava)

**Director**

Copy for information to:

1. All Secretaries in-charge of Tribal Welfare Department in the States/UTs, (except J&K, Punjab, Haryana, Pondicherry and Chandigarh).
2. Ministry of Environment & Forests (Shri P.R. Mohanty, DG (Forests), Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi – 110 003. It is requested that the enclosed procedure may be brought to the notice of all Regional Offices of Ministry of Environment and Forests and other concerned Officers in the State/UT Governments for necessary action.
3. Ministry of Panchayati Raj, (Shri A.N.P. Sinha, Secretary), Krishi Bhawan, New Delhi.
4. Ministry of Rural Development, Department of Land Resources (Smt Rita Sinha, Secretary), Nirman Bhawan, New Delhi.
5. Cabinet Secretariat (Shri C.S. Kedar, Joint Secretary) Rashtrapathi Bhavan, New Delhi.
6. Prime Minister's Office (Ms. Kalpana Awasthi, Director), South Block, New Delhi.

(A.K. Srivastava)

**Director**

## APPENDIX

**Form for seeking prior approval for diversion of forest land for non-forest purposes for the facilities managed by the Government under sub-section(2) of Section 3 of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

### FORM-A

[See Para 2.2(i)]

(To be filled up by the User Agency)

1. Project details:

- i) Short narrative of the proposed project/scheme for which the forest land is required.
  - ii) Details of the forest land required (two options to be indicated)
    - a. Location – Survey No./Compartment No.
    - b. Extent of the area (in hectare)
    - c. Forest Division
    - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale.
  - iii) Justification for locating the project in proposed forest land(s)
  - iv) Number of trees to be felled (per hectare) and number that will be kept standing
2. Detailed, purpose-wise break-up of the total forest land required with proposed building/activity area map.
3. Confirmation that User Agency will plant atleast twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for atleast five years (Details to be enclosed).



## 4. Recommendation of Gram Sabha – Accepted/rejected.

{Please tick (-/), as the case may be }. {Copy of Gram Sabha resolution to be attached}.

Signature of the authorized person for the User Agency

(Name in Block letters) -----

Address-----

Date:

Place:

Serial no. of Proposal .....

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

**FORM-B**

{See Para 2.2(iv)}

(To be filled by the concerned Range Forest Officer)

Serial No. of proposal -----

## 1. Location of the project/Scheme :

i) State/Union Territory

ii) District

iii) Forest Division

iv) Proposed forest land(s) (two options to be indicated)

i) Location – Survey No./Compartment No.

ii) Extent of the area (in hectare)

v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.

2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).

3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name -----

Office Seal

Date:

Place:

Accepted/Not accepted with reasons to be recorded

Signature of the DFO

Name -----

Office Seal

**F.No.11-9/98-FC**

**Dated: 11.09.2009**

**Sub:** Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – **General Approval** under Section 2 of Forest (Conservation) Act, 1980, thereof.

**Sir,**

In continuation of this Ministry's letter of even number Dated 03.01.2005 and 24.09.2007 by which general approval, for certain activities to be carried out by the Government Departments involving

**not more than 1.00 Ha** of forest land, under Forest (Conservation) Act, 1980, was granted initially for a period of two years has been further extended for further period of five years i.e. up to 31.12.2013 on the same terms and conditions as enumerated in the above cited letters.

It may also be noted that this General Approval under Section-2 of Forest (Conservation) Act, 1980 is for the above mentioned activities in those forest areas, **which are outside the purview of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Director, PMO, New Delhi for kind information.
2. The Secretary, Ministry of Home Affairs, New Delhi.
3. The Secretary, Planning Commission, New Delhi.
4. The Secretary, Ministry of Rural Development, New Delhi.
5. The Secretary, Ministry of Tribal Affairs, New Delhi
6. All PCCFs/Nodal Officers (All States/UTs)
7. All Regional Offices, Ministry of Environment & Forests.
8. Director General of Police (all States/UTs)
9. Director(FC) / AIGs(FC)
10. File No.2-1/2003-FC
11. Guard File.

C.D. Singh

Sr. Assistant Inspector General of Forests

F. No. 11-9/98 FC(Pt.)

Dated:17/25.08.2010

#### OFFICE MEMORANDUM

**Sub:** Implementation of the **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** – Clarification to the PCCF, Tripura, Agartala regarding **raising of non-forestry crops on patta land allotted under FRA 2006.**

The undersigned is directed to refer to FP Division's OM No. 7-1/2008-FP Dated 06.04.2010 communicating the concern of the PCCF, Tripura on raising of non-forestry crops on land allotted under FRA 2006 and to inform that the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes the rights of tribal and other traditional forest dwellers over forest land and accordingly, right over the forest land is accorded under the provisions of the Forest Right Act, 2006 after following the procedure enumerated in the Act.

The issue was discussed in the Ministry. The Ministry is of the view that once the said right over forest land is given to the tribal and other traditional forest dwellers, the right holders are free to raise any crop for his sustenance, be it agricultural or horticultural or commercial in nature including rubber/tea plantation.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

F. No. 11-9/98-FC (pt.)

Dated: 05.02.2013

**Sub:** Diversion of forest land for non-forest \_purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

Sir,

I am directed to refer to this Ministry's letter of even number Dated 03.08.2009 wherein this Ministry issued detailed guidelines on submission of evidences for having initiated an completed the process of settlement of rights under the Scheduled Tribes and Other Tradition; Forest Dwellers (Recognition of Forest Rights) Act, 2006.

This Ministry has received representations from various Ministries to exempt project like construction of roads, canals, laying of pipelines/optical fibres and transmission lines etc. where linear diversion of forest land in several villages are involved, from the requirement on obtaining consent of Gram Sabha, as stipulated in this Ministry's said letter Dated 3.8.2009.

The matter has also been examined by an inter-ministerial Committee. The Committee after examination of the matter had inter alia recommended that a resolution of the Gram Sabha of the area, based on full and prior information of the project and a public hearing, endorsing that the project is in the interest of the people living on the forest land, use of which is proposed to be diverted for non-forest purposes may not be required for the projects like construction cc roads, canals, laying of pipelines/ optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognized rights on Primitive Tribal Groups (PTC) and Pre-Agricultural Communities (PAC) are being affected.

The Hon'ble Minister for Tribal Affairs in his DD. letter Dated 21.01.2013 addressed to the Hon'ble Minister of State (Independent Charge) for Power has informed that the Ministry of Tribal Affairs agrees with the recommendation of said Committee that resolution of the Gran Sabha may not be required in cases of projects like transmission lines where linear diversion of forest land in several villages are involved, unless recognized rights of PTC/ PAC are being affected.

Accordingly, I am directed to say that proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for projects like construction of roads, canals, laying of pipelines/ optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, **unless recognized rights of PTG/ PA being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in clause (c) read with clause (b), (e) and (f) in second Para of this Ministry's said letter Dated 03.08.2009.**

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Encl: As above

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to

1. Shri Sanjay Lohiya, Director, Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Road Transport and Highways, New Delhi.
3. The Secretary, Ministry of Power, New Delhi.
4. The Secretary, Ministry of Petroleum, and Natural Gas, New Delhi.
5. The Chairman, Railways Board, New Delhi.

6. The Secretary, Ministry of Tribal Affairs, New Delhi.
7. The Chairman, National Highways Authority of India (NHAI), New Delhi.
8. Principal Chief Conservator of Forests, all State / UT Governments.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments.
10. All Regional Offices, Ministry of Environment & Forests.
11. Joint Secretary in-charge, Impact Assessment Division, MOEF;
12. All Assistant Inspector General of Forests in Forest Conservation Division, MOEF.
13. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
14. Sr. Director (Technical), NIC, MOEF with a request to place a copy of the letter on website of this Ministry.
15. Sr. PPS to the Secretary, Environment and Forests
16. Sr. PPS to Director General of Forests & Special Secretary, MoEF.
17. Guard File.

(H.C. Chaudhary)

Assistant Inspector General of Forests

**F. No. 11-9/98-FC (pt)**

**Dated 05.07.2013**

**Sub:** Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to this Ministry's letters of even number Dated 31 August 2009 and Dated 5<sup>th</sup> February 2013 on the above mentioned subject wherein this Ministry issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and to say that certificate in accordance with the said letters in respect of (a) linear, and (b) other projects **shall be submitted in the formats enclosed as Annexure-I (FORM-I) and Annexure-II (FORM-II) respectively.**

Encl: As above

(H.C. Chaudhary)

Assistant Inspector General of Forests

### **Annexure-I**

#### **FORM-I**

(For Linear projects)

Government of .....

Office of the District Collector

No..... Dated.....

#### TO WHOWSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India letter No.11-9/98-FC (pt.) Dated **3rd August 2009** wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter

Dated 5th February 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that .....hectare of forest land proposed to be diverted in favour of .....(name of user agency) for .....(purpose for diversion of forest land) in .....district falls within jurisdiction of .....village(s) in .....tehsils.

It is further certified that :

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire \_\_\_\_\_ hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee (s), Gram Sabha(s), Sub-Division Level Committee (s) and the District Level Committee are enclosed as Annexure \_\_\_\_\_ to \_\_\_\_\_ Annexure \_\_\_\_\_.
- (b) The diversion of forest land for facilities managed by the Govt as required under section 3 (2) of the FRA have been completed and the Grama sabhas have given their consent to it.
- (c) The proposal does not involve recognized right of Primitive Tribal Groups and Pre-Agricultural Communities.

Signature

(Full name and official seal of the District Collector)

#### **Annexure-II**

#### **FORM-II**

(For projects other than Linear projects)

Government of .....

Office of the District Collector

No..... Dated.....

#### **TO WHOWSOEVER IT MAY CONCERN**

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No.11-9/98-FC (pt.) Dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 ('FRA' for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that .....hectare of forest Land proposed to be diverted in favour of .....(name of user agency) for .....(purpose for diversion of Forest land) in .....district falls within jurisdiction of .....village(s) in .....tehsils.

It is further certified that :

- (a) The complete process for identification and settlement of rights under the FRA has been carried out for the entire.....hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as annexure.....to ..... annexure.....
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who eligible under the FRA;
- (c) The each of concerned Gram Sabha(s), has certified that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and

details of proposed diversion. A copy of certificate issued by the gram sabha of ..... village(s) is enclosed as annexure .....to annexure.....

- (d) The discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present;
- (e) The diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it;
- (f) The rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3 (1) (e) of the FRA.

**Signature**

**(Full name and official seal of the District Collector)**

**F. No. 11-623/2013-FC**

**Dated 09.10.2013**

**Sub:** Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to refer to this Ministry's letters No 11-9/98-FC(pt.) Dated. 5<sup>th</sup> July 2013 on the above mentioned subject wherein this Ministry issued formats of certificate in respect of (a) linear, and (b) other projects in accordance with this Ministry's letters No.11-9/98-FC (pt.), Dated. 3<sup>rd</sup> August 2009 and No.11-9/98-FC (pt.) Dated. 5<sup>th</sup> February 2013 wherein this Ministry issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and to say that all those proposals, where certificate in respect of settlement of rights under the afore-mentioned Act from the concerned District Collectors have already been obtained prior to issue of the said format by this Ministry, submission of fresh certificate will not be insisted upon, provided certificates issued by the District Collectors, otherwise meet requirements of this Ministry's said letters Dated. 3<sup>rd</sup> August 2009 and 5<sup>th</sup> February 2013.

(H.C. Chaudhary)

Assistant Inspector General of Forests

.....





Forest clearance for projects  
located in national parks &  
wildlife sanctuaries

F.No.6-3/2003 WL-I(Pt-10)

Dated: 05.10.2006

**Sub: Proforma for proposals for taking up non forestry activities in NATIONAL PARKS/ SANCTUARIES – Reg.**

Sir,

This Ministry has been receiving a number of proposals for taking up non forestry activities in National Park & sanctuaries to be considered by the Standing Committee of National Board for Wildlife, as per the decisions of the Hon'ble Court as well as the State Governments.

In order to streamline the proposals being considered by the Standing Committee of NBWL, this Ministry had proposed proforma for application for such clearances. The proformae were considered by the Standing Committee of NBWL. After detailed discussions the proforma was approved by the Standing Committee of NBWL in its meeting held on 14.9.2006 under the Chairmanship of Hon'ble Minister for Environment & Forests.

Kindly find enclosed a copy of the said proforma for proposals seeking clearance from Standing Committee of NBWL for taking up non forestry activities in National Parks & Sanctuaries.

**(Dr. Anmol Kumar)**

Encl: As above.

Deputy Inspector General (WL)

### FORMS

**(All documents to be submitted in triplicate and signed in Blue ink)**

### PART – I

**Proposal for Investigation and Survey in the National Park / Sanctuary  
(Details to be provided by the Applicant)**

1. Name of the Organization
2. Aims and Objectives of the proposed Project
3. Location and Map (1:150000 scale) of the area duly authenticated by the Competent authority to be investigated /surveyed.
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer In Charge of the N.P/WLS (Attach signed copy)
7. Opinion of the Chief Wild Life Warden (Attach signed copy). The following be included in the opinion:
  - i) Brief history of the Protected Area
  - ii) Current status of Wildlife
  - iii) Current status of pressures on protected Areas
  - iv) Projected impacts of projects on wildlife, habitat management and access/use of resource by

various stakeholders.

- v) Contiguous wildlife areas which would benefit wildlife if added to National park/Sanctuary
- vi) Other areas in the State which have been recommended by State Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in Protected Area network.

Signed  
Project Head

Signed  
The Officer In Charge of the N.P./WLS  
Office Seal

Signed  
The CWLW  
Office Seal

Date of submission to Govt. of India by the CWLW –

.....

**PART – II**  
**(To be filled in by the Applicant)**

**1. Project details:**

- (i) Copy of the Investigation and Survey report  
(The report should include the dates of survey and the names of the investigators, Surveyors and all officials of the concerned NP/WLS who remained present during the period)
- (ii) Self contained and factual project report for which NP/WLS area is required (Enclose copy of the Project Appraisal document)
- (iii) Map (Duly authenticated by the Divisional / District Head of the Department dealing with Forests and Wild Life) on a scale of 1:150000 showing the boundaries of the NP/WLS, delineating the area in question in red color)
- (iv) Self contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting national park/sanctuary area.
- (v) Copy of the Bio diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.

**2 Location of the Project/Scheme**

- (i) State/Union territory
- (ii) District
- (iii) Name of the National Park/Sanctuary

**3 Details of the area required (in Hectares only)**

(Provide break up of the land use under the project e.g., construction of dam, submergence, housing for staff, road etc)

**4 Details of displacement of people, if any, due to the project**

- (i) Total number of families involved in displacement
- (ii) Number of Scheduled Caste/Scheduled Tribe families involved in displacement
- (iii) Detailed rehabilitation plan

**5 Any other information relevant to the proposal but not covered in any of the columns above.**

Signed by  
Project Head Name  
Organization

Date of submission to the Head of the National Park / Sanctuary :

.....

**PART – III**

**(To be completed by the Officer-in-Charge of the National Park / Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in this regard within 30 days of the receipt of PART-II)**

1. Date of receipt of the PART-II-
2. Total Area (Ha.) of National Park/Sanctuary-
3. Total area (Ha.) diverted from the NP/WLS so far for development purposes
4. List the past projects and the area (Ha.) diverted  
Name of Project Area diverted Year of diversion
5. Positive impact/s due to the diversion of area for the projects referred to in column 4 above.  
Name of the Project/s Positive impact Scientific Basis of Assessment  
(Attach separate document, if required)
6. Negative impact/s due to the diversion of area for the projects referred to in column 4 above  
Name of the Project/s Negative impact Scientific Basis of Assessment (Attach separate document, if required)
7. Management Plan Period  
(Attach copy of the Management Plan/Management Scheme/Recommendation of Chief Wildlife Warden)
8. List Management actions taken/proposed to be taken in the whole Block/Zone in which the proposed area is located.
9. Type of forest in which the proposed area falls.
10. Location of the proposed area w.r.t. the critical/intensive wildlife management areas/ wildlife habitats (attach Map to scale)
11. List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
12. Provide COMPRESHENSIVE details of the impact of the proposal in Terms of Sections 29 and/or section 35(6) of the Wild Life (Protection) Act, 1972 as the case may be.
13. Whether the project authorities have ever committed violation of the Wild Life (Protection Act, 1972 or Forest Conservation Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.  
(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)
14. Have you examined the Project Appraisal document and the alternatives as provided in PART- II.
15. Have you examined the Bio diversity impact Assessment Report.
16. If yes, please give your comments on the recommendations given in the report
17. Dates and duration of your field visits to the proposed site
18. Do you agree that the present proposal of diversion of NP/WLS area is the best or only option and is viable.
19. Any other information that you would bring to the notice of the State Board,  
National Board or its Committee that may be relevant and assist in decision making.
20. Do you recommend the project  
(Please provide full justification to support your recommendations)

The Officer in Charge of the N.P./WLS  
Official Seal

Date of submission to Chief Wild Life Warden or any other officer authorized by him in this regard:

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**PART –IV****(To be completed by Chief Wild Life Warden within 15 days of the receipt of PART–II and III)**

1. Date of RECEIPT of PART II AND III by the Chief Wild Life Warden or the Officer authorized by him in this regard
2. Do you agree with the information and recommendation provided by the Officer-in-Charge in PART- III
3. If not, please provide the reasons
4. Have you visited the site yourself and held discussions with the applicant
5. Do you agree that the present proposal for permitting use of NP/WLS area is the best option or only option and is viable.
6. Please provide specific comments w.r.t. Section 29 of the Wild Life
7. Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision marking.
8. Do you recommend the project?  
(Please provide full justification to support your recommendations)
9. Conditions, if any, to be ensured in the interest of wildlife for allowing use of the Area.

Signed by  
The Chief Wild Life Warden  
Name  
State  
Official Seal

Date of submission to the State Government

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**PART – V****(To be completed by the Department in Charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART – II, III and IV)**

1. Date of RECEIPT of PART II, III and IV by the Department
2. Do you agree with the recommendation/s of the Chief Wild Life Warden
3. If not, please provide reasons
4. Did you provide PART II, III AND IV to the members of the State Board
5. Attach copy of the opinion of the State Board for Wild Life
6. Give details of the recommendations of the State Government

Signed by  
The Principal Secretary  
Name  
State  
Official Seal

Date of submission to the Central Government

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Tourism



**GOVERNMENT OF INDIA**  
**MINISTRY OF ENVIRONMENT & FORESTS**  
 Regional Office (Southern Zone)  
 Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road  
 2<sup>nd</sup> Block, Koramangala, Bangalore – 560034

**F.No.FCA/11.6/GEN/GUIDELINES/5177**

**Dated :15.07.2009**

**To:**

1. The Special Chief Secretary to the Government of Andhra Pradesh  
Environment, Forests, Science & Technology Department
2. The Principal Secretary to the Govt. of Karnataka  
Forests, Environment and Ecology Department
3. The Principal Secretary to Government of Tamil Nadu  
Environment and Forests Department
4. The Principal Secretary to the Government of Kerala  
Forests & Wildlife© department
5. The Secretary (Forests)  
Government of Goa

**Sub:** Construction activities for **promotion of tourism in violation** of Forest (Conservation) Act, 1980.

Sir,

It has come to the notice of this office that lot of construction activities have either started on are under consideration with funds particularly from Tourism Department in the name of up-gradation/renovation of existing structures or in some other name primarily to promote tourism. As per Para 4.5 of the Guidelines issued under Forest (Conservation) Act, 1980, the Central Government will not entertain any proposals for diversion of forest land for construction of residential or dwelling houses. Diversion of forest land for construction of other buildings also will not be normally considered. Wherever it is inevitable to take up such works in the forest area, then the same may be started after obtaining necessary approval under Forest (Conservation) Act, 1980. It is requested to ensure that no construction activities are carried out in violation of Forest (Conservation) Act, 1980.

**(K.S. Reddy)**

Chief Conservator of Forests (Central)

Copy for information to:

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment & Forests.
2. The Additional Director General of Forests (FC), Govt. of India, Ministry of Environment & Forests
3. PCCFs of AP/TN/Kerala/Karnataka & CCF Goa
4. Nodal Officers (FCA) of AP/TN/Kerala/Karnataka & Goa

F.No.5-3/2007-FC

Dated: 08.07.2009

**Sub:** Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – **Guidelines for relocation/rehabilitation of villages from National Parks/Wildlife sanctuaries/Tiger Reserves** – Regarding.

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations from different State/UT Governments stating that the clause 'legal status of forest land shall remain unchanged' precludes possibility of relocated villages, who are by and large tribals, from becoming absolute owners of the land allocated to them and by retaining the status of land as 'forests', several ongoing developmental works in the district are not implemented in the area, which deprives the relocated people from their due benefits. After careful examination of the issue, the matter was taken up with the Central Empowered Committee (CEC) which recommended to the Supreme Court for relaxation of its order Dated 13.11.2000 in WP (C) No.337/1995, to permit Ministry of Environment and Forest (MoEF), to allow change in the legal status of the forest land approved for diversion under the Forest (Conservation) Act, 1980 for the relocation of villages from the National parks/ Sanctuaries.

The Hon'ble Supreme Court of India vide its order Dated 21.11.2008 in IA 1658 in WP (C) No.202/1995, referring to the CEC's report for permission for change in the legal status of the forest land diverted under Forest (Conservation) Act, 1980 by the MoEF, for rehabilitation of villagers of three villagers in Andhari Wildlife Sanctuary, Maharashtra, ordered that "... We make it clear that despite the order passed by this Court on 13.11.2000, the MoEF is permitted to change in the legal status of the forest land approved under Forest (Conservation) Act, 1980 for relocation of these villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing there". It is also informed that the Hon'ble Supreme Court of India vide its order Dated 09.05.2008 regarding correction of the judgment Dated 28.03.2008 has already accorded 'full exemption' from payment of Net Present Value (NPV) to the relocation/rehabilitation of villages from National Parks/Wildlife sanctuaries/Tiger Reserves to alternate forest land. In this connection, this Ministry's letter of even number Dated 05.02.2009 may kindly be referred to.

In view of the above, I am directed to convey the approval of the Central Government for changing the legal status of forest land, with retrospective effect covering all such cases of diversion of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves from 'forest land' to 'revenue land'.

It is further reiterated that this stipulation is strictly restricted to relocation/rehabilitation of villages from National parks/wildlife sanctuaries/Tiger Reserves.

This is issued with the approval of competent authority.

C.D. Singh

Sr. Assistant Inspector General of Forests

F.No.5-3/2007-FC (Pt)

Dated:19.08.2010

**Sub:** Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – **clarification regarding forest areas outside National Park / Sanctuary, but within 10 Km radius from the boundary – Reg.**

Sir,

The Ministry has been receiving representations from various project proponents and State Government seeking directions / clarifications regarding rules and regulations to be followed for prior approval under section 2 of the Forest (Conservation) Act, 1980 to forest areas outside National Park/sanctuary **but within 10 Km radius from their boundary.**

The matter has been examined in the Ministry in the light of Hon'ble Supreme Court order Dated 4<sup>th</sup> Dec., 2006 in I.A.No.460 of 2004, inter-alia, directing that all cases where environmental clearance (EC) under EIA Notification, 2006 has been given by the Ministry be put up to the Standing Committee of National Board of Wildlife. Accordingly, the environmental clearances to the projects coming within 10 km from the boundary are being granted **with the condition to obtain recommendation of the Standing Committee of National Board of Wildlife as one of the stipulations.**

I am further directed to inform that in case of those projects, which require environmental clearance under EIA Notification, 2006 and also involve diversion of forest land for non-forest purposes falling within 10 km of National Park/Sanctuary **will have to be placed before the Standing Committee of the National Board of Wild Life** as per this Ministries Office memorandum No.J-11013/41/2006-IA.II(I) Dated 02.12.2009 (copy enclosed).

In view of the above, I am directed to inform that the decision of the Central Government for prior approval under section 2 of the Forest (Conservation) Act, 1980 will be conveyed to the State/UT Governments **with the stipulation that the EIA for the case, wherever required, be placed before the Standing Committee of the NBWL.**

**C.D. Singh**

**Sr. Assistant Inspector General of Forests**

Copy to:-

1. The Principal Chief Conservator of Forests, All States/UTs
2. The Chief Wildlife Wardens, All States/UTs
3. The Nodal Officer(FCA), O/o PCCFs. All States/UTs
4. All Regional offices of this Ministry / RO(HQ), MoEF, New Delhi.
5. PPs to AS(JMM)/Addl.DGF(FC)/Addl.DGF(WL)/IGF(FC) / Advisor(NB) / Advisor(GKP)
6. All DIGs/AIGs for information
7. Monitoring Cell, FC Division, MoEF, New Delhi
8. Guard File
9. Website of the MoEF

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Environment clearance for  
projects in forest lands

F.No.J-11013/41/2006-IA.II(I)

Dated 02.12.2009

## OFFICE MEMORANDUM

**Sub:** Procedure for consideration of proposals for **grant of Environmental Clearance** under EIA Notification, 2006, **which involve forestland and or wildlife habitat** – Regarding.

The issue regarding the procedure to be followed for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat has been under consideration of this Ministry. The issue has been discussed and deliberated at length and the provisions of EIA Notification, 2006 as contained in para 8(v) of the said notification have also been considered.

2. It has been decided that the following procedure shall be adopted in dealing with such cases.

- i) The proposals for environmental clearance will not be linked with the clearances from forestry and wildlife angle even if it involves forestland and or wildlife habitat as these clearances are independent of each other and would in any case need to be obtained as applicable to such projects before starting any activity at site.
- ii) While, considering such proposals under EIA Notification, 2006, specific information on the following should be obtained from the proponent:
  - a) Whether the application for diversion of forestland involved in the project has been submitted? If so, what is the status of grant of forestry clearance? It would be essential that in such cases, the application for diversion of forestland has been submitted by the project proponent before they come for environment clearance and a copy of the application submitted for forestry clearance along with all its enclosures should also be submitted by the proponent along with their environment clearance application.
  - b) Information about wildlife clearance, as applicable to the project should also be obtained. The project proponent should submit their application for wildlife clearance/clearance from Standing Committee of the National Board for Wildlife to the Competent Authority before coming for environment clearance and a copy of their application should be furnished along with environment clearance application.
- iii) The proposal from environmental angle will be appraised by the respective Expert Appraisal Committee and recommendations made on the same which will be processed by the IA division and approval obtained from the Competent Authority. However, while granting environmental clearance to projects involving forestland, wildlife habitat (core zone of elephant/tiger reserve etc.) and or located within 10km of the National Park / Wild Life Sanctuary (at present the distance of 10km has been taken in conformity with the order Dated 4.12.2006 in writ petition No.460 of 2004 in the matter of Goa Foundation Vs Union of India), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. Further, it will also be categorically stated in the environment clearance that grant of environmental clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wild life clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk

of the project proponent and Ministry of Environment and Forests shall not be responsible in this regard in any manner.

- iv) A copy of the clearance letter, besides others, shall also be endorsed to (i) IGF(FC), MoEF, (ii) IGF(WL), MoEF, (iii) PCCF of respective States and (iv) Chief Wildlife Warden of the State.

**Note:** There will not be any need to refer the files relating to grant of environmental clearance from IA Division to FC Division and or Wildlife Division during consideration of proposals under EIA Notification, 2006, as done at present in view of the course of action stipulated at paras2(i) to (iv) above.

This issues with the approval of the Competent Authority.

(S.K. Aggarwal)  
Director

**SCHEDULE**  
(See Paragraph 2 a 7)  
**LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR TO ENVIRONMENTAL CLEARANCE**

(Refer the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii) published by Ministry of Environment and Forests, New Delhi vide F. No. J-11013/56/2004-IA-II (I), Dated 14<sup>th</sup> September, 2006)

Project or Activity A		Category with threshold limit		Conditions if any
		B		
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(a) (1)	(2)	(3)	(4)	(5)
1 1(a)	Mining of min-erals	≥ 50 ha. of mining lease area  Asbestos mining ir-respective of mining area	<50 Ha ≥ 5 Ha of mining lease area.	General Condition shall apply Note: (i) <u>Prior environmental clear-ance is as well required at the Stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.</u> (ii) <u>Mineral prospecting is exempted.” (*)</u>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are ex-empted provided the conces-sion areas have got previous clearance for physical survey



1(c)	<b>River Valley projects</b>	(i) ≥50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels)	< 500 MW (coal/lignite/naphtha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels)	General Condition shall apply
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	

<b>2</b>		<b>Primary Processing</b>		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

<b>3</b>		<b>Materials Production</b>		
(1)	(2)	(3)	(4)	(5)
3(a)	<b>Metallurgical industries (ferrous &amp; non ferrous)</b>	a)Primary metallurgical industry  All projects b) Sponge iron manufacturing ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units ≥20,000 tonnes /annum -	Sponge iron manufacturing <200TPD  Secondary metallurgical processing industry i.)All toxic and heavy metal producing units <20,000 tonnes /annum ii.)All other non -toxic secondary metallurgical processing industries >5000 tonnes/annum	General Condition shall apply for Sponge iron manufacturing

3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4	<b>Materials Processing</b>			
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum -	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/ estate	<300 TPD production capacity and located within a notified industrial area/ estate	Specific Condition shall apply  No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/ estate	Specific condition shall apply
5		<b>Manufacturing/Fabrication</b>		
5(a)	Chemical fertilizers	All projects	-	-

5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides		
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries  (ii) All Cane juice/ non-molasses based distilleries < 30 KLD	All Cane juice/non-molasses based distilleries – <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and  Pulp & Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply

5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
6	<b>Service Sectors</b>			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/ coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		-
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7	<b>Physical Infrastructure including Environmental Services</b>			
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.  Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha.  Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply  Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.

7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & land-fill or incineration alone	All facilities having land fill only	General Condition shall apply
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥ 10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and  ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) <b>All New State High ways projects (*)</b> ; and  ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
<b>8</b>	<b>Building /Construction projects/Area Development projects and Townships</b>			
8(a)	Building and Construction projects		≥ 20000 sq.mtrs and < 1,50,000 sq.mtrs. of built-up area#	# (the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building / construction projects" (*))

<b>8(b)</b>	Townships and Area Development projects.		Covering an area $\geq 50$ ha and or built up area $\geq 1,50,000$ sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1
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**Note:-****General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

(\*) Modified vide Ministry of Environment and Forests, New Delhi notification Dated.04.04.2011.

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Special exemptions for left  
wing extremists effected  
districts for implementation  
of IAP

F.No.11-9/98-FC

Dated: 13.07.2011

**Sub: General approval** under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for **Creation of Critical Public Utility Infrastructure (CPUI)** by Government Departments involving **not more than 5.00 Ha of forest land** in each case in **60 Left Wing Extremism affected Districts** – Reg.

Sir,

I am directed to refer to this Minister's letter of even number Dated 03.11.2010, wherein this Ministry accorded General approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for certain activities to be carried out by the Government Departments involving not more than 2.00 ha of forest land, and to say that this Ministry has received requests from various State Governments to increase the threshold limit for diversion of forest land for creation of critical public utility infrastructure by Government Department in 60 (sixty) Left Wing Extremism affected districts identified by the Planning Commission and the Ministry of Home Affairs from **2.00 Ha** of forest land in each case to **5.00 Ha** of forest land in each case. The Ministry of Home Affairs and the Planning Commission have also supported the demand.

Accordingly, I am directed to say that in partial modification of the Ministry's said letter of even number Dated 03.11.2010 to facilitate expeditious creation of the critical public utility infrastructure in 60 (sixty) Left Wing Extremism affected districts, the existing general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Department is further relaxed to diversion of not more than 5.00 ha. of forest land in each case, in these districts. The activities covered under the General approval are as below:

1. Schools,
2. Dispensaries/Hospitals
3. Electrical and Telecommunication Lines,
4. Drinking Water,
5. Water/Rain Water Harvesting Structures,
6. Minor irrigation Canal
7. Non-Conventional Sources of Energy,
8. Skill up Gradation/Vocational Training Centre,
9. Power Sub-stations,
10. Rural roads,
11. Communication Posts,
12. Police establishments like Police Stations/Outposts/Border Outposts/ Watch Towers in sensitive area (identified by Ministry of Home Affairs); and
13. Underground laying of optical fibre cables, telephone lines & drinking water supply lines.

The General Approval shall be subject to fulfillment of the following conditions:

- i) It shall be applicable to only 60 left Wing Extremism affected districts identified by the Planning Commission and the Ministry of Home Affairs (List enclosed);
- ii) All the terms and conditions stipulated by this Ministry in its letter of even number Dated 03.01.2005 and 11.09.2009 wherein this Ministry accorded general approval under the Forest (Conservation) Act, 1980 for creation of the public utility infrastructure by Government Departments;

- iii) All the terms and conditions stipulated by this Ministry in its letters of even number Dated 16.10.2000 and 08.04.2009, wherein this Ministry accorded general approval under the Forest (Conservation) Act, 1980 for underground laying of **optical fibre cables**, telephone lines and drinking water supply lines;
- iv) The State Government shall realize cost of cost to raise compensatory afforestation and NPV at the rates as applicable in each case as per the guidelines issued by this Ministry and transfer the same to the Ad-hoc CAMPA;
- v) A copy of the each approval accorded by the State/UT Government under the general approval shall be endorsed to the concerned Regional office of the Ministry and the CEO, Ad-hoc CAMPA for their information and record;
- vi) The State/Government shall follow the procedure for processing such cases stipulated in the Forest (Conservation) Rule, 2003;
- vii) The instant general approval is not applicable to the diversion of forest land in protected areas;
- viii) The each State/UT Government shall submit the six monthly reports for the period ending on 30<sup>th</sup> June and 31<sup>st</sup> December containing details of all forest land diverted under the general approval accorded by this Ministry along with the status of the actual utilization of the forest land so diverted for the stated purposes; and
- ix) The general approval shall be valid till 31.12.2015.

(H.C. Chaudhary)

Encl: as above.

Asst. Inspector General of Forests

Enclosure to F.No.11-9/98-FC

Dated: 13.07.2011

**STATE-WISE LIST OF SIXTY LEFT WING EXTREMISM AFFECTED DISTRICTS IDENTIFIED BY THE PLANNING COMMISSION AND THE MINISTRY OF HOME AFFAIRS**

<u>Sl.No</u>	<u>State</u>	<u>District</u>
1	Andhra Pradesh	Khammam
2		Adilabad
3		Aurangabad
4		Arwal
5		Nawada
6		Jehanabad
7		Gaya
8		Rohtas
9		Jamui
10	Chhattisgarh	Bastar
11		Bijapur
12		Jashpur
13		Kawardha
14		Koriya
15		Dantewada
16		Kanker

17		Narayanpur
18		Rajnandgaon
19		Surguja
20	<b>Jharkhand</b>	Garhwa
21		Gumla
22		Hazaribagh
23		Koderma
24		Latehar (N)
25		Ramgarh
26		Saraikela (n)
27		Simdega (n)
28		Pachim Singhbhum
29		Purbi Singhbhum
30		Bokaro
31		Chatra
32		Lohardaga
33		Palamu
34	<b>Madhya Pradesh</b>	Balaghat
35		Anuppur
36		Dindori
37		Mandla
38		Seoni
39		Shahdol
40		Sidhi
41		Umaria
42	<b>Maharashtra</b>	Gadchiroli
43		Gondiya
44	<b>Orissa</b>	Debgarh
45		Gajapati
46		Rayagada
47		Sambalpur
48		Malkangiri
49		Balangir
50		Kalahandi
51		Kandhamal
52		Kendujhar
53		Koraput
54		Mayurbhanj
55		Nabarangapur
56		Nuapada
57		Sonapur

58		Sundargarh
59	Uttar Pradesh	Sonbhadra
60	West Bengal	Medinipur West

F. No. 11-9/ 98-FC

Dated: 16.06.2011

**Sub:** General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Departments involving not more than 5.00 hectares of forest land in each case in **60 Left Wing Extremism (LWE) affected districts-** Reg.

Sir,

I am directed to refer to this Ministry's letters of even number Dated 13.05.2011 wherein this Ministry in partial modification of its earlier letter of even number Dated 03.11.2010 further relaxed the existing general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion forest land for creation of critical public utility infrastructure by Government Departments from 2.00 Ha of forest land in each case to 5.00 Ha of forest land in each case 60 (sixty) Left Wing Extremism affected districts and to say that in partial modification of the condition indicated at sl. No. (ii) and (iv) at Page-2 of the said letter Dated 13.05.2011, **no compensatory afforestation in lieu of the forest land diverted in accordance with the said general approval shall be insisted upon.**

I am further to say that all those proposals where decision on diversion of forest land could be taken by the State Government in accordance with the said general approval, but have already been submitted to this Ministry or its Regional Offices and the decision on diversion of forest land indicated in these proposals has not been taken by the Ministry or its Regional Offices to far, will be returned back to the respective State/UT Governments for taking decision in accordance with the said general approval.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F. No. 11-9/ 98-FC

Dated: 10.12.2012

**Sub:** General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Departments involving not more than 5.00 hectares of forest land in each case in **60 Left Wing Extremism (LWE) affected districts-** Reg.

Sir,

I am directed to refer to this Ministry's letters of even number Dated 13.05.2011 read with this Ministry's letter of even number Dated.16.06.2011, on the above mentioned subject, wherein this Ministry accorded general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter Dated.13.05.2011, by the Government Departments involving not more than 5.00 Ha of forest land in each case in 60 (sixty) Left Wing Extremism (LWE) affected districts identified by the Planning Commission and the Ministry of Home Affairs for implementation

of the Integrated Action Plan (IAP), and to say that the said general approval is extended to the additional 22 districts identified by the Planning Commission and the Ministry of Home Affairs for implementation of the IAP. Details of the said 22 districts is annexed.

The general approval to the above-indicated 22 districts shall be subject to fulfillment of the conditions stipulated by this Ministry in its letters of even number Dated.13.05.2011 read with this Ministry's letter of even number Dated.16.06.2011.

(H.C. Chaudhary)

Assistant Inspector General of Forests

### **Annexure**

#### **DETAILS OF ADDITIONAL 22 LEFT WING EXTREMISM AFFECTED DISTRICTS IDENTIFIED BY THE PLANNING COMMISSION AND THE MINISTRY OF HOME AFFAIRS FOR IMPLEMENTATION OF INTEGRATED ACTION PLAN**

<b>S. No.</b>	<b>State</b>	<b>District</b>
1	Andhra Pradesh	Vishakhapatnam
2	Andhra Pradesh	East Godavari
3	Andhra Pradesh	Warangal
4	Andhra Pradesh	Karimnagar
5	Andhra Pradesh	Srikakulam
6	Andhra Pradesh	Vizianagaram
7	Bihar	Munger
8	Bihar	Kaimur
9	Jharkhand	Khunti
10	Jharkhand	Ranchi (Rural)
11	Jharkhand	Giridih
12	Odisha	Ganjam
13	Odisha	Nayagarh
14	Odisha	Jajpur
15	Uttar Pradesh	Chandauli
16	Uttar Pradesh	Mirzapur
17	West Bengal	Bankura
18	West Bengal	Purulia
<b>IAP-III</b>		
1	Bihar	Sitamarhi
2	Bihar	West Champaran
3	Madhya Pradesh	Chindwara
4	Madhya Pradesh	Singrauli



F. No. 11-9/ 98-FC

Dated: 01.02.2013

**Sub:** General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Departments involving **not more than 5.00 hectares** of forest land in each case in 60 Left Wing Extremism (LWE) affected districts- Reg.

Sir,

I am directed to refer to this Ministry's letters of even number Dated 13.05.2011 and 10.12.2012, read with this Ministry's letter of even number Dated 16.06.2011 on the above-mentioned subject, wherein this Ministry accorded general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter Dated 13.05.2011, by Government departments involving not more than 5.00 hectares of forest land, in each case in 82 Left Wing Extremism (LWE) affected districts identified by the Planning Commission and the Ministry of Home Affairs for implementation of the **Integration Action Plan (IAP)**. The 13 categories of infrastructure projects covered by the said general approval include rural roads.

This Ministry has received representation from State Governments and Ministries in the Central Government to extend the said general approval to all categories of roads. This Ministry has also received representations to extend the said general approval to quarrying of materials used in construction of public roads.

The matter has been examined in its entirety in considerable depth by this Ministry and after careful consideration; this Ministry hereby decides to extend the said general approval to all categories of public roads and quarrying of materials used in construction of public roads.

The general approval for roads other than rural roads and quarrying of materials used in construction of public roads shall be subject to fulfillment of the conditions stipulated by this Ministry in its letters of even number Dated 13.05.2011 and 10.12.2012 read with this Ministry's letter of even number Dated 16.06.2011.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

(H.C. Chaudhary)

Assistant Inspector General of Forests

F. No. 11-9/98-FC

Dated :17.05.2013

**Sub:** General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for **creation of critical public utility infrastructure** by Government Departments involving **not more than 5.00 hectares of forest land** in each case in **Left Wing Extremism (LWE) affected districts** – reg.

Sir,

I am directed to refer to this Ministry's letters of even number Dated 13<sup>th</sup> May 2011 and 10<sup>th</sup> December 2012 read with this Ministry's letter of even number Dated 16<sup>th</sup> June 2011, on the above mentioned subject, wherein this Ministry accorded general approval under Section-2 of the

Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter Dated 13<sup>th</sup> May 2011, by Government departments involving not more than 5.00 hectares of forest land, in each case in 82 Left Wing Extremism (LWE) affected districts is identified by the Planning Commission and the Ministry of Home Affairs for implementation of the Integrated Action Plan (IAP). This Ministry vide its letter of even number Dated 1<sup>st</sup> February 2013 extended the said general approval to all category of public roads and quarrying of materials used in construction of public roads.

This Ministry has received representation from the Ministry of Home Affairs to extend the said general approval to the remaining 35 Left Wing Extremism (LWE) affected districts, from among the 106 districts selected under the Security Related Expenditure (SRE) Scheme being implemented by the Ministry of Home Affairs, which have so far not been selected for implementation of the IAP. The matter has been examined in this Ministry and after careful consideration, this Ministry hereby decides to extend the general approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter Dated 13<sup>th</sup> May 2011 and all the categories of public roads and quarrying of materials used in construction of public roads, as provided in this Ministry's letter of even number Dated 1<sup>st</sup> February 2013, to the said 35 districts. Details of these 35 districts are annexed.

The general approval to the above-indicated 35 districts shall be subject to fulfillment of the conditions stipulated by this Ministry in its letters of even number Dated 13<sup>th</sup> May 2011 read with this Ministry's letter of even number Dated 16<sup>th</sup> June 2011.

This issues with the approval of the competent authority.

(H.C. Chaudhary)  
Asst. Inspector General of Forests

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### Annexure

Details of 35 LWE Affected Districts from among the 106 Districts selected under the Security Related Expenditure (SRE) Scheme being implemented by the Ministry of Home Affairs, which have so far not been selected for implementation of the IAP

<b><u>Andhra Pradesh</u></b> 1. Anantapur 2. Guntur 3. Kurnool 4. Medak 5. Mehboobnagar 6. Nalgonda 7. Prakasam 8. Nizamabad	<b><u>Chhattisgarh</u></b> 20. Dhamtari 21. Mahasamund 22. Gariyaband 23. Balod 24. Sukma 25. Kondagaon 26. Balrapur	<b><u>Maharashtra</u></b> 31. Chandrapur 32. Aheri
<b><u>Bihar</u></b> 9. Bhojpur 10. East Champaran 11. Nalanda 12. Patna 13. Muzaffarpur 14. Sheohar 15. Vaishali 16. Banka 17. Lakhisarai 18. Begusarai 19. Khagaria	<b><u>Jharkhand</u></b> 27. Dhanbad 28. Dumka 29. Deoghar 30. Pakur -	<b><u>Orissa</u></b> 33. Dhenkanal 34. Bargarh
		<b><u>West Bengal</u></b> 35. Birbhum

(H.C. Chaudhary)  
Asst. Inspector General of Forests

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# Strengthening of the Nodal Officer

F. No. 11-168/2009-FC

Dated: 14.02.2012

**Sub: Strengthening of the office of the Nodal Officer, Forest (Conservation) Act, 1980 – reg.**  
Sir,

I am directed to say that a Group of Ministers constituted by the Cabinet Secretariat vide their O.M.No.121/4/3/2010-Cab. Dated 3.2.2011 to consider the environmental and developmental issues relating to coal mining and other development projects in its fifth meeting held under the Chairmanship of the Hon'ble Finance Minister on 20<sup>th</sup> September, 2011 *inter-alia* accepted the following recommendations made by a committee constituted under the Chairmanship of **Shri B.K. Chaturvedi**, Member, Planning Commission recommended as below:

- i) A Nodal Agency with adequate staff should be set up in each State to ensure quick processing of forest clearances cases, land acquisition issues and R&R measures. Decision on large number of proposals seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 have been delayed due to long time taken in processing these. This agency may also help in resolving issues on compensatory afforestation. Mining companies may be charged appropriate fee to ensure that the agencies have adequate infrastructure to process cases expeditiously;
- ii) The Ministry of Environment & Forests needs to work out modalities to set up separate cell in each coal bearing State to oversee the type of vegetation being grown in the mined out areas and what further strengthening can be done to improve it.

Accordingly, I am directed to say that all State/UT Governments may kindly take appropriate action, under intimation to this Ministry to strengthen the office of the Nodal Officer by providing adequate staff and infrastructure support to ensure timely processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purposes and also to oversee and monitor the reclamation of the mined out areas with most appropriate species to improve the quality of mine reclamation works.

(H.C.Chaudhary)

Asst. Inspector General of Forests

F. No. 11-168/2009-FC

Dated: 14.02.2012

**Sub: Strengthening of the office of the Nodal Officer, Forest (Conservation) Act, 1980.**  
Sir,

I am directed to say that a Group of Ministers constituted by the Cabinet Secretariat vide their O.M.No.121/4/3/2010-Cab. Dated 3.2.2011 to consider the environmental and developmental issues relating to coal mining and other development projects in its fifth meeting held under the Chairmanship of the Hon'ble Finance Minister on 20<sup>th</sup> September, 2011 *inter-alia* accepted the following recommendation made by a committee constituted under the Chairmanship of **Shri B.K. Chaturvedi**, Member, Planning Commission that the period of maintenance of afforestation may be increased from the existing 5 years to 7-10 years to ensure that the maintenance of forest cover improves.

Accordingly, I am directed to say that the said decision of the GoM may kindly be kept in view while formulating proposals for creation and maintenance of compensatory afforestation in lieu of the forest land diverted for non-forest purposes.

(H.C. Chaudhary)

Assistant Inspector General of Forests

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# Online submission of FCA Proposals



File No.16-13/2012-FC

Dated: 24.07.2012

Sub: **Display of information** related to proposals for diversion of forest land for non-forestry purposes **on the website of the Ministry- reg.**

Sir,

I am directed to refer to the decision taken by the Central Information Commission (CIC) in the complaint file by Ms. Shibani Gosh under the RTI Act, 2005 seeking and the letter of even reference in this regard dated 26<sup>th</sup> July 2012. The CIC had directed that Ministry will display above forms within 10 days of placing the project on the Agenda of the FAC and information related to additional documents/reports/studies within 10 days of receipt of information.

For the above purpose, suitable arrangement to upload and display the information appropriately on the website of Ministry and its access has been made by the Ministry.

The State Governments are requested to upload the proposal details in the new web-based proposal monitoring system along with scanned copy of Form A/B in accordance with direction given vide letter of even no. dated 26<sup>th</sup> July 2012, Tigre, State Governments are also requested to print the certificate from the website in this regard and submit along with the proposals. In respect of those proposals which are under consideration in the Ministry or in the Regional Office and whose details have not been posted on the system, the State Governments are requested to feed them on the website within a period of one month.

The Ministry as well as Offices shall process only those proposals whose details along with form A/B have uploaded and the certificate printed from the website in this regard is submitted along with the proposal

(Shiv Pal Singh)

Sr. Asst. Inspector General of Forests

File No.16-13/2011-FC

Dated: 12.11.2012

Sub: **Display of information related to proposals for diversion of forest land for non-forestry purposes on the website of the Ministry- Reg.**

Sir,

I am directed to refer to the decision given by the Central Information Commissioner in the complaint filed by Ms. Shibani Ghosh under RTI Act, 2005 seeking display of Form A/Form B of proposals for diversion of forests land for non-forestry purposes. The CIC had directed that the Ministry will display above forms within 10 days of placing the project on the agenda of the FAC and information related to additional documents/reports/studies within 10 days of receipt of information.

For the above purpose, suitable arrangement to display the information appropriately on the website of the Ministry and its access is being made by the Ministry.

The State Governments are requested to submit a soft copy in pdf format of Parts I to V of Form A/Form B, as applicable, along with the proposal. While sending soft copy, the State Governments shall ensure that the Parts of Forms attracting the provisions of Section 8 (1) of the RTI Act, 2005 are not included.

(Shiv Pal Singh)

Sr. Asst. Inspector General of Forests

F. No. 16-13/ 2011-FC (II)

Dated: 20.11.2012

**Sub: Display of information** related to proposals for diversion of forest land for non- forestry purposes **on the website of the Ministry** -Reg.

Sir,

I am directed to refer to the decision taken by the Central Information Commission (CIC) in the complaint file by Ms. Shibani Gosh under the RTI Act, 2005 seeking displayed Form A/Form B of proposals for diversion of forest land for non-forestry purposes, The CIC has directed that **Ministry will display above forms within 10 days of placing the project under the Agenda of the FAC** and information related to additional documents/reports/studies within 10 days of receipt of information.

For the above purpose, suitable arrangement to upload and display the information of appropriately on the website of Ministry and its access has been made by the Ministry.

The Regional Offices of this Ministry are, therefore, requested **to regularly upload the information in respect of SAG**, as indicated above, on the website of the Ministry.

It is also mentioned that the **State Government have separately been asked to upload the proposal details in the new web-based proposal monitoring system along with scanned copy of Form A/B in accordance with direction given vide letter of even no. dated 26<sup>th</sup> July 2012.** The Regional Offices are requested to ensure that the proposals along with information as directed by CIC are uploaded on the website before the proposals are considered by the SAG.

(Shiv Pal Singh)

Sr. Assistant Inspector General of Forests

F. No. 16-13/ 2012-FC

Dated:08.02.2013

**Sub:** Decision No. CIC/SG/CI2011/001409/17503 dated 29th February 2012 in respect of complaint No. CIC/SG/CI2011/001409 filed by Ms. Shibani Ghosh - implementation-reg..

Sir,

It is to inform that the Central Information Commission had directed uploading of certain information in respect of proposals seeking diversion of forest land for non-forestry uses.

Further, the Ministry has also created a web-based proposal monitoring system wherein the details of the proposal seeking diversion of forest land are to be inputted. The Ministry has also made suitable arrangements for display of the information as directed by the CIC in this system itself.

The Ministry had requested the State Governments vide letter of even reference dated 12th November 2012 **to upload the relevant information in the web-based proposal monitoring system.** However, the details of proposals along with information as directed by the CIC are not being uploaded in the system.

It is, therefore, requested to kindly ensure compliance of the directions given vide above letter of the Ministry.

(M.S. Negi)

Inspector General of Forests

F.No.16-13/2011-FC

Dated: 29.10.2013

**Sub:** Updating of Diversion proposals under FC Act on the website of the Ministry.

**Ref:** 1. MOEF letter No.16-13/2011-FC (I), Dated 26.7.2012, 12.11.2012, 20.11.2012 & No. 16-13/2012-FC dated 08.02.2013. 2. CIC decision NO.CIC/SG/C/20111001409117503 Dt.29.2.2012

Sir,

Kind attention is invited to the decision taken by the Central Information Commission (CIC) referred above regarding uploading of project details /Part-II, Part-III, Part-IV and Part-V of Form-A/B prescribed under Rule-6 of the Forest (Conservation) Rules 2003. This Ministry had conveyed the decision of the CIC to all the States/UTs in letter No.16-13/20 11- FC (I) dated 26.7.2012 followed by letters dated 12.11.2012, 20.11.2012, No.16-13/2012-FC Dt. 8.02.2013, wherein it was impressed upon the States/UTs to upload the Form A/B and enclose the acknowledgement letter generated on the website with the hard copy of the proposal being submitted to this Ministry.

This was also reiterated in the Video Conferences the DGF&SS had with PCCFs /Nodal Officers. The last such Video Conference was held on 1<sup>st</sup> October 2013, when the issue was discussed in detail and it was pointed out that the Ministry may opt for non-acceptance of those proposals which are not uploaded on the website. The Minutes of this Video Conference have also been circulated to Principal Chief Conservators of Forests of all States/UTs. However despite the letters and the discussion in the video conference, it is seen that many of the States/Union Territories have not started uploading the Form A/B, which is mandatory as per the CIC guidelines.

It is once again requested that all the States/Union Territories should start uploading Form A/B on the MOEF website. It has been further decided that the Ministry, with effect from 1-12-2013 will not accept any proposal which is not uploaded on the Ministry's website and the hard copy is not accompanied with the acknowledgement slip generated by the website.

(M.S. Negi)

Inspector General of Forests (FC)

F.No.7-23/2012-FC

Dated: 24.07.2013

**Sub:** Guidelines issued by the Hon'ble National Green Tribunal in their order dated 07.11.2012 in the Appeal No. 7/2012 in the matter of Vimal Bhai and others versus Union of India and others.

Sir,

I am directed to say that the Honourable National Green Tribunal in their order dated 07.11.2012 in the Appeal No. 7/2012 in the matter of Vimal Bhai and others versus Union of India and others *inter-alia* directed as below:

*"..... In the aforesaid scenario it can safely be conducted that after receiving a Stage I and/or Stage – II Clearance, thereby granting a consent to permit use of forest land for non-forest purposes, from the Central Government, it is incumbent upon the State Government to pass a reasoned order transferring and/or allowing the land in question for being used for non forest purpose. It is needless to be said that bereft of such order no forest lands can be put to use for non-forest purpose. Further, all activities done without such orders would be **ab initio** void. An appeal can be filed against the said order of the State Government under Section 2 (A) of FC Act and/or under Section 16 (e) of the NGT*

Act. In the event such an Appeal is filed it would be open for the person aggrieved, to assail the order/ Clearances granted by the Central Government under Section 2 of the Act which forms an integral part and sole basis of the order passed by the State Government.

We are surprised to find that **most of the State Governments do not pass separate orders in the light of the basic requirement of Section 2 of the Forest (Conservation) Act, 1980 Act as explained above thereby creating an embargo and depriving a person aggrieved from filing an Appeal.** Section 2 of the FC Act, mandates that as and when the State Government decides to permit use of the Forest land for non forest purpose, it has to pass order to that effect. The said order along with the conditions imposed by the Central Government according Stage-I and Stage-II Clearance is mandatorily required **to be displayed in the website.** A copy of the order should also be sent to the MoEF forthwith. After receiving the copy of the order MoEF is also required to upload the same in its website so as to make the entire transactions transparent and bring it to public domain or Government portal and to enable any person aggrieved by the order passed under the provision of Section 2 of the FC Act, to approach this Tribunal in consonance with Section 2 (A) for Forest(Conservation) Act, 1980 Act or Section 16 (e) of the NGT Act.

Apart from the said action the **State Government should also insist that the Project Proponent should publish the entire forest clearances granted in verbatim along with the conditions and safe-guards imposed by the Central Government in Stage – I Forest Clearance in two widely circulated daily newspapers one in vernacular language and the other in English language** so as to make people aware of the permission granted to the Project Proponent for use of forest land for non-forest purposes. The cause of action for filing an Appeal would commence only from the date when such publication is made in the newspapers, as well as from the date when the forest clearance and permission to use the Forest land for non-forest purpose is displayed in the website of the concerned State Government or the MoEF, as the case may be. **The copies of the Forest Clearance should also be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government** who in turn has to display the same for 30 days from the date of receipt.....”

Accordingly, I am directed to request that, all State/UT Governments may kindly take appropriate action to ensure that afore-mentioned directions of the Hon’ble NGT are carried out in letter and spirit.

(H.C. Chaudhary)

Assistant Inspector General of Forests

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Online deposition of funds

F. No. 12-2/2010-CAMPA

Dated: 24.06.2011

**Sub:** Diversion of forest land under Forest (Conservation) Act, 1980 – **Deposit of Compensatory Afforestation charges etc. by User Agencies:** Need for expediting procedures

I am directed to invite reference to circular letter of even number dated the 13<sup>th</sup> May, 2011 (copy at Annexure- I) on the subject mentioned above and to say as follows.

It has been informed by **Corporation Bank, Lodhi Complex, New Delhi 110003** that for the purpose of effecting transfer of funds by **RTGS/NEFT modes**, before the Savings Bank Account Numbers **SB010 has to be prefixed**. The Savings Bank Account Numbers for the various State CAMPA accounts will therefore be as under:

S. No	Name of Account	S/B Account No.	S. No	Name of Account	S/B Account No.
01	CAF Andaman	SB01025197	19	CAF Lakshadweep	SB01025215
02	<b>CAF Andhra Pradesh</b>	<b>SB01025198</b>	20	CAF Madhya Pradesh	SB01025216
03	CAF Arunachal Pradesh	SB01025199	21	CAF Maharashtra	SB01025218
04	CAF Assam	SB01025200	22	CAF Manipur	SB01025219
05	CAF Bihar	SB01025201	23	CAF Meghalaya	SB01025217
06	CAF Chandigarh	SB01025202	24	CAF Mizoram	SB01025220
07	CAF Chhattisgarh	SB01025203	25	CAF Nagaland	SB01025221
08	CAF Dadra & Nagar	SB01025204	26	CAF Orissa	SB01025222
09	CAF Daman & Diu	SB01025205	27	CAF Punjab	SB01025224
10	CAF Delhi	SB01025206	28	CAF Pondicherry	SB01025223
11	CAF Goa	SB01025207	29	CAF Rajasthan	SB01025225
12	CAF Gujarat	SB01025208	30	CAF Sikkim	SB01025226
13	CAF Haryana	SB01025209	31	CAF Tamil Nadu	SB01025227
14	CAF Himachal Pradesh	SB01025210	32	CAF Tripura	SB01025228
15	CAF J&K	SB01025211	33	CAF Uttar Pradesh	SB01025230
16	CAF Jharkhand	SB01025212	34	CAF Uttaranchal	SB01025229
17	CAF Karnataka	SB01025213	35	CAF West Bengal	SB01025231
18	CAF Kerala	SB01025214	36	CAF Main Account	SB01025233

*Note: CAF stands for Compensatory Afforestation Fund*

3. The option to deposit the funds either in the **Corporation Bank, Lodhi Complex, New Delhi 110003**; or the **Union Bank of India, Sunder Nagar, New Delhi 110003** remains unaltered.
4. It is requested that the above may kindly be taken into account, and the procedure depositing



funds directly with the Savings Bank accounts maintained by the Ad-hoc CAMPA in New Delhi, may be put into effect immediately.

(CD Singh)

**Inspector General of Forests (FC)(I/C)&  
Chief Executive Officer, Ad-hoc CAMPA**

**F.No.12-2/2010-CAMPA**

**Dated:-13.05.2011**

Sub: Diversion of forest land under Forest (Conservation) Act, 1980 – Deposition of Compensatory levies by User Agencies: Need for expediting procedures

Sir,

I am directed to invite reference to circular letter of even number dated the 22<sup>nd</sup> October, 2010 (Annexure- I) and to say as follows.

2. In order to ensure optimization of interest income on the levies deposited by various User Agencies as Compensation for diversion of forest land under the Forest (Conservation) Act 1980 in place of the Current Accounts in the under mentioned Banks in New Delhi, which were not interest bearing 'Savings Bank Accounts' having been opened. The bank Branches are:

(1) Union Bank of India, Sunder Nagar, New Delhi 110003 (RTGS/IFSC No. UBIN0534498)

(2) Corporation Bank, Lodhi Complex, New Delhi 110003 (RTGS/IFSC No. CORP0000371)

3. The particulars of the Savings Bank accounts opened in the name of the State / UT CAMPAs are as indicated in Annexure II. It is requested that with immediate effect all concerned may be directed that the Compensatory levies are to be deposited in the Saving Bank Accounts.

4. It may kindly be impressed upon all concerned that transmission of levies by RTGS/NEFT is one preferred mode and may be employed wherever possible and transmission by the conventional modes of Bank Drafts resorted to only where electronic transfer is not possible.

5. Receipt of this letter may kindly be acknowledged.

(CD Singh)

**Inspector General of Forests (FC)(I/C)&  
Chief Executive Officer, Ad-hoc CAMPA**

**F.No.12-2/2010-CAMPA**

**Dated:-22.10.2010**

Sub: Diversion of forest land under Forest (Conservation) Act, 1980 – Deposit of Compensatory Afforestation Charges etc., by User Agencies – need for expediting procedures.

I am directed to say that in terms of the Forest (Conservation) Act, 1980 and the rules framed thereunder, the User Agencies in whose favour, diversion of forest land is allowed for non forest use, are required as a first step following Stage-I clearance of the proposal (s) to deposit charges under various heads like Compensatory Afforestation, Additional Compensatory Afforestation, Penal Compensatory Afforestation, Catchment Area Treatment, Diversion of protected areas, Net Present Value etc. It is only upon receipt of the deposited funds in the Ad-hoc CAMPA (Compensatory Afforestation Fund Management and Planning Authority) and fulfillment of other conditions, that the Stage-II clearance is accorded.

2. There have been instances of delay in procedure related to collection of the charges from the User Agencies, and their deposition with the Ad-hoc Compensatory Afforestation Fund Management and Planning Authority. It has also been reported that in some States, it is insisted upon the User Agencies that such deposits can only be made by way of Bank Drafts.

3. It is clarified that deposition of charges by means of Bank Drafts alone is not a necessary condition to the grant of Stage – II clearance under the provisions of the Act and the Rules framed thereunder. On the other hand, the User Agencies should be encouraged to deposit the funds through the RTGS/NEFT mode in the State – specific CAMPA Accounts maintained in either of the Banks mentioned below, viz.:

(1) Union Bank of India, Sunder Nagar, New Delhi 110003 (RTGS/IFSC No. UBIN0534498)

(2) Corporation Bank, Lodhi Complex, New Delhi 110003 (RTGS/IFSC No. CORP0000371)

4. It would suffice for the concerned authorities in the State Government to collect from the User Agencies, the proof / evidence of deposit of funds in the State Specific Account Number, as indicated in the enclosure. The evidence so produced by the User Agency can be annexed and forwarded to the sanctioning authority alongwith other necessary documents, for considering the issue of Stage – II clearance.

I am to request that instructions may kindly be issued, appropriately, to all concerned.

(Ansar Ahmed)  
Inspector General of Forests

Corporation Bank, CGO complex, Lodhi Road, New Delhi 110003				Union Bank of India, Sunder Nagar, New Delhi			
Sl. No	Name of Account	New SB A/c Number	Old Current A/c. No.	Sl. No	Name of Account	New SB A/c Number	Old Current A/c. No.
1	Compensatory Afforestation Fund (CAF) - Andaman	25197	1606	1	ANDAMAN & NICOBAR CAMPA	344902010105406	344901010070178
2	Compensatory Afforestation Fund (CAF) - Andhra Pradesh	25198	1578	2	ANDHRA PRADESH CAMPA	344902010105407	344901010070173
3	Compensatory Afforestation Fund (CAF) - Arunachal Pradesh	25199	1601	3	ARUNACHAL PRADESH CAMPA	344902010105408	344901010070180
4	Compensatory Afforestation Fund (CAF) - Assam	25200	1588	4	ASSAM CAMPA	344902010105409	344901010070181
5	Compensatory Afforestation Fund (CAF) - Bihar	25201	1576	5	BIHAR CAMPA	344902010105410	344901010070182
6	Compensatory Afforestation Fund (CAF) - Chandigarh	25202	1603	6	CHANDIGARH CAMPA	344902010105411	344901010070183
7	Compensatory Afforestation Fund (CAF) - Chhattisgarh	25203	1591	7	CHATTISGARH CAMPA	344902010105412	344901010070184
8	Compensatory Afforestation Fund (CAF) - Dadra & Nagar	25204	1607	8	DADRA NAGAR HAVELI CAMPA	344902010105413	344901010070250

9	Compensatory Afforestation Fund (CAF) - Daman & Diu	25205	1608	9	DAMAN AND DIU CAMPA	344902010105414	
10	Compensatory Afforestation Fund (CAF) - Delhi	25206	1592	10	DELHI CAMPA	344902010105415	344901010070185
11	Compensatory Afforestation Fund (CAF) - Goa	25207	1600	11	GOA CAMPA	344902010105416	344901010070209
12	Compensatory Afforestation Fund (CAF) - Gujarat	25208	1583	12	GUJARAT CAMPA	344902010105417	344901010070210
13	Compensatory Afforestation Fund (CAF) - Haryana	25209	1590	13	HARYANA CAMPA	344902010105418	344901010070186
14	Compensatory Afforestation Fund (CAF) - Himachal Pradesh	25210	1595	14	HIMACHAL PRADESH CAMPA	344902010105419	344901010070187
15	Compensatory Afforestation Fund (CAF) - J&K	25211	1593	15	JAMMU & KASHMIR		344901010070321
16	Compensatory Afforestation Fund (CAF) - Jharkhand	25212	1587	16	JHARKAND CAMPA	344902010105420	344901010070188
17	Compensatory Afforestation Fund (CAF) - Karnataka	25213	1582	17	KARNATAKA CAMPA	344902010105421	344901010070189
18	Compensatory Afforestation Fund (CAF) - Kerala	25214	1586	18	KERALA CAMPA	344902010105422	344901010070190
19	Compensatory Afforestation Fund (CAF) - Lakshdweep	25215	1609	19	LAKSHDWEET		
20	Compensatory Afforestation Fund (CAF) - Madhya Pradesh	25216	1580	20	MADHYA PRADESH CAMPA	344902010105423	344901010070191
21	Compensatory Afforestation Fund (CAF) - Maharashtra	25218	1575	21	MAHARASHTRA CAMPA	344902010105424	344901010070192
22	Compensatory Afforestation Fund (CAF) - Manipur	25219	1597	22	MANIPUR CAMPA	344902010105425	344901010070268
23	Compensatory Afforestation Fund (CAF) - Meghalaya	25217	1598	23	MEGHALAYA CAMPA	344902010105426	344901010070193
24	Compensatory Afforestation Fund (CAF) - Mizoram	25220	1604	24	MIZORAM CAMPA	344902010105427	344901010070285

25	Compensatory Afforestation Fund (CAF) - Nagaland	25221	1599	25	NAGALAND		
26	Compensatory Afforestation Fund (CAF) - Orissa	25222	1585	26	ORISSA CAMPA	344902010105 428	344901010070194
27	Compensatory Afforestation Fund (CAF) - Punjab	25224	1589	27	PUNJAB CAMPA	344902010105 429	344901010070202
28	Compensatory Afforestation Fund (CAF) - Pondicherry	25223	1602	28	PONDICHERRY CAMPA	344902010105 430	344901010070195
29	Compensatory Afforestation Fund (CAF) - Rajasthan	25225	1581	29	RAJASTHAN CAMPA	344902010105 431	344901010070196
30	Compensatory Afforestation Fund (CAF) - Sikkim	25226	1605	30	SIKKIM CAMPA	344902010105 432	344901010070197
31	Compensatory Afforestation Fund (CAF) - Tamil Nadu	25227	1579	31	TAMIL NADU CAMPA	344902010105 433	344901010070198
32	Compensatory Afforestation Fund (CAF) - Tripura	25228	1596	32	TRIPURA CAMPA	344902010105 434	344901010070199
33	Compensatory Afforestation Fund (CAF) - Uttar Pradesh	25230	1574	33	UTTAR PRADESH CAMPA	344902010105 435	344901010070201
34	Compensatory Afforestation Fund (CAF) - Uttar Pradesh	25229	1594	34	UTTARA- KHAND CAMPA	344902010105 436	344901010070203
35	Compensatory Afforestation Fund (CAF) - West Bengal	25231	1577	35	WEST BENGAL CAMPA	344902010105 437	344901010070224
36	Compensatory Afforestation Fund (CAF) - Main Account	25233	1627	36	ADHOC CAMPA	344902010105 405	



Govt. of Andhra Pradesh  
orders on FC Act

Memo No. 3778/For. I (1)/2001-1

Dated 20.04.2001

Sub: M&M – Minor Minerals certain quarry leases for State Stone hold adjacent to the R.F. areas sanction of quarry leases without consulting the DFO cancellation of quarry lease – Report – Regarding.

Ref: From Prl.CCF Hyderabad Lr. No. 52627/2000/F2, Dt. 09.04.2001.

The attention of the Director, Mines and Geology is invited to the reference cited. He is informed that the Principal Chief Conservator of Forests, in his letter cited has reported that the Mining Department is granting Mining leases adjacent to the Reserve Forest without obtaining the no objection certificate from the Forest Department before granting mining leases as required under A.P. Board of Revenue stating order No 35(III) resulting in illicit quarrying in Reserve Forests and violation of the provisions of Forest (Conservation) Act.

2. Hence the Director, Mines and Geology is requested to issue suitable Instructions to the concerned **not to issue mining lease in forest areas and also adjacent areas without consulting the concerned forest officials** as once the lease is granted by Mining Department without consulting of the Forest Department, it is very difficult to cancel the lease and in several cases the parties are approaching the Hon'ble High Court and the matter is getting complicated.

**C. Madhukar Raj**

SPECIAL SECRETARY TO GOVERNMENT  
ANDHRA PRADESH  
ABSTRACT

Forest department – Collection of Net Present Value for the forest lands diverted for non-forestry purposes under Forest(Conservation) Act, 1980 – Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT  
G.O. Ms. No. 105  
Dated: 13.09.2004

Read the following:

1. Supreme Court of India, New Delhi, orders in I.A.No. 566 in W.P.(C)No. 202/1995, dt: 30-10-2002.
2. Government of India, Ministry of Environment & Forests, New Delhi Letter 5-1/98-Forest(Conservation)Act, 1980(pr-II), dt: 18-09-2003.
3. From Prl. CCF. Ref. No. 45425/2003/F5, dt: 5-7-2004.

**ORDER:**

The Supreme Court of India in its orders dated 30-10-2002 and dated 01-8-2003 in W.P. (Civil) No. 202 of 1995 has issued directions to all the States and Union Territories to collect the Net Present Value for the Compensatory Afforestation Fund at the rates varying between Rs. 5.90 Lakhs to Rs. 9.20 Lakhs per hectare depending up on the quantity, density and species of the forest land in question proposed for diversion for non-forestry purpose.

2. With reference to same, the Government of India, Ministry of Environment & Forests have issued guidelines for collection of Net Present Value (NPV) of the forest land proposed for diversion for



non-forest purpose under Forest(Conservation) Act, 1980 in the following manner:

1. Net Present Value shall be charged in all those cases, which have been granted in Principle approval after 30-10-2002.
2. Net Present Value shall be collected before Stage-II (final) approval.
3. Hon'ble Supreme Court has given a range for the rates i.e. Rs. 5.80 Lakhs to Rs. 9.20 Lakhs per hectare for Net Present Value depending up on the quantity, density and species of the land in question diverted for non-forestry use.
3. In compliance of the said orders of Supreme Court of India and the Guidelines of Government of India on Net Present Value the Prl. Chief Conservator of Forests, Hyderabad in the reference 4<sup>th</sup> read above has submitted proposal on collection of rates of Net Present Value in Andhra Pradesh, on the basis of forest type, species and forest land proposed.
4. After careful examination of the proposal of the Prl. Chief Conservator of Forests, with reference to orders of the Supreme Court of India and the guidelines of the Government of India, the Government hereby issue the following guidelines in the matter relating to the collection of rates of Net Present Value from the User Agency, for diversion of the forest land for non-forestry purposes:
  - 1) The Net Present Value should be collected within three broad categories which are created on the basis of types of forest within the prescribed Net Present Value range between Rs. 5.80 Lakhs per hectare and Rs. 9.20 Lakhs per hectare, as shown in the Annexure-I in this order.
  - 2) In case of forest blocks falling in urban areas, highest rate of Rs. 9.20 Lakhs per hectare or market rate as fixed by the Revenue Department which-ever is higher shall be charged.
  - 3) The Divisional Forest Officer shall fix up Net Present Value within each category depending upon quality, density and crop types as per the broad guidelines in Annexure-I.
  - 4) The Divisional Forest Officer shall determine the major forest type, there after random sample plots (5% sampling) should be laid following square grid design to determine crown density.
  - 5) The Prl. Chief Conservator of Forests, Hyderabad is requested to follow the above guidelines in collecting the Net Present Value from the User Agency, for diversion of forest land for non-forestry purposes.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**T. CHATTERJEE**

**PRINCIPAL SECRETARY TO GOVERNMENT**

**ANNEXURE - TO G.O.MS.NO. 105, E.F.S. & T. (FOR.I) DEPT., DATED 13-09-2004**

Cat-egory	Type of Forest Land	Range of Net Present Value	Guidelines for fixing Net Present Value
I.	Rocky areas or with Vegetation/Grassy blanks in dry zone.	Rs. 5.80 to Rs. 6.99 Lakhs per Hectare	(a) Rs. 5.80 Lakhs per Hectare - Rocky area no vegetation. (b) Rs. 6.20 Lakhs per Hectare - Rocky area with Vegetation/grassy blanks in dry zone. (c) Rs. 6.60 to 6.99 Lakhs per Hectare - Dry scrub/throne forest of less than 0.1 (crown density).

II.	Dry Deciduous Forest	Rs. 7.00 to Rs. 9.19 Lakhs per Hectare	(a) Rs. 7.00 Lakhs per Hectare - Crown density 0.1 to 0.2. (b) Rs. 7.40 Lakhs per Hectare - Crown density 0.2 to 0.3. (c) Rs. 7.80 to 8.19 Lakhs per Hectare - Crown density greater than 0.3.
III.	Moist Deciduous Forest / Semi ever green/Ever green/Red Sander Forest	Rs. 8.20 to Rs. 9.20 Lakhs per Hectare	(a) Rs. 8.20 Lakhs per Hectare - Crown density below 0.25 of Moist Deciduous forests. (b) Rs. 8.80 Lakhs per Hectare - Crown density above 0.25 of Moist Deciduous Forests. (c) Rs. 9.20 to Lakhs per Hectare - Ever green/Semi ever green Man

ANNEXURE - TO G.O.MS.NO. 105, E.F.S. & T. (FOR.I) DEPT., DATED 13-09-2004 Proforma for calculation of Total Net Present Value					
Category	Sub Category	No. of Sample plots	Total Area Proposed (Ha.)	Rate (Rs. In Lakhs per Hectare)	Net Present Value (Rupees in Lakhs)
I.	a) b) c)			5.80 6.20 6.60	
II.	a) b) c)			7.00 7.40 7.80	
III.	a) b) c) d)			8.20 8.60 8.80 9.20	

**GOVERNMENT OF ANDHRA PRADESH**  
**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT**  
**MEMO No. 5624/For. I(1)/2005-2** **Dated 01.09.2005**

Sub:- Forest Department – Mines and Minerals, Applications for grant of Q.L/Mining Lease in forest areas – **Processing of applications for grant of Mining Lease through Mines and geology Department** – Instructions - Issued –Regarding.

Ref:- From Industries and Commerce Department D.O. Letter No. 12087/MinesII (1)/2005-1, Dated 27.06.2005 .

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As per the guidelines of the Government of India the nodal officer of the Forest –Department receives applications from the user agencies for diversion of forestlands for various purposes

including mining operations. In this context the Industries and Commerce Department has reported that entertaining statutory proforma applications direct from the User Agency by the Forest Department may lead to complicating the process of QL/PL/Mining lease and prolong the process of disposal. This may also create legal complications for both the Departments including Government of India. They have further stated that on the top of this, securing forest clearance does not confer any right to claim for grant of QL/Mining lease etc. as the applications are to be examined taking into consideration the experience, financial capacity, technical knowledge and also priorities of Public Sector Undertakings if any. To avoid such complications, the Industries and Commerce Department have requested the EFS&T Department to issue necessary instructions in the matter.

After consideration to the issue Government hereby direct the Principal Chief Conservator of Forests, Hyderabad to process the Mining Leases/ QL applications for clearance under Forest (Conservation) Act 1980 after receiving the applications with technical observations through the Mines and Geology Department. However, mere forwarding of any mining lease application by the Mines and Geology Department does not confer any right to the applicant or grant of mining lease/ QL as the process involves statutory procedure prescribed under F(C) Act., 1980. The Principal Chief Conservator of Forests, Hyderabad is requested to follow the above instructions and communicate the above orders instructions and communicate the orders to all concerned Conservator of Forests/ Deputy Conservator of Forests.

**T. CHATTERJEE**

**PRINCIPAL SECRETARY TO GOVERNMENT**

## **GOVERNMENT OF ANDHRA PRADESH**

### **ABSTRACT**

Diversion of Forest Land for non forestry activities like **formation of roads, laying pipelines, construction of Dams, Canals, Electrical lines, Mining purpose etc.** - Procedure to be followed under Forests conservation Act, 1980 - Orders – Issued

**ENVIRONMENT FORESTS SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT**

G.O. Rt. No. 6

Dated: 06-01-2007

Read the following

1. GOI, MoEF, Notification No.1-1/CEC/SC/2002, Dated 03-06-2002 creating Central Empowered Committee (CEC) vide S.C. orders dt. 9-5-2002 in W.P. (Civil) Nos. 202/95 & 171/96).
2. EFS & T Department U.O NoteNo.6051/For.I (I)2006-1, dt.12-07-2006.

### **ORDER:**

Several instances have come to the notice of the Government regarding violation of the provisions of Forest (Conservation) Act, 1980, Wild Life Protection Act, 1972 as amended in 2003 / orders of Hon'ble Supreme Court of India and GOI guidelines issued thereon, by certain Government Departments, Agencies and Public Sector under takings though there are clear guidelines of Government of India under Forest (Conservation) Act, 1980 and orders of Hon'ble Supreme Court of India, in force. - The 'general public and some NGOs are filing petitions (PILs) before the Hon'ble Supreme Court of India, Hon'ble High Court and Central Empowered Committee

(CEC) constituted by Supreme Court of India vide their order in WP (C) Nos.202/95 and 171/96 dt. 9-5-2002 and GOI MoEF, notification No.1-1/CECIS/2002, dt.3-6-2002 against the violation of the provisions of Forest (Conservation) Act, 1980 and Wild Life (Protection) Act, 1972 and Hon'ble Supreme Court orders against the Departments concerned for construction of projects/ canals and any other structures without prior permission of GOI as required under Sec-2 of F.C. Act, 1980.

2. Due to violation by the concerned departments, this department is being drawn to the adverse notice of the Central Empowered Committee and Hon'ble Supreme Court of India, as invariably petitions are being filed against the State Government. The Hon'ble Supreme Court is viewing these violations very seriously and directing the State Government to fix responsibility against the concerned officials, besides levying heavy penalties as punitive measures.

3. In the U.O. Note 2" read above, department has already requested all me departments concerned to issue strict instructions to their Heads of Departments/ Field Level Officers not to take up any non forestry activity in Forest lands without obtaining priori permission from Government of India under Forest (Conservation) Act, 1980.

4. All the Departments/ User agencies should note that any developmental/non forestry activity shall not be taken up in Sanctuaries and National Parks. Without obtaining prior permission horn the National Board for Wild Life.(NBWL) constituted under Wild Life (Protection) Act, 1972 for the purpose, besides obtaining permission of Supreme Court of India as per S.C.ofIndia orders dated: 13-11-2000 in IA No.2 in WP No.337/1995, and finally the prior permission from GOI under Forest (Conservation) Act, 1980.

5. The Chief Secretary to Government during the "State Level Forest Protection Committee Meeting" held on 14-9-2006 has reviewed certain cases of violation under F.C. Act., and the consequences in not seeking the GOI's prior permission for certain projects that were taken up in forest lands and Wildlife Sanctuaries.

6. Accordingly, it 'has been decided to bring to the notice of all concerned departments the guidelines prescribed under F.(C.) Act 1980 which are to be followed by the User Agencies desirous of using forest lands for non forestry purpose. The precise procedure to be followed is given below for obtaining GOI's prior permission under the said Act.

1. Every User Agency which wants to use any forest land for non-forestry purposes shall make its proposal in the relevant Form i.e. Form "A" for seeking first time approval under the Act, Form 'B' for seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Prl.CCF/ Nodal Officer, O/o Prl.CCF. along with requisite information and documents, complete in all respects. Form A & B are enclosed as Annexure-I and II.
2. The Prl.CCF/ Nodal Officer after receipt of the proposal and upon being satisfied that the proposal is complete in all respects and requires prior approval under Section 2 of the F.C. Act 1980 shall forward the proposal to the concerned territorial DFO.
3. If the Prl.CCF/ Nodal Officer finds that the proposal is incomplete, he shall return the same to the User Agency for necessary corrections and re-submission of the same to Prl. CCF/Nodal Officer of the State.
4. The Divisional Forest Officer and the Conservator of Forests shall examine the factual details on the ground and feasibility of the proposal, certify the maps, carry out site- inspection, enumeration of the tree growth and forward their findings in the formats specified in this regard to the Prl. CCF/ Nodal Officer (FCA), o/o Prl. CCF, Hyderabad.
5. The Prl.CCF/ Nodal Officer, shall forward the proposal to the State Government in EFS & T

Department along with his recommendations certified in Part-IV on the receipt of such proposal from the DFO or Conservator of Forests.

6. The Government in EFS & T Department, on receipt of the proposal from Prl.CCF/ Nodal Officer, shall forward the complete proposal, along with recommendations in Part-V to the Government of India, Ministry of Environment & Forests, Bangalore/ New Delhi, as the case may be.  
Provided that all proposals involving clearing of naturally grown trees on the forest land or a portion thereof for the purpose of using it for reforestation shall be sent in the form of a Working Plan or Management Plan.

Provided further that the Government shall simultaneously send the intimation to the User Agency about forwarding of the proposal, along with its recommendations, to the Regional Office, Bangalore, or the Ministry of Environment and Forests, New Delhi, as the case may be.

7. The proposal involving forest land up to 40 ha. Other than the proposal relating to mining and encroachment, shall be forwarded by the State Government to the Chief Conservator of Forests (Central), Regional Office, Ministry of Environment & Forests, Government of India, Bangalore, who shall
  - (a) decide the diversion proposal up to 5 Ha and
  - (b) process, and forward diversion proposals of more than 5 Ha and up to 40 ha. along with his recommendations to the Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi for obtaining the decision of Central Government.

7. From the above, it is clear that obtaining clearance from Central Government for diversion of any forest land will take considerable time, and, therefore it is legally necessary for all the User Agencies / Government Departments to submit their proposals for diversion of any forest land in accordance with the above said rules and obtain necessary clearances from GOI, well in advance of commencement of 'their proposed project - so as to avoid unnecessary delays and legal complications in implementation of the projects at a later stage.

8. The Government is giving priority to the development of Remote and Interior Areas which involve construction/ repairs of large number of roads involving forest land for improving connectivity in rural areas. The guidelines issued by Ministry of Environment & Forests, Government of India, on construction of new 'roads in forest areas and up-gradation (improvement of existing roads, are enclosed as Annexure-III.

9. Hence the proposals involving forest lands will require clearance under Forest (Conservation) Act, 1980, and therefore, for obtaining expeditious clearance from Central Government, it is advised that the concerned departments like P.R. & RD, R&B, SW (TW) ~ should\_ prepare a consolidated proposal for such roads works involving forest areas in each district/ division in the specified formats, duly furnishing all the details and submit to the Chief Conservator of Forests, Hyderabad /Nodal officer of the Forest Department well in advance.

10. Apart from the above, the following pre - conditions shall be fulfilled invariably in all cases.

1. The requirement of equivalent non forest land for Compensatory Afforestation in lieu of forest land diverted should be identified in coordination' with District Administration and got inspected by the Divisional Forest Officer / Forest range Officer concerned to asses its suitability\_ for raising Compensatory Afforestation. Such C.A. lands can' be given in the same district or in any district in the State. It should be adjacent to R.F. area preferably.
2. The requirement of funds towards payment of Compensatory Afforestation, i.e., cost towards C.A. shall be got calculated by the Divisional Forest Officer concerned where the C.A. lands are identified and the C.A. Scheme shall also be enclosed.



3. As per orders of Hon'ble Supreme Court of India dated 30-12-2002 and 1-08-2003 in IA No. 566 in W.P. (C) No.202 of 1995 and as per guidelines issued by Ministry of Environment & Forests vide letters No.5-1/1998- F.C. (Pt. H) dated: 18-9-2003 and 22-9-2003, Net Present Value (N.P.V.) of the Forest land proposed for diversion should also be worked out and incorporated in the proposal and also in the budget of the concerned department well in advance. The Net Present Value is payable @ of Rs.5.80 Lakh to 9.20 Lakh per Ha. In case of urban areas, Net Present Value shall be paid as per local market value as calculated by concerned Revenue authorities. The consolidated proposal in complete Shape are once submitted to the Prl.CCF/ Nodal Officer they will be scrutinized at the State level and necessary financial / administrative clearances will be accorded to enable the forest department to submit the proposals to Government of India through State Government for obtaining necessary approval.
11. The proposals for diversion of Forest land up to 40 acres will be considered by the State Advisory Group constituted under F.C. Act, 1980. Based on the recommendations of SAG, the GOI will accord Stage-I approval for such diversion of forest land for non forest purpose subject to said pre conditions. After complying with the pre-conditions by the user agency; the GOI will accord final approval. Until that, any work shall not be executed in the proposed forest land. If executed, it amounts to violation of F.C. Act, 1980. The same procedure will also be observed by Ministry of Environment & Forests, New Delhi, after obtaining the recommendations of National Advisory Group, for above 40 Ha of forest land proposed for non forest purpose.
12. In view of the above, all the Departments of Secretariat noted in the address entry and all the District Collectors are requested to issue strict instructions to their Heads of Departments/ field level Officers to follow the procedure as prescribed under Forest (Conservation) Act, 1980 strictly and not to take up any developmental/non forestry activities in forest land/ deemed forest land/ and land recorded in revenue records as "*Advai Poromboke*" / Sanctuaries, without obtaining prior permission from GOI under Section-2 of Forest (Conservation) Act, 1980, National Board of Wildlife under Wildlife (Protection) Act, 1972, and Hon'ble Supreme Court of India and also advise them to seek proper guidance if necessary from the concerned Divisional Forest Officers/ Conservator of Forests, for submission of proposals under Forest (Conservation) Act, 1980 for diversion of required forest land.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**JANAKI R. KONDAPI**

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Irrigation & CAD Department/ PR & RD Department. The TR & B Department/SW(Tribal Welfare) Department/ Energy Department./YAT & C Department/ Higher Education Department/ School Education Department/ Industries & Commerce Department/ G.A.(RIAD) Department.  
All the District Collectors.

Copy to: The Principal Chief Conservator of Forests, Hyderabad

Copy to: Director of Mines & Geology Hyderabad. M.D., A.P.GENCO, Vidyuth Soudha, Hyderabad./Engineer-in-Chief; Irrigation Department, Erramanzil, Hyderabad. Engineer-in-Chief R & B Department, Erramanzil, Hyderabad./Engineer-in-Chief Panchayat Raj Department, Erramanzil, Hyderabad.

CE. Tribal Welfare AP, Hyderabad.

Copy to: P.S. to Chief Secretary with a request to place before C.S. SF/SCS .



GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Forest Department - Mining Leases – **Regulation of transport of Major & Minor Minerals from approved leases-** Issue of **Transport Permits** – Amendment of sub rule (5) of Rule 5 of Andhra Pradesh, Forest Produce Transit Rules, 1970 - Orders – Issued

ENVIRONMENT FORESTS SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT  
G.O. Ms. No. 35 Dated: 06-02-2010

Read the following

1. G.O.Ms No. 356 Food & Agriculture Dept. Dt: 4-03-1970
2. From the Principal Chief Conservator of Forests, A.P., Hyderabad,
3. Lr.Rc.No.56961/2009/EC, dated:16-12-2009.

ORDER:

The issue of Transit Permits by Forest Department is regulated under Rule 5 (5) of the Andhra Pradesh Forest Produce Transit Rules, 1970, which reads that “for the supply of Form-I and Form-II permits in triplicate a rate of Rs.500.00 per 100 permits in triplicate shall be charged”.

2. Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, in the reference 2nd read above, has stated that to keep a watch on the mining activity and also to assess the quantity and the type of mineral being quarried, the Forest officials have to carry out survey and also keep constant watch on the movement of the produce. In view of the increased workload on the staff and to augment the Forest Revenue commensurate with the cost of product mined the rates of permit are being proposed for enhancement. For the reasons stated therein the PCCF, has proposed for amendment of rule 5 of Andhra Pradesh Forest Produce Transit Rules, 1970 issued vide G.O. Ms. No. 356 Food & Agriculture Dt. 04-03-1970.

3. Government, after careful examination of the proposal, have decided to amend Rule 5 of Andhra Pradesh Forest Produce Transit Rules, 1970 issued vide G.O. Ms. No. 356 Food & Agriculture Dt. 04-03-1970, and published in Andhra Pradesh Gazette R.S. part-II, dated 30-04-1970 and as subsequently amended from time to time.

4. The following notification will be published in the next issue of the Andhra Pradesh Gazette.

NOTIFICATION:

In exercise of the powers conferred by section-29 read with sub-section-(1) of section-68 of the Andhra Pradesh Forest Act, 1967, (Andhra Pradesh Act No. 1 of 1967) the Governor of Andhra Pradesh hereby make the following amendment to the Andhra Pradesh Forest Produce Transit Rules, 1970 issued vide G.O.Ms. No. 356 Food & Agriculture Dt. 04-03-1970, and published in Andhra Pradesh Gazette R.S. part-II, Dt. 30-04-1970, and as subsequently amended from time to time.

AMENDMENT:

In the said rules for sub-rule (5) of Rule 5 the following shall be substituted namely: - For the supply of **Form-I & Form-II Permits** in Triplicate the Following shall be charged per Permit:

Form-I Permits	Charge per Permit
Major Minerals/ Minor Mineral /Granite	Rs.10.00/Tonne/Cmt.
Timber Rs.5.00 per Cmt.	Timber Rs.5.00 per Cmt.

Fuel Wood Rs.3.00 per Cmt.	Fuel Wood Rs.3.00 per Cmt.
Bamboo & other Forest Produce	Rs.50.00 per Lorry and Rs.20.00 per Cart.
Form-II Permits from Intermediate Depot to Destination for all Forest Produce	Rs.20.00 per Permit.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**JANAKI R. KONDAPI**

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Printing, Stationery and Stores Purchase (Printing),  
Hyderabad. – With a request to publish the notification in the next issue of A.P  
Gazette and supply 300 copies to the Government.  
The Principal Chief Conservator of Forests,  
Andhra Pradesh, Hyderabad.  
SF/SC.

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Forest Department – Collection of Net Present Value (NPV) for the forest lands diverted for non-forestry purposes under Forest (Conservation) Act, 1980 – Revised orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY (For.I) DEPARTMENT  
G.O.Ms.No. 124 Dated:27-07-2010.

Read the following:-

1. G.O. MS No. 105, EFS&T (For.I) Dept. dated. 13-9-2004.
2. Order from Hon'ble S.C. of India in IA Nos. 826 and others in W.P. (C) No.202 of 1995 dt. 28-3-2008 received from Asst. Registrar, Supreme Court of India D.No.597/1995/SC/PILC dt.15-5-2008.
3. from Principal Chief Conservator of Forests, A.P., Hyderabad, Lr.Rc.No.1139/2009/F4, Dt. 21.05.2010

**ORDER:**

In the reference 1<sup>st</sup> read above, orders have been issued for collection of Net Present Value (NPV) within three broad categories which are created on the basis of types of forests within the prescribed Net Present Value range between Rs.5.80 lakhs per hectare and Rs.9.20 lakhs per hectare as detailed therein.

2. The Hon'ble Supreme Court of India in the reference 2<sup>nd</sup> read above, while accepting the recommendations of the Central Empowered Committee (CEC) has observed that the Central Empowered Committee (CEC) has classified the forests, taking in view the ecological role and value of the forests and for the purpose of the report, 16 major forest types have been further grouped in to 6 ecological classes depending upon their ecological functions and recommended for collection of Net Present Value (NPV) each category wise.

3. In compliance of the orders of the Hon'ble Supreme Court of India, the Principal Chief Conservator of Forests, A.P, Hyderabad in the letter 3<sup>rd</sup> read above, has requested for issue of

revised orders for collection of Net Present Value (NPV) based on the latest orders of the Supreme Court of India.

4. After careful examination of the proposal of the Principal Chief Conservator of Forests, with reference to the orders of the Hon'ble Supreme Court of India and in supersession of the orders issued in the reference 1<sup>st</sup> read above, the Government hereby order for collection of Net Present Value (NPV) from the user agencies, for the forest lands diverted for non-forestry purposes under Forest (Conservation) Act, 1980 as indicated in the table below:

(Rs. In lakhs)

Category	Description	Very Dense Forest	Dense Forest	Open Forest
Eco- Class I	Consisting of Tropical West Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests.	10,43,000	9,39,000	7,30,000
Eco- Class II	Consisting of Littoral and Swamp Forests	10,43,000	9,39,000	7,30,000
Eco- Class III	Consisting of Tropical Dry Deciduous Forests	8,87,000	8,03,000	6,26,000
Eco- Class IV	Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests	6,26,000	5,63,000	4,38,000
Eco- Class V	Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests	9,39,000	8,45,000	6,57,000
Eco- Class VI	Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forests, Moist Alpine Scrub and Dry Alpine Scrub.	9,91,000	8,97,000	6,99,000

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter. Strict instructions shall be issued to the field officers concerned to identify the correct category of forest types while recommending the cases for diversion of forest lands under Forest (Conservation) Act, 1980.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

JANAKI R. KONDAPI

To, SPECIAL CHIEF SECRETARY TO GOVERNMENT

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad

Copy To: The Accountant General, AP, Hyderabad, The Finance Deptt, All Deptts in Secretariat, SC/SF.

**GOVERNMENT OF ANDHRA PRADESH**  
**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT**  
**U.O. No. 4228/For. I (1)/2010** **Dated 15.09.2011**

**Sub:** Diversion of forest land in Compt. No. 313, Gulamaliabad, South RF of Dhone Range, Kurnool Division & District for grant of Quarry lease for road metal – issue necessary instructions to the field staff – Request – Regarding.

**Ref:** 1. From GOI, MoEF, Bglr. Lr. F.No. APB719/2010-BAN/7811, Dt. 20.08.2010  
 2. From PCCF, AP, Hyderabad Lr. Rc. No. 52769/2009/F2, Dt. 27.07.2010  
 3. State govt. Lr. O. 4228/For.(1)/2010, Dated 6-11-2010  
 4. From GOI, MoEF, Bglr. Lr.F.No. APB715/2010-BAN/8828, Dt. 30.03.2011  
 5. From PCCF, AP, Hyderabad Lr.Rc.No. 52769/2009/F2, Dt. 14.07.2011

\*\*\*\*

Copies of the references cited are herewith enclosed. The Revenue, Industries & Commerce (Mines) Departments are informed that State Government have forwarded five proposals to the GOI, MOEF for according necessary approval U/s 2 of Forest (Conservation) Act, 1980, pertaining to various user agencies for diversion of forest land in Compt. No. 313, Gulamaliabad South RF of Dhone Range, Kurnool Division and District for grant of quarry lease for road metal.

2. The Government of India, MoEF, Bangalore in their letter 1<sup>st</sup> cited, have informed that as per the details given in the proposal, mining leases have been granted in forest area and mining continued for a long time without clearance under Forest (Conservation) Act, 1980. It is also reported that Revenue records were not updated as per the NOC given by the MRO, Banaganpalli, the ADMG, Banaganpalli has granted mining lease for a period of 24.7.1995 to 23.7.2010. The GOI, MoEF, Bangalore have requested to clarify, even if the leases were granted in the Reserve Forest not knowing that the area leased out is a forest land, why the Forest Department did not take prompt action to stop the mining immediately and get the leases cancelled. The GOI have requested that responsibility may be fixed and an action taken report may please be furnished. They have requested to clarify whether any steps have been taken to update the revenue records now and whether any system is in place to obtain NOC/ consent of the Forest Department, in case grant of leases in areas nearer to the Forest to prevent violation of Forest (Conservation) Act, 1980.

3. The Principal Chief Conservator of Forests, Andhra Pradesh in the reference 2<sup>nd</sup> cited, has informed that the mining activities are going on for the last 14 years and it is not possible to fix up the responsibility on the staff of forest department at this juncture. Moreover this was happened due to delayed actions taken by the other sister departments like Revenue and Mining Departments etc. He has requested the Government to forward the information to the Government of India for consideration of the five proposals of various user agencies for diversion of forest land for grant of quarry lease in Compt. No. 313, Gulamaliabad South RF in Dhone Range of Kurnool Division. Accordingly, the State Govt. vide reference 3<sup>rd</sup> cited, have forwarded the information to the GOI, MOEF.

4. The Government of India, MoEF, Bangalore in the reference 4<sup>th</sup> cited, have requested the State Govt. to issue necessary instructions to the revenue/ mining authorities not to grant any mining lease in the areas adjoining forests without obtaining NOC from the Forest Department, in view of the instructions of Dist. Collector, Kurnool Rc.No.E.776/2009, dt 29.06.2009 (addressed to all the Tahsildars) to clear cases after obtaining NOC from the Forest Department for the areas adjacent to RF and within 500 meters from the RF boundary. Further, the GOI has requested to take necessary

steps immediately to get the area incorporated as forest in the revenue records, as the area of Gulamaliabad South RF Block is yet to be incorporated in the revenue records as Forest.

5. The Principal Chief Conservator of Forests, Andhra Pradesh, in the reference 5<sup>th</sup> cited, has also requested to take up the matter with the Revenue / Mining Departments not to grant any mining lease in the areas adjoining forests without obtaining NOC from the Forest Department and necessary instructions accordingly may please be issued to the officials of Revenue and Mining Department compliance.

6. In view of the above, the Revenue, Industries & Commerce (Mines) Departments are requested to issue necessary instructions to the field staff, not to grant any mining leases in the areas adjoining forests without obtaining NOC from the Forest Department.

7. The Revenue Department are requested to issue instructions to all the District Collectors to ensure that the local Revenue authorities make proper entries of details of RS Nos with extents of forest lands notified in Prohibitory Order Register (PoB) to avoid this type of permissions.

**M. SAMUEL**

**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

The Revenue Department. (w.e.)

The Industries & Commerce (Mines) Department. (w.e.)

Copy to : The Spl. C.S. & CCLA, AP, Hyderabad (w.e.), The Prl CCF, AP, Hyderabad (w.e.)

**GOVERNMENT OF ANDHRA PRADESH**

**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY DEPARTMENT**

U.O. No. 4228/For. I (1)/2010

Dated 15.09.2011

**Sub:** Diversion of forest land in Compt. No. 313, Gulamaliabad, South RF of Dhone Range, Kurnool Division & District for grant of Quarry lease for road metal – issue necessary instructions to the field staff – Request – Regarding.

Ref: 1. From GOI, MoEF, Bglr. Lr.FNo. APB719/2010-BAN/7811, Dt. 20.08.2010  
 2. From PCCF, AP, Hyderabad Lr.Rc.No. 52769/2009/F2, Dt. 27.07.2010  
 3. State govt. Lr. O. 4228/For.(1)/2010, Dated 6-11-2010  
 4. From GOI, MoEF, Bglr. Lr.FNo. APB715/2010-BAN/8828, Dt. 30.03.2011  
 5. From PCCF, AP, Hyderabad Lr.Rc.No. 52769/2009/F2, Dt. 14.07.2011  
 6. EFS&T (For.I) Dept. U.O. Note No. 4228/for.I(1)/2010, Dated 15.09.2011

The attention of the Revenue Department are invited to the reference 6<sup>th</sup> cited (copy enclosed) in which it was requested to issue necessary instructions to the field staff, not to grant any mining leases in the areas adjoining forests without obtaining No Objection Certificate (NOC) from the Forest Department. It was also requested to issue instructions to all the District Collectors to ensure that the local Revenue authorities make proper entries of details of R.S.Nos with extents of forest lands notified in Prohibitory Order Register (PoB) to avoid this type of permissions, However, no report is received so far, whether the instructions the instructions have been issued or not.

2. The Revenue Department are therefore requested to issue necessary instructions to the concerned immediately, under a copy marked to the EFS&T Department.

**K.D.R. JAYA KUMAR**

To

**SPECIAL SECRETARY TO GOVERNMENT**

The Revenue Department. (w.e.)

**Copy to :** The Chief Commissioner of Land Administration, AP, Hyderabad (w.e.) & The PCCF, AP, HYD

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Roads and Buildings – Master Plan for Road Connectivity in Integrated Action Plan Areas / Tribal Areas - Constitution of Committee – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.II) DEPARTMENT

G. O. Ms. No. 74

Dated: 09.07.2012

ORDER:

For proper perspective planning of road connectivity in Integrated Action Plan (IAP) areas/Tribal areas and also from strategic angle, an integrated approach is required. Thus preparation of Master Plan for providing road connectivity in IAP areas of eight District in the State is envisaged. The Master Plan should comprise the following:

- i) Planning
- ii) Prioritization.
- iii) Formulation of programmes for formation of new roads and up-gradation of existing roads and year-wise phasing during the next 5 year period.
- iv) The assessment of availability of resources under various programmes like PMGSY, LWE etc., and to suggest measures for augmentation of resources.
- v) To assign specific role to various implementing agencies involved in development of these roads viz., (R&B) Department, PR Dept., & TW Department.

2. The Master plan for road connectivity in Integrated Action Plan areas/Tribal areas of eight Districts in Andhra Pradesh would constitute the basis of preparation of projects under LWE Scheme, PMGSY Scheme, MGNREGS and other Schemes of Roads & Buildings, Panchayat Raj and Tribal Welfare Departments in the I.A.P. areas of 8 (eight) districts of A.P.

3. Government hereby constitutes the following Committees for preparation of Master Plan for Road Connectivity in IAP Areas:

**I. State Level Committee:**

Chaired by Chief Secretary to Government with the following Members:

- i) Principal Secretary (PR)
- ii) Principal Secretary (TW)
- iii) Principal Secretary (RD)
- iv) Principal Secretary (R&B)
- v) Addl. Director General of Police (Intelligence)
- vi) **Engineer-in-Chief (Panchayat Raj) ... Convener\***
- vii) Addl. Prl. Chief Conservator of Forest (FCA) & Nodal Officer\*\*\*

**II. District Level Committee:**

- i) Collector and District Magistrate (Chairman)
- ii) The Project Officer, ITDA.
- iii) Superintendent of Police.
- iv) Superintending Engineer (PR)
- v) Superintending Engineer (T.W.)
- vi) Superintending Engineer (R&B).
- vii) Divisional Forest Officer\*\*



**III. Mandal Level Committee:**

The Mandal Level Committees should be constituted at Divisional Level with the following composition:

- i) Sub-Divisional Police Officer.
- ii) Executive Engineer (T.W).
- iii) Executive Engineer (R&B)
- iv) Executive Engineer (R.R).
- v) Forest Range Officer\*\*
- vi) Mandal Parishad Development Officer\*\*

4. The guidelines in preparation of Master Plan for road connectivity in IAP areas are indicated Annexure appended to this order.

\* *Inserted vide G.O. Ms. No. 77, Dated 02.08.2012*

\*\* *Inserted vide G.O. Ms. No. 97, Dated 27.09.2012*

\*\*\* *Inserted vide G.O. Ms. No. 47, Dated 14.05.2013*

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P. SINGH**

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Secretary to Government, Govt. of Andhra Pradesh.

The Principal Secretary to Government, T, R & B Department

The Principal Secretary to Government, Panchayat Raj Department.

The Principal Secretary to Government, Tribal Welfare Department.

The Principal Secretary to Government, Planning Department,

The Principal Secretary to Government, Rural Development Department.

The Additional Director General of Police(Intelligence), Hyderabad.

The Engineer-in-Chief (R&B) Rural Roads, Hyderabad.

The Engineer-in-Chief(Tribal Welfare), Hyderabad.

The Chief Engineer (R&B) PPP & LWE.

The District Collectors concerned.

The Superintendents of Police concerned.

The Project Officer, ITDA. concerned.

The Superintending Engineers concerned.

The Sub-Divisional Police Officers concerned.

The Executive Engineers concerned.

SF/SCs.

## GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Roads & Buildings – Master Plan for Road Connectivity in Integrated Action Plan Areas/Tribal Areas – Constitution of Committee for verification of Mandal Level Maps - Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.II) DEPARTMENT

**G.O. Rt. No. 500**

**Dated: 14.05.2013**

Read the following:

- 1) G.O. Ms. No.74, Transport, Roads & Buildings (R.II) Department, Dated 09.07.2012.
- 2) G.O. Ms. No.77, Transport, Roads & Buildings (R.II) Department, Dated 02.08.2012.
- 3) G.O. Ms. No.97, Transport, Roads & Buildings (R.II) Department, Dated 27.9.2012.
- 4) Minutes of the meeting dated 18.04.2013 by the Chief Secretary.

## ORDER:

As per the decision taken during the meeting held on 18.4.2013 on the subject matter by the Chief Secretary to Government, Government after careful consideration, hereby constitute the following Committee to finalize the draft Master Plan of Road Connectivity in Integrated Action Plan Areas/Tribal Areas, after verification of Mandal Level Maps.

1. The Engineer-in-Chief, Panchayat Raj, A.P. Hyderabad.
2. The Engineer-in-Chief, Tribal Welfare, A.P., Hyderabad.
3. The Engineer-in-Chief(R&B), State Roads, A.P., Hyderabad.
2. The Committee shall submit the report within one month to Government for further action

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH

PRINCIPAL SECRETARY TO GOVERNMENT

The Committee Members concerned.

Copy to:

P.S. to Principal Secretary to Government, T, R & B Department  
 P.S. to Principal Secretary to Government, Panchayat Raj Department.  
 P.S. to Principal Secretary to Government, Tribal Welfare Department.  
 P.S. to Principal Secretary to Government, Planning Department,  
 P.S. to Principal Secretary to Government, Rural Development Department.  
 The Additional Director General of Police(Intelligence), Hyderabad.  
 The Principal Chief Conservator of Forests, A.P., Hyderabad.  
 SF/SCs.

## GOVERNMENT OF ANDHRA PRADESH

## ENVIRONMENT, FORESTS, SCIENCE &amp; TECHNOLOGY (FOR.I) DEPARTMENT

**Memo No. 5751/ For. I (1)/2013**

**Dated 02.09.2013**

**Sub:** Forest Department – Diversion of Forest land for non-forestry purposes under the Forest (Conservation) Act, 1980- Ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Certain instructions - Issued –Regarding.

**Ref:** 1. G.O.Rt.No. 6, EFS&T (For.I) Department Dated 06.01.2007  
 2. From GoI, MoEF, Lr. F.No. 11-9-1998-FC (pt), dated 03.08.2009.

3. From GoI, MoEF, Lr. F.No. 11-9-98-FC (pt), dated 05.2.2013.

4. From GoI, MoEF, Lr. F.No. 11-9-98-FC (pt), dated 05.7.2013.

The attention of all the District Collectors of the State is invited to the reference 1” cited, wherein the Government have issued procedure to be followed under Forests (Conservation) Act, 1980 for diversion of Forest land for non forestry activities like formation of roads, laying pipelines, constructions of Dams, Canals, Electrical lines, Mining purpose etc.

2.The Government of India, Ministry of Environment & Forests, in the reference 2<sup>nd</sup> cited, have issued certain guidelines regarding submission of evidences for having initiated and completed the process of settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, for diversion of forest land for various non-forest purposes under Forest (Conservation) Act, 1980. (Copy enclosed)

3. In the reference 3<sup>d</sup> cited, the Government of India, Ministry of Environment & Forests, have further issued guidelines stating that proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, for projects like construction of roads, canals, laying of pipelines / optical fibers and transmission lines etc. Where linear diversion of forest land in several Villages are involved, unless recognized rights of Primitive Tribal Groups (PTG) and Pre-Agricultural Communities (PAC) are being effected, are exempted from the requirement of obtaining consent of the concerned Gramsabha(s) as stipulated in the clause (c) read with clause (b), (e) and (f) of Ministry of Environment & Forests, letter dated. 3-8-2009. (Copy enclosed)

4. The Government of India, Ministry of Environment & Forests, through their further 4<sup>th</sup> cited, have communicated certain formats in respect of (a) linear, and (b) other projects as Annexure-I (Form.I) and Annexure-II (Form.II) respectively, for issue of necessary certificates by the concerned District Collectors, regarding settlement of rights under Scheduled Tribes and Gther Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.(copies enclosed)

5. All the District Collectors of the State are therefore requested to strictly follow the above guidelines issued by the Government of India, Ministry of Environment & Forests, from time to time and issue necessary certificates regarding settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in respect of (a) linear, and (b) other projects as Annexure-I (Form.I) and Annexure-II (Form.II) respectively as prescribed by Government of India, Ministry of Environment & Forests.

**M. SAMUEL**

**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

All the District Collectors (w.e)

Copy to: The CCLA, AP, Hyderabad(w.e.), The PCCF, AP, Hyderabad.(w.e.)

.....



PCCF's circulars

**GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT**

**O/o the Prl. Chief Conservator of Forests, "Aranya Bhavan", Saifabad, Hyderabad.**

**Rc. No. 58611/2009/F2**

**Dated: 10.02.2010**

**Sri C Madhukar Raj, IFS**

**Prl. Chief Conservator of Forests (Head of Forest Force) (FAC)**

**CIRCULAR NO. 02/2010**

Sub: Forest (Conservation) Act – Proposals Approved for Mining – Inspection of Mining Lease Areas to ascertain encroachment etc. – Instructions Issued – Regarding.

\* \* \* \* \*

The Chief Conservator of Forests / Conservator of Forests are aware that the Government of India has approved diversion of forest land in several cases for mining various minerals such as Coal, Lime stone, Granite, Iron Ore, Barryte, Road Metal etc. The mining lease areas are required to be permanently demarcated on the ground as per the conditions stipulated by the GOI and the boundaries so demarcated are required to be maintained by the User Agencies at all the times. The field staff at various levels are also required to inspect the mining lease areas regularly to ensure that the mining operations are carried out strictly in accordance with the conditions stipulated by GOAP/GOI at the time of diversion of forest land for mining.

Instances have come to the notice about the encroachments in the un-allotted forest areas by the mining lease holders resulting in legal disputes. In this regard, the Chief Conservator of Forests/ Conservator of Forests are informed that it is essential that the mining leases approved in forest areas are regularly inspected by the field staff and it should be ensured that the lease boundaries are clearly and permanently demarcated on the ground and that no forest area other than approved area is utilized by the lease holders in any way in contravention with the stipulated GOAP/ GOI conditions and the provisions of the Forest (Conservation) Act to avoid any legal complications in future.

In this regard, the Chief Conservator of Forests / Conservator of Forests are directed to issue necessary instructions to the Divisional Forest Officers to ensure that all approved mining leases in forest areas are inspected by the concerned Section Officer every month. The Section Officer should furnish the inspection report on all the mining leases in his section in the enclosed proforma to the Forest Range Officer by the end of the month. The Forest Range Officer after checking at least 25% of the approved leases should furnish report along with his remarks to the Sub-Divisional Forest Officer and the Divisional Forest Officer by 5m of every month. The Sub-Divisional Forest Officer and Divisional Forest Officer should also check at least 10% of the leases approved in their areas. The Divisional Forest Officer should submit consolidated report of the division to the Chief Conservator of Forests / Conservator of Forests as the case may be in the enclosed proforma by 15th of every month. In case any serious irregularity / irregularities are noticed in any mining lease, special report should be made duly bringing out the details of such irregularities for taking immediate necessary action.

The Chief Conservator of Forests / Conservator of Forests will submit a quarterly report for their circles for the quarters ending June, September, December, March to the Prl. Chief Conservator

of Forests by 20th of succeeding month and will also inspect the approved mining leases during their field visits in the Circle and take immediate appropriate steps if any irregularities are found in mining operations in violation of the conditions stipulated by GOI / GOAP.

The Chief Conservator of Forests / Conservator of Forests should also verify whether any tie line particulars are given in the sketches of already approved mining leases. In case, tie line particulars are not given, same should be provided now and a copy of the lease sketch map along with tie line particulars duly authenticated by the Divisional Forest Officer and User Agency should be furnished to the Prl. Chief Conservator of Forests office. In case of fresh proposals, the lease sketches should be geo referenced along with tie line particulars 'to avoid any legal complications in future.

The Chief Conservator of Forests / Conservator of Forests are directed to issue detailed instructions to the Divisional Forest Officers and submit compliance.

This should be treated as most urgent and instructions should be followed scrupulously.

Encl: Proforma

(C. Madhukar Raj)

**For Prl. Chief Conservator of Forests** (Head of Forest Force)

To,

All the Chief Conservators of Forests/Conservator of Forests(Territorial)/WLM Tirupati and FDPT Srisailam

**Copy to** all the Addl. Prl. Chief Conservator of Forests in-charge of the Circles for information.

### PROFORMA

Report on Inspection of Mining Leases Approved in Forest Areas for the month of .....

Name of the Circle:.....

Name of the Division	Name of the Range	Name of the Section	Name of the Mining Lease	Forest area diverted (Ha.)	Period of the lease	Type of the Mineral involved
1	2	3	4	5	6	7

Inspection by Forest Section Officer					
Whether lease boundary permanently demarcated	If boundary not demarcated, action taken by the FSO	Whether any forest area encroached by the lease holder	In case forest area encroached, action taken by the FSO	Remarks of FSO	Signature
8	9	10	11	12	13

Inspected by FRO		Inspected by Sub-Divisional Forest Officer		Inspected by Divisional Forest Officer	
Remarks of the FRO	Signature	Remarks of the Sub-Divisional Forest Officer	Signature	Remarks of the DFO	Signature
14	15	16	17	18	19

(C. Madukar Raj)

**Prl. Chief Conservator of Forests**(Head of Forest Force)



GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

Office of the Prl. Chief Conservator of Forests, (Head of Forest Force), Andhra Pradesh,  
"Aranya Bhavan", Saifabad, Hyderabad.

**Rc. No. 2052/2012/FM-1**

**Dated: 23-2-2012**

**Sri Hitesh Malhotra, IFS**

**Prl. Chief Conservator of Forests(Head of Forest Force)**

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Sub: A.P. State CAMPA – Annual Plan of Operations 2012-13 Amount paid by the User Agencies for extraction of tree growth from the approved diverted forest areas – Transfer of amount to State CAMPA Account – Instructions issued – Reg.

Ref: 1. PCCF, Rc. No. 237/2012/CAMPA, dt. 12.1.2012

2. PCCF, Rc. No. 237/2012/FM-1, dt. 17.1.2012

All the APCCF/CCF/CF (T&WL) are informed that, invariably the extraction charges for tree growth paid by the User Agencies for the Forest Area approved by GoI for diversion under various projects are remitted to the Central CAMPA Account along with the CA and NPV amount in most of the cases. However, it is noticed that in some cases the extraction charges paid by the various User Agencies were kept with the concerned Divisional Forest Officer As State CAMPA Account has already been opened in Head Office, the APCCF/CCF/CF (T&WL) were supposed to transfer such amounts to the State CAMPA Account and amounts are still lying with some Divisional Forest Officers.

In this regard all the APCCF/CCF/CF (T&WL) are requested to issue instructions to the Divisional Forest Officers to transfer all the amounts available with them for extraction of tree growth from the approved diverted forest areas to State CAMPA Account alongwith the interest accrued immediately. They are further requested to submit project wise amount transferred to State CAMPA Account so far and amount still available with the Divisional Forest Officers in the proforma enclosed.

Further, they are requested to include extraction of tree growth, if any in the CA-APO-2012-13 as already instructed for furnishing project wise information for CA-APO-20 Similarly, they are informed that the extraction of tree growth shall be done as per DET procedure and duly obtaining prior approval from the Prl. Chief Conservator of Forests (HoFF).

The information shall be furnished immediately within 7 days.

(Hitesh Malhotra )

**Prl. Chief Conservator of Forests (Head of Forest Force)**

To :All the Addl. Prl. Chief Conservator of Forests, CCFs and CFs (Territorial & Wildlife)

Copy to : Addl. Prl. Conservator of Forests, (CAMPA), O/o Prl/ Chief Conservator of Forests, AP, Hyderabad.

GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

**O/o the Prl. Chief Conservator of Forests, "Aranya Bhavan", Saifabad, Hyderabad.**

**Rc. No.28026/2013/F4**

**Dated: 02.08.2013**

**Sri B. Somasekhar Reddy, IFS**

**Prl. Chief Conservator of Forests & Head of Forest Force**

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**CIRCULAR No.10/2013**

Sub: APFD – FCA – **New online system of forest clearances** of the MoEF, Govt. Of India and **Streamlining of the procedure** for submission and processing of proposals for diversion of forest areas under Forest Conservation Act, 1980 – Circular instructions issued -Reg.

Ref: 1. SAIG, MoEF, GOI. New Delhi Lr.F.No.16-13/2011-FC (II), Dt.20.11.2012

2. I.G.F, MoEF, GOI. New Delhi Lr.F.No.16-13/2011-FC (II), Dt.08.02.2013

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1. It is to inform that the Sr. Inspector General of Forests, MoEF, New Delhi vide reference 1<sup>st</sup> cited (Copy enclosed as **Annexure-I**) has informed that in view of the decision taken by the Central Information Commissioner (CIC) in the complaint filed by Ms. Shibani Ghosh under RTI Act, 2005 seeking display of Form A/ Form B of proposals for diversion of forests land for non forestry purposes, the CIC has directed that Ministry will display above forms within 10 days of placing the project on the Agenda of the FAC and information related to additional documents/reports/studies within 10 days of receipt of information.

2. Sr. Inspector General of Forests has further informed that for the above purpose, suitable arrangement **to upload and display the information** appropriately **on the website of the Environment & Forest Ministry** have been made by the Ministry and requested all the PCCFs of the States to regular upload the information on the website of the Ministry in the **new Web-based Proposal Monitoring System** along with scanned copy of Form A/B before the proposals are considered by the **State Advisory Group (SAG)**.

3. The I.G.F. (FC) vide letter 2<sup>nd</sup> cited (Copy enclosed as **Annexure-II**) has reiterated the same and requested for uploading of the information pertaining to all the FCA proposals on the website of the MoEF. NIC has generated **User IDS and Passwords** for all the Circle and Division level Officers for entering of data in the above mentioned **new Web-based Proposal Monitoring System** of the Ministry of Environment and Forests. The same are appended herewith as **Annexure III & IV** respectively. You are requested to enter the basic information and the information up to Part II & III of the Form A/B at your office level. This has become necessary in view of the decision of the GOI that the proposals will not be put up to the SAG & FAC unless these are uploaded in to the above mentioned **new Web-based Proposal Monitoring System** of the Ministry of Environment and Forests.

4. Further it is to inform that most of the proposals received from the various **User Agencies** are not found to be in a complete shape. The most **common shortcomings** noticed are as follows:

- Full Justification for locating the project in the forest area, giving details of the alternatives examined and reasons for their rejection, against item no. 1 (iv) of Part-I of Form “A” in each of the proposal, needs to be furnished in detailed, as the projects in forest lands are to be taken up only in extremely un-avoidable circumstances.
- Digital maps with Geo-coordinates recorded using WGS 84 Datum and UTM Projection in Degree, decimal degrees format (dd.ddddddd0) using Total Station or DGPS equipment along with soft and hard copy needs to be furnished along with each of the proposal (As per GoI letter F. No. 11-9/98-FC, Dt.08.07.2011). The methodology for conduct of DGPS survey is enclosed herewith as Annexure-V. It is advisable to conduct the survey in the first place and get the data authenticated from a recognized agency and then only prepare the required maps. In this connection it is to inform that the Geomatics Centre of this office has got the necessary

hardware, software and technical personnel to authenticate the digital data and maps and the User Agencies can avail of the services of the Centre on payment of User Charges. It will be prudent on the part of the User Agencies to get their data verified before hand in the Geomatics Cell of this office and then go ahead with the printing of maps. In this connection if any assistance regarding technical details for DGPS survey is required from this office, the User Agencies may be advised to approach this office and the Addl. PCCF (IT) in particular.

- Soft copy of the entire proposal in Pdf format. This is required in view of making the entire process of forest clearances online
- , by the GoI as informed in the ref 1st and 2nd cited. The first page of this portal is also appended herewith as Annexure-VI. You are requested to furnish the relevant information so as to enable this office in uploading the same on the portal, after due scrutiny.
- Original map on SoI (Survey of India) Topo-sheet on 1:50,000 scale, of the project, showing the location of the area proposed for diversion passing through Forest Area duly indexed.
- Index map of the project with cross sections wherever **required**.

In case of Roads proposals following shortfalls / lacunae were noticed:

- The proposals are not as per the decision taken in the State Level Committee meeting held on 18.04.2013 by the Chief Secretary, Govt. of AP on finalization of Master Plan for Road Connectivity in IAP & ITDA areas, wherein it was decided to include those works where Forest Clearances etc. are not required and which can be easily implemented in the 1st year programme i.e., 2013-14.”
- The proposals are not in conformity with the other decisions wherein it was required that all road proposals need to be formulated by the Mandal Level Committee & scrutinized by and approved by the District & State Level Committees. It is not known whether the above procedure has been followed.
- The width of roads proposed for formation / improvement of roads are found to be varying for different lengths for different roads, which is contrary to the decision taken in the meeting cited above.
- Clearly mention whether the existing road proposed for up-gradation existed prior to 1980 or formed subsequently. If subsequent to 1980, furnish details of the sanction obtained under the FC Act.
- If improvement to BT roads includes construction of Culverts/ Bridges, the details like number and location of culverts/ bridges also needs to be furnished.

In case of Mining proposals following shortfalls / lacunae were noticed:

- Certificate from the District Mining Officers or the Director of Mines & Geology stating that the mineral for which Mining Leases have been applied for is not available outside the forests, is not furnished.
- Details of all the Mining Leases for the mineral applied for, both outside and inside the forest areas, estimated reserves, production, demand and supply etc. have also not been furnished in each case.

5. Further it is noticed that the Divisional Forest Officers and the Conservators of Forests are not carrying out **field inspection** of the proposed area for diversion in consonance with the GOI instructions at point No. 4.10 at Item no. 7 & 10 of the Part-II of the proposal respectively. Their reports are not covering all the details with photographs; which is leading to delay in further processing of the proposals.

6. It is also noticed in most of the proposals that the User Agencies are not arriving at the **Valuation**

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of **loss of forests** as detailed in Annexure-VI (b) and **Evaluation of benefits** as detailed in Annexure-VI (c) correctly. However neither the DFOs nor the CFs are checking the values arrived at and commenting about the same in their reports. It will be advisable that if DFOs find that the values adopted are not correct, the UAs may be called to their offices, discrepancies pointed out and rectified before onward submission to CFs.

7. It is further observed that the field officers are not sticking to the time frame prescribed under the Forest (Conservation) Amendment Rules, 2004 for processing the proposals. This is leading to adverse comments from the UAs as well as the State and Central Governments. Therefore they are requested to strictly adhere to the time frame, without giving any scope for adverse comments from any corner. The following time frame is suggested to expedite the processing the proposals, especially in view of the online systems of monitoring of forests clearances by the MoEF, GOI:

Cause of Action	Officer responsible for taking action	Action to be taken	Time frame
Receipt of proposal in a complete shape from the PCCF/Nodal Officer	Divisional Forest Officer concerned	Submission of proposal in complete shape, including field inspection and Part-II duly filled in to the CF concerned	30 days
Receipt of proposal in a complete shape from the Divisional Forest Officer, Part-II duly filled in.	Conservator of Forests concerned	Submission of proposal in complete shape, including field inspection (wherever required) and Part-III duly filled in to the PCCF/Nodal Officer	15 days

8. It is further observed that due diligence is not being observed by the DFOs while submitting the “**No-Violation Certificate**” along with FCA Proposals at point No. 9 of the Part II of Form A (6 of Form B). When the provisions of FCA 1980 are violated, mere registration of POR / UDOR is not sufficient. In such cases, action against the guilty officers has to be initiated and pursued along with the submission of “**Violation Report**”. A detailed report clearly mentioning the nature of offences, the persons responsible; both in the Forest Department as well as of the User Agency & others, if any, for allowing the offence with all relevant details, need to be submitted along with violation report so that appropriate action can be taken against the officials responsible for violation of the Act.

9. Further, it is to inform that all projects proposed to be located **inside Protected Areas** require clearance from State- and/or National Board of Wildlife (SBWL / NBWL) & **Hon’ble Supreme Court of India**. For this User Agency needs to submit proposal under **WL Formats**.

10. Further, all the projects which are falling within **Eco-sensitive zones/ proposed Eco-sensitive zones** (tentatively within 10 km radius from the outer boundary of each Protected Area) UA needs to submit Environmental Management Plan (EMP) along with FC Act proposals, wherever required.

11. It is also noticed that the instructions issued by PCCF vide **Rc.No.32100/2007-F3; Dt.17.04.2013** regarding transfer of funds through RTGS/ NEFT mode are not being followed scrupulously. They are requested to do so scrupulously and obtain & submit proof of deposition of funds by the User

Agency (UA) through RTGS/ NEFT to this office **within 15 days** of the receipt of the same, along with component-wise breakup of funds deposited to this office for reconciliation purpose, in the following proforma:

1	<b>Name of the Bank &amp; Branch through which RTGS transfer made</b>	
2	<b>Name of the Bank, Branch &amp; Account Number in which amount is transferred</b>	
3	<b>Amount transferred (in Rupees.)</b>	
4	<b>UTR No. and Date of transfer</b>	
5	<b>Acknowledgment copy of the Bank at S. No. 1</b>	
6	<b>Component wise break-up of the funds transferred:</b>	
	a. NPV	
	b. Addl. NPV	
	c. CA	
	d. Penal CA	
	e. CAT	
	f. Safety Zone	
	g. Wildlife component	
	h. Survey & Investigation	
	i. Others (Please specify)	
	<b>TOTAL</b>	

12. In view of the above shortcomings and with a view to ensure submission of information and documents in a complete shape by the User Agencies and also for proper processing of the Proposals sent to the Field Officers, **General & specific Check Lists** (5 in No.) are sent here with. All the field Officers are requested to process the proposals of the User Agencies keeping in view the items mentioned in the Check lists and submit the proposals duly processed in a complete shape to this office for taking further necessary action.

It is requested to acknowledge the receipt of this Circular by return e-mail at dcf\_fca1\_apfd@ap.gov.in.

**B.S.S. Reddy**

Encl: 11 as above

Prl. Chief Conservator of Forests & Head of Forest Force.

To,

All the APCCFs/CCFs/CFs in charge of Territorial & WL Circles.

All the Divisional Forest Officers (T&WL).

Copy to all the APCCFs in-charges of the T & WL Circles for information & necessary action.

**Copy submitted to the Prl. CCF (WL) & Chief-Wildlife Warden for information & necessary action.**

**Copy submitted to the Addl. Prl. CCF (Central) GOI MoEF Bangalore for information action.**

E-copy to all the Officers in the APFD for information and necessary action.

Copy to F1, F2, F3 & F4 Sections Assistants for information and necessary action.

Copy to Stock File.

Copy to Z Section for filing in Stock File.

// T.C.B.O. //

**Superintendent**

**Enclosure 1**

**CHECK LIST**  
**PROPOSAL FOR DIVERSION OF FOREST LAND FOR NON-FORESTRY**  
**USE UNDER FOREST (CONSERVATION) ACT, 1980 for MINING PROPOSALS.**

State S. No. of Project:	
Date of receipt in NO-PCCF's office:	
Name of the Project:	
Area proposed for diversion, in Ha:	
Name of Forest Division:	
Whether area proposed falling in WLS / NP / ESZ / Biosphere Reserve or WL Corridor?	Yes / No
Whether situated in Scheduled Area	Yes / No

SN	Name of Document (s)	Pro- vided or not	Page Number	Re- marks
<b>A</b>	<b>Information from DMG:</b>			
1	Whether the proposal is received through Director of Mines & Geology, Hyderabad?			
a	Certificate from the Director of Mines & Geology, Hyderabad regarding non-availability of the mineral proposed for extraction, outside the forest.			
b	Details of alternatives explored and rejected.			
c	Details of the existing ML/PL inside as well as outside the forests along with estimates of reserve, qty extracted, balance and the projected demand & supply position; each mine wise.			
d	Proposed period of mining lease.			
e	A copy of the <b>Mining Plan</b> duly approved by <b>IBM, Nagpur</b> , for Major Minerals or by Controller of Coal, Ministry of Coal, GOI, in case of Coal.			
f	Numeric Modeling in 3-Dimension for subsidence prediction through an expert mining Engineer / Organization, in case of underground mining proposals only (for Coal & Major Minerals).			
<b>B</b>	<b>PART-I (To be filled in by the UA)</b>			
1	<b>Main application Form</b> from Part-I to V as prescribed in the rules under Forest (Conservation) Act, 1980 with all its columns duly filled up and signed by the competent authority with date, place and their official seal. All the information of <b>Part-I</b> of the <b>Form A</b> including <b>Item-wise Breakup</b> of the forest area required must be given in the Form itself by expanding the columns.			
	<b>a. Soft copy of the entire Application Form with enclosures in pdf format in a DVD.</b>			



2	<b>Detailed note</b> on the project and Profile of the User Agency.			
3	<b>Full Justification</b> for locating the project in forest area (un-avoidance of the forest area for the purpose)			
4	<b>Map of the project site in forest area</b> clearly showing forest boundaries and adjoining areas with their land use in distinct colors in <b>1:50000</b> or any other suitable scale on <b>original Survey of India topo-sheet</b> .			
5	<b>Index Map, if the area is very small</b> , showing forest boundaries and a location map on a larger scale with land use of the area required.			
6	<b>Geo-referenced digital data of proposed forestland to be diverted (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file ( <b>Soft copy in a DVD along with RAW &amp; post-processed data</b> ) and <b>digital map in hard copy duly authenticated by competent authority</b> . * The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.			
7	<b>Lay-out plan of project site</b> .			
8	Statement showing the <b>details of forest area involved</b> i.e. RF Block & Compartment No. and <b>item –wise breakup of the forest area proposed for diversion</b> .			
9	Minimum <b>distance of the proposed site from Wildlife Sanctuary and National Park</b> .			
10	Statement giving the <b>details of non-forestry activities</b> involved in the proposal.			
11	<b>Cost Benefit (CB) analysis</b> in prescribed format, <u>wherever required</u> . (For projects involving area of >20 Ha in plains & >5 Ha in hills)			
12	<b>No Objection Certificate</b> from local bodies, like Gram Sabha etc., except in cases of linear diversion and public utility projects.			
13	Status of <b>clearance under Environment (Protection) Act, 1986 &amp; Rules 2006</b> , wherever required. If received Copy of the same to be enclosed.			
15	Detail scheme for <b>rehabilitation of project affected persons</b> , wherever required.			
16	Detailed <b>Reclamation Plan</b> , wherever required.			
17	The details of <b>Safety Zone Area</b> for the mining. The details of safety zone to be ascertained by the competent authority viz Indian Bureau of Mines/Department of Geology and Mining of State Government.			
18	The undertaking from the project authority to bear the cost of fencing of the safety zone area.			
19	The undertaking from the project authority to bear the cost of Afforestation over one and half times of degraded forest area.			
20	Undertaking by User Agency to bear the cost of <b>Compensatory Afforestation</b> .			

21	Undertaking by User Agency to pay the <b>Net Present Value (NPV)</b> , <b>Addl. NPV</b> (if levied) of the forest land involved.			
22	Undertaking to pay the <b>Extraction Charges</b> of the trees to be removed from the forest land involved.			
23	<b>Details of non-forest land identified for Compensatory Afforestation</b> viz. Survey No., Village, Tehsil / Mandal, District etc. along with map in 1:50,000 or suitable scale, along with the boundaries of adjoining forest in distinct colors.			
24	<b>Geo-referenced digital data of CA land (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file ( <b>Soft copy in a DVD along with RAW &amp; post-processed data</b> ) and <b>digital map in hard copy duly authenticated by competent authority.</b>  * The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.			
25	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/ persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
<b>C</b>	<b>PART-II (To be filled in by the DFO)</b>			
1	<b>Enumeration list of trees</b> , species- and girth class wise along with Abstract, standing in the forest area in question duly signed by DFO.			
2	<b>Site inspection report</b> of the forest area involved in the project proposal by concerned DFO & CF or higher level Forest Officer in prescribed format (along with photographs).			
3	Impact of proposed mining on the flora & fauna in the adjoining forests.			
4	Impact of proposed mining on the ecology, specially soil erosion in and around the proposed area for mining.			
5	Mitigative measures to prevent loss to flora, fauna & soil erosion in & around the proposed area for mining.			
6	Detailed <b>scheme for Compensatory Afforestation</b> on identified non-forest area/degraded forest area <u>at present wage rates duly signed by DFO and counter signed by the CF concerned.</u> The CA scheme must include all the technical details, details of work scheduled total financial outlay and proposed monitoring mechanism.			
7	<b>Certificate from the DFO</b> that non-forest land selected for compensatory afforestation is in a compact block and contiguous to forest area or in close proximity of forest area and suitable from the management and protection point of view.			
8	<b>Soil Suitability Certificate</b> from Divisional Forest Officer that the area identified for compensatory afforestation is suitable for raising plantation.			
9	<b>Calculation Sheet</b> for arriving at <b>NPV</b> of the proposed area for diversion.			

10	<b>Certificate</b> that no work has been carried out in violation of <b>the FC- &amp; WL act.</b>			
a	If violated, circumstances leading to violation, date of commencement of work, quantity of work done and POR issued & dates inspection of the site of violation by FRO, Sub-DFO, DFO.			
b	Details of disciplinary action initiated or proposed to be initiated against the concerned staff for violation of the provisions of the Act.			
c	Names of the persons of the User Agency for violation & details of the report submitted.			
11	<b>Specific Recommendation of the DFO.</b>			
D	<b>PART III (To be filled in by the CF)</b>			
1	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format, when the area is more than 40 Ha in extent.			
2	<b>Specific Recommendation of the CF.</b>			
3	Any other information/documents attached or conditions stipulated.			

**Enclosure 2****CHECK LIST**

For the proposal for diversion of Forest lands for non-forestry purpose under the Forest Conservation Act, 1980 for **Linear Projects: Railway /UG Gas Pipeline /Water Pipeline / Optical Fibre / Electricity lines etc.**

State S. No. of Project:	
Date of receipt in NO-PCCF's office:	
Name of the Project:	
Area proposed for diversion, in Ha:	
Name of the Forest Division:	
Whether area proposed falling in WLS / NP /ESZ / Biosphere Reserve or WL Corridor?	Yes / No
Whether situated in Scheduled Area	Yes / No

S. No.	Name of Document/Information	Pro-vided or Not (Yes/No)	Page No.	Re-marks
A	PART-I			
1	<b>Main application Form</b> from <b>Part-I to V</b> with all its columns duly filled up and signed by the competent authority with date, place and their official seal.			
2	<b>Detailed note</b> on the project.			
3	<b>Full Justification</b> for <u>locating the project in forest area</u> (un-avoidance of the forest area for the purpose)			

4	<b>Certificate for minimum use of forest land</b> giving details of the alternatives examined and reasons for their rejection.			
5	<b>Map of the project site forest area</b> demanded on <b>original Survey of India topo-sheet</b> in <b>1:50000</b> or any other suitable scale; clearly showing forest boundaries and adjoining areas with their land use in distinct colors.			
6	<b>Index Map, if the area is very small, showing forest boundaries and a location map on a larger scale with land use of the area required.</b>			
7	<p><b>Geo-referenced digital data (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file (<b>Soft copy in a DVD along with RAW &amp; post-processed data</b>) and <b>digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using DGPS in real-time or post-processed mode. However the survey may be performed using TS in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.</p>			
8	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
9	Linear map or a diagrammatic map of the project site.			
10	Statement showing the <b>details of forest area involved</b> i.e. Division, Range, Beat, Forest Block & Compartment No. wise.			
11	<b>Item wise breakup of the forest area proposed for diversion, if any.</b>			
12	<b>Cost Benefit (CB) analysis</b> in prescribed format, <u>wherever required.</u> (For projects involving area of >20 Ha in plains & >5 Ha in hills)			
13	Status of <b>clearance under Environment (Protection) Act, 1986 &amp; Rules 2006; wherever required.</b>			
14	Detailed scheme for <b>rehabilitation of project affected persons, wherever required.</b>			
15	Minimum <b>distance of the proposed site from Wildlife Sanctuary and/or National Park, if any.</b>			
16	To show the existing Water body / Water channel or road, which should be identifiable.			

17	To show the newly proposed bridge /culvert / underground pass / tunnel etc. to be identify clearly.			
18	To enclose the cross section Plan / Map indicating dimension of (Length / Width / Height /depth etc) clearly.			
19	Undertaking to pay the <b>Net Present Value (NPV), Addl. NPV</b> of the forest land involved.			
20	Undertaking to pay the <b>Extraction Charges</b> of the trees to be removed from the forest land involved.			
21	<b>Details of equivalent non-forest land identified for Compensatory Afforestation</b> viz. Survey No., Village, Tahsil /Mandal, District etc. <b>along with map</b> in SOI Topo-sheet in 1:50000 or appropriate scale along with the boundaries of adjoining forest area.			
22	<p><b>Geo-referenced digital data of CA land (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file (<b>Soft copy in a DVD along with RAW &amp; post-processed data</b>) and <b>digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.</p>			
23	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
24	<b>Certificates a, c, d, g &amp; h under RoFR Act;</b> where <b>Primitive Tribal Groups (PTG) &amp; Pre-Agricultural Communities (PAC)</b> are involved in the proposed FL.			
<b>B</b>	<b>PART II</b>			
1	<b>Enumeration list of trees</b> (species and girth class wise) along with <b>Abstract.</b>			
2	<b>Site inspection report,</b> along with photographs, of the forest area involved in the project in prescribed format.			
3	Impact of proposed project on the flora & fauna in the adjoining forests.			
4	Impact of proposed project on the ecology, specially soil erosion in and around the proposed area for mining.			
5	Mitigative measures to prevent loss to flora, fauna & soil erosion in & around the proposed area for the project.			

<b>6</b>	Detailed <b>scheme for Compensatory Afforestation</b> on identified non-forest area/degraded forest area <u>at present wage rates duly signed by DFO and counter signed by the CF concerned.</u>			
<b>7</b>	<b>Certificate from the DFO</b> that non-forest land selected for compensatory afforestation is in a <b>compact block</b> and <u>contiguous to forest area</u> or in close proximity of forest area and <b>suitable</b> from the management and protection point of view.			
<b>8</b>	<b>Soil Suitability Certificate</b> from Divisional Forest Officer that the area identified for compensatory Afforestation is suitable for raising plantation.			
<b>9</b>	<b>Calculation Sheet</b> for arriving at <b>NPV</b> of the proposed area for diversion.			
<b>10</b>	<b>Certificate</b> that no work has been carried out in violation of the <b>FC- &amp; WL act.</b>			
<b>a</b>	If violated, circumstances leading to violation, date of commencement of work, quantity of work done and POR issued & dates inspection of the site of violation by FRO, Sub-DFO, DFO.			
<b>b</b>	Details of disciplinary action initiated or proposed to be initiated against the concerned staff for violation of the provisions of the Act.			
<b>c</b>	Names of the persons of the User Agency for violation & details of the report submitted.			
<b>11</b>	<b>Specific Recommendation of the DFO.</b>			
<b>C</b>	<b>PART III (To be filled in by the CF)</b>			
<b>1</b>	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format, when the area is more than 40 Ha in extent.			
<b>2</b>	<b>Specific Recommendation of the CF.</b>			
<b>3</b>	Any other information/documents attached or conditions stipulated.			



**CHECK LIST**

For the proposal for diversion of Forest lands for non-forestry purpose under the Forest Conservation Act, 1980 for Road Projects:  
New formation, Up-gradation, Widening etc.

State S. No. of Project:	
Date of receipt in NO-PCCF's office:	
Name of the Project:	
Area proposed for diversion, in Ha:	
Type of work: New formation, Up-gradation of Kutcha road to Pucca Road / Improvement of existing road, Widening etc.	
In case of up-gradation/ Improvement of existing road; whether it was existing prior to 25.10.1980, with proof?	
Name of the Forest Division:	
Whether area proposed falling in WLS / NP /ESZ / Biosphere Reserve or WL Corridor?	Yes / No
Whether falls in Scheduled Area	Yes / No

S. No.	Name of Document/Information	Provided or Not (Yes/No)	Page No.	Re-marks
A	PART I			
1	Main application Form from Part-I to V with all its columns duly filled up and signed by the competent authority with date, place and their official seal.			
2	Detailed note on the project.			
3	Full Justification for locating the project in forest area (un-avoidance of the forest area for the purpose)			
4	Certificate for minimum use of forest land giving details of the alternatives examined and reasons for their rejection.			
5	Map of the project site forest area demanded on original Survey of India topo-sheet in 1:50000 or any other suitable scale; clearly showing forest boundaries and adjoining areas with their land use in distinct colors.			
6	Index Map, if the area is very small, showing forest boundaries and a location map on a larger scale with land use of the area required.			
7	Geo-referenced digital data (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees) of the boundary/ies of the proposed FL for diversion in Shape file (Soft copy in a DVD along with RAW & post-processed data) and digital map in hard copy duly authenticated by competent authority.			

	* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.			
8	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
9	Linear map or a diagrammatic map of the project site.			
10	Statement showing the <b>details of forest area involved</b> i.e. Division, Range, Beat, Forest Block & Compartment No. wise.			
11	<b>Item wise breakup of the forest area proposed for diversion, if any.</b>			
12	<b>Cost Benefit (CB) analysis</b> in prescribed format, <u>wherever required</u> . (For projects involving area of >20 Ha in plains & >5 Ha in hills)			
13	Status of <b>clearance under Environment (Protection) Act, 1986 &amp; Rules 2006</b> ; <u>wherever required</u> .			
14	Detailed scheme for <b>rehabilitation of project affected persons</b> , <u>wherever required</u> .			
15	Minimum <b>distance of the proposed site from Wildlife Sanctuary and/or National Park, if any.</b>			
16	To show the existing Water body / Water channel or road, which should be identifiable.			
17	To show the newly proposed bridge /culvert / underground pass / tunnel etc. to be identify clearly.			
18	To enclose the cross section Plan / Map indicating dimension of (Length / Width / Height /depth etc) clearly.			
19	To show the additional impacted area clearly, which may be impacted temporarily by the proposed construction.			
20	To show the diversity of the ecology which is likely to be impacted by the proposed construction.			
21	Undertaking to pay the <b>Net Present Value (NPV), Addl. NPV</b> of the forest land involved.			
22	Undertaking to pay the <b>Extraction Charges</b> of the trees to be removed from the forest land involved.			
23	<b>Details of equivalent non-forest land identified for Compensatory Afforestation</b> viz. Survey No., Village, Tahsil /Mandal, District etc. <b>along with map</b> in SOI Topo-sheet in 1:50000 or appropriate scale along with the boundaries of adjoining forest area.			
	<b>Geo-referenced digital data of CA land (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file ( <b>Soft copy in a DVD along with RAW &amp; post-processed data</b> ) and <b>digital map in hard copy duly authenticated by competent authority.</b>			

	* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.			
24	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
25	<b>Certificates a, c, d, g &amp; h under RoFR Act; where Primitive Tribal Groups (PTG) &amp; Pre-Agricultural Communities (PAC) are involved in the proposed FL.</b>			
<b>B</b>	<b>PART II</b>			
1	<b>Enumeration list of trees</b> (species and girth class wise) along with <b>Abstract</b> .			
2	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format.			
3	<b>Certify if the road was existing prior to 25.10.1980 with evidence, in case of up-gradation / Improvement of existing road .</b>			
4	<b>Whether the road forms part of the admitted “Right of Way” in the notification?</b>			
5	Detailed <b>scheme for Compensatory Afforestation</b> on identified non-forest area/degraded forest area <u>at present wage rates duly signed by DFO and counter signed by the CF concerned.</u>			
6	<b>Certificate from the DFO</b> that non-forest land selected for compensatory afforestation is in a <b>compact block</b> and <u>contiguous to forest area</u> or in close proximity of forest area and <b>suitable</b> from the management and protection point of view.			
7	<b>Soil Suitability Certificate</b> from Divisional Forest Officer that the area identified for compensatory Afforestation is suitable for raising plantation.			
8	<b>Certificate</b> that no work has been carried out in violation of <b>the FC- &amp; WL act.</b>			
a	If violated, circumstances leading to violation, date of commencement of work, quantity of work done and POR issued & dates inspection of the site of violation by FRO, Sub-DFO, DFO.			
b	Details of disciplinary action initiated or proposed to be initiated against the concerned staff for violation of the provisions of the Act.			
c	Names of the persons of the User Agency for violation & details of the report submitted.			
9	<b>Specific Recommendation of the DFO.</b>			
<b>C</b>	<b>PART III</b>			
1	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format, when the area is more than 40 Ha in extent.			
2	<b>Specific Recommendation of the CF.</b>			
3	Any other information/documents attached or conditions stipulated.			

**CHECK LIST**  
**FOR DIVERSION OF FOREST LAND FOR NON-FORESTRY PURPOSE UNDER FOREST  
 (CONSERVATION) ACT, 1980 FOR  
 WIND ENERGY PROJECTS**

<b>State S. No. of Project:</b>	
<b>Date of receipt in NO-PCCF's office:</b>	
<b>Name of the Project:</b>	
<b>Area proposed for diversion, in Ha:</b>	
<b>Type of work:</b>	
<b>Name of Forest Division:</b>	
<b>Whether area proposed falling in WLS / NP /ESZ / Bio-sphere Reserve or WL Corridor?</b>	<b>Yes / No</b>
<b>Whether falls in Scheduled Area</b>	<b>Yes / No</b>

SN	Name of Document (s)	Provided or not (Yes/No)	Page Number	Re-marks
<b>A</b>	<b>Information from VC &amp; MD, NREDCAP:</b>			
1	Whether the proposal is received through VC & MD, NREDCAP?			
a	Certificate from the VC & MD, NREDCAP regarding suitability of the site for establishment of a Wind Power Project, based on validation report of the wind resource assessment studies, prepared by the <b>Centre for Wind Technology (C-WET)</b> .			
b	Details of alternatives explored on non-forest lands and reasons for rejection shall be clearly mentioned.			
<b>B</b>	<b>PART-I (To be filled in by the UA)</b>			
1	<b>Main application Form in Part-I.</b>			
2	<b>Profile</b> of the User Agency.			
	<b>Detailed note</b> on the project			
3	<b>No of wind turbines</b> with capacity of each turbines and justification needs to be furnished. (Normally the cap should be not less than 500 KW)			
4	<b>Full Justification</b> for locating the project in forest area (un-avoidance of the forest area for the purpose)			
5	<b>Map of the project site in forest area</b> clearly showing forest boundaries and adjoining areas with their land use in distinct colors in <b>1:50000</b> or any other suitable scale on <b>original Survey of India topo-sheet</b> .			

6	<p><b>Geo-referenced digital data of proposed forestland to be diverted (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees) of the boundary/ies of the proposed FL for diversion in Shape file (Soft copy in a DVD along with RAW &amp; post-processed data) and digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.</p>			
8	Statement showing the <b>details of forest area involved</b> i.e. RF Block & Compartment No. and <b>item –wise breakup of the forest area proposed for diversion.</b>			
	<b>Lay-out plan of project site including road network &amp; transmission lines.</b>			
9	Minimum <b>distance of the proposed site from Wildlife Sanctuary and National Park.</b>			
11	<b>Cost Benefit (CB) analysis.</b> Details of employment generated, cost of the electricity produced by Wind Energy, economic viability project etc., needs to be furnished.			
12	<b>No Objection Certificate</b> from local bodies, like Gram Sabha etc., except in cases of linear diversion and public utility projects.			
15	Undertaking by User Agency to bear the cost of <b>Compensatory Afforestation.</b>			
16	Undertaking by User Agency to pay the <b>Net Present Value (NPV), Addl. NPV</b> (if levied) of the forest land involved.			
17	Undertaking to pay the <b>Extraction Charges</b> of the trees to be removed from the forest land involved.			
18	<b>Details of non-forest land identified for Compensatory Afforestation</b> viz. Survey No., Village, Tehsil / Mandal, District etc. along with map in 1:50,000 or suitable scale, along with the boundaries of adjoining forest in distinct colors.			
19	<p><b>Geo-referenced digital data of CA land (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees) of the boundary/ies of the proposed FL for diversion in Shape file (Soft copy in a DVD along with RAW &amp; post-processed data) and digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.</p>			

20	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
	<b>Soft copy of the complete proposal in soft copy in pdf format.</b>			
<b>C</b>	<b>PART-II (To be filled in by the DFO)</b>			
1	<b>Enumeration list of trees</b> , species- and girth class wise along with Abstract, standing in the forest area in question duly signed by DFO.			
2	<b>Site inspection report</b> of the forest area involved in the project proposal by concerned DFO & CF or higher level Forest Officer in prescribed format (along with photographs).			
3	Approval of the alignment of road network in the proposed area.			
4	Impact of proposed activity on the flora & fauna in the adjoining forests.			
5	Impact of proposed activity on the ecology, specially soil erosion in and around the proposed area for mining.			
6	Mitigative measures to prevent loss to flora, fauna & soil erosion in & around the proposed area for diversion.			
7	Detailed <b>scheme for Compensatory Afforestation</b> on identified non-forest area/degraded forest area <u>at present wage rates duly signed by DFO</u> . The CA scheme must include all the technical details, details of work scheduled total financial outlay and proposed monitoring mechanism.			
8	<b>Certificate stating</b> that non-forest land selected for compensatory afforestation is in a compact block and contiguous to forest area or in close proximity of forest area and suitable from the management and protection point of view.			
9	<b>Soil Suitability Certificate</b> of the area identified for compensatory afforestation is suitable for raising plantation.			
10	<b>Calculation Sheet</b> for arriving at <b>NPV</b> of the proposed area for diversion.			
11	<b>Certificate</b> that no work has been carried out in violation of <b>the FC- &amp; WL act</b> .			
a	If violated, circumstances leading to violation, date of commencement of work, quantity of work done and POR issued & dates inspection of the site of violation by FRO, Sub-DFO, DFO.			
b	Details of disciplinary action initiated or proposed to be initiated against the concerned staff for violation of the provisions of the Act.			
c	Names of the persons of the User Agency for violation & details of the report submitted.			



11	<b>Specific Recommendation of the DFO.</b>			
<b>D</b>	<b>PART III (To be filled in by the CF)</b>			
1	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format, when the area is more than 40 Ha in extent.			
2	<b>Approval &amp; counter signatures on the scheme for Compensatory Afforestation</b>			
3	<b>Specific Recommendation of the CF.</b>			
4	Any other information/documents attached or conditions stipulated.			

Enclosure 5

CHECK LIST

For the proposal for diversion of Forest lands for non-forestry purpose under the Forest Conservation Act, 1980 for Irrigation & Hydel Projects:  
Major / Medium / Minor Irrigation Projects

<b>State S. No. of Project:</b>	
<b>Date of receipt in N.O. / PCCF's office:</b>	
<b>Name of the Project:</b>	
<b>Area proposed for diversion, in Ha:</b>	
<b>Type of work: Formation of New Major / Medium / Minor Irrigation Projects</b>	
<b>Name of Forest Division:</b>	
<b>Whether area proposed falling in WLS / NP /ESZ / Bio-sphere Reserve or WL Corridor?</b>	Yes / No
<b>Whether falls in Scheduled Area?</b>	Yes / No

S. No.	Name of Document/Information	Provided or Not (Yes/No)	Page No.	Re-marks
<b>A</b>	<b>PART I (To be filed in by User Agency)</b>			
1	<b>Main application Form from Part-I (Hard Copy)</b>			
2	<b>Soft copy of the complete application in pdf format</b>			
3	<b>Profile of the User Agency</b>			
4	<b>Detailed note on the project.</b>			
5	<b>Copies of the Administrative &amp; Technical approvals by the Government / competent authority.</b>			

6	<b>Full Justification for locating the project in forest area</b> (un-avoidance of the forest area for the purpose)			
7	<b>Certificate for minimum use of forest land</b> giving details of the alternatives examined and reasons for their rejection.			
8	<b>Map of the project site forest area</b> demanded on <b>original Survey of India topo-sheet</b> in <b>1:50000</b> or any other suitable scale; clearly showing forest boundaries and adjoining areas with their land use in distinct colors.			
9	<b>Index Map, if the area is very small, showing forest boundaries and a location map on a larger scale with land use of the area required.</b>			
10	<p><b>Geo-referenced digital data (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file (<b>Soft copy in a DVD along with RAW &amp; post-processed data</b>) and <b>digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using <b>GCPs</b> collected by dual frequency <b>DGPS</b> receivers.</p>			
11	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
12	Statement showing the <b>details of forest area involved</b> i.e. Division, Range, Beat, Forest Block & Compartment No. wise.			
13	<b>Item wise breakup of the forest area proposed for diversion.</b>			
14	<b>Cost Benefit (CB) analysis</b> in prescribed format, <u>wherever required</u> . (For projects involving area of >20 Ha in plains & >5 Ha in hills)			
15	Status of <b>clearance under Environment (Protection) Act, 1986 &amp; Rules 2006; wherever required.</b>			
16	Copy of Environment Impact Assessment (EIA) with special reference to Study of the proposed project on the flora, fauna and soil erosion in and around the proposed project area, carried out by recognized Agency.			
17	Detailed scheme for <b>rehabilitation of project affected persons, wherever required.</b>			
18	Minimum <b>distance of the proposed site from Wildlife Sanctuary and/or National Park, if any.</b>			

19	Map showing the existing Water body / Water channel or road, which is clearly identifiable.			
20	To enclose the cross section Plan / Map indicating dimension of (Length / Width / Height /depth etc) clearly.			
21	Additional impacted area, which may be impacted temporarily by the proposed construction, on the map.			
22	Undertaking to pay the <b>Net Present Value (NPV)</b> , <b>Addl. NPV</b> of the forest land involved.			
23	Undertaking to pay the <b>Extraction Charges</b> of the trees to be removed from the forest land involved.			
24	<b>Details of equivalent non-forest land identified for Compensatory Afforestation</b> viz. Survey No., Village, Tahsil /Mandal, District etc. <b>along with map</b> in SOI Topo-sheet in 1:50000 or appropriate scale along with the boundaries of adjoining forest area.			
25	<p><b>Geo-referenced digital data of CA land (e00 format, Geographic co-ordinate system WGS 84 datum, readings up to 8 decimal places in degrees)</b> of the boundary/ies of the proposed FL for diversion in Shape file (<b>Soft copy in a DVD along with RAW &amp; post-processed data</b>) and <b>digital map in hard copy duly authenticated by competent authority.</b></p> <p>* The survey shall be performed using <b>DGPS</b> in real-time or post-processed mode. However the survey may be performed using <b>TS</b> in GPS shadow areas, and data shall be duly geo-referenced using GCPs collected by dual frequency DGPS receivers.</p>			
26	<b>Make &amp; Model of the DGPS equipment used, Name/s of the Agency/persons involved in the DGPS survey, period of survey, name of the authenticating agency for the accuracy of the survey.</b>			
27	<b>Certificates a to h under RoFR Act, duly signed by the District Collector.</b>			
<b>B</b>	<b>PART II (To be filled by the D.F.O.)</b>			
1	<b>Enumeration list of trees</b> (species and girth class wise) along with <b>Abstract.</b>			
2	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format.			
3	<b>Certify if the road was existing prior to 25.10.1980 with evidence, in case of up-gradation / Improvement of existing road.</b>			
4	<b>Whether the road forms part of the admitted “Right of Way” in the notification?</b>			

5	Detailed <b>scheme for Compensatory Afforestation</b> on identified non-forest area/degraded forest area <u>at present wage rates duly signed by DFO and counter signed by the CF concerned.</u>			
6	<b>Certificate from the DFO</b> that non-forest land selected for compensatory afforestation is in <b>a compact block</b> and <u>contiguous to forest area</u> or in close proximity of forest area and <b>suitable</b> from the management and protection point of view.			
7	<b>Soil Suitability Certificate</b> from Divisional Forest Officer that the area identified for compensatory Afforestation is suitable for raising plantation.			
8	<b>Certificate</b> that no work has been carried out in violation of <b>the FC- &amp; WL act.</b>			
a	If violated, circumstances leading to violation, date of commencement of work, quantity of work done and POR issued & dates inspection of the site of violation by FRO, Sub-DFO, DFO.			
b	Details of disciplinary action initiated or proposed to be initiated against the concerned staff for violation of the provisions of the Act.			
c	Names of the persons of the User Agency for violation & details of the report submitted.			
9	Specific <b>Recommendation of the DFO.</b>			
C	<b>PART III (To be filled by the C.F.)</b>			
1	<b>Site inspection report</b> , along with photographs, of the forest area involved in the project in prescribed format, when the area is more than 40 Ha in extent.			
2	<b>Approval &amp; counter signatures</b> on the <b>scheme for Compensatory Afforestation</b>			
3	<b>Specific Recommendation of the CF.</b>			
4	Any other information/documents attached or conditions stipulated.			

Enclosure 6

## METHODOLOGY FOR DGPS/GNSS SURVEY OF BOUNDARIES

### I. Procedure for Survey:

#### 01. DGPS Survey in post-processing mode:

##### a. Establishment of Base stations (Control Points):

- o Base Stations to be fixed by Multi/Dual frequency DGPS receivers with SOI Control Point as reference (reference point will be supplied by APFD) in such way that it shall meet the criteria given in 01(c & d).
- o The minimum **observation time** for base station **shall be 6 hours** from nearest SOI control point.

##### b. Recording with Rovers:

- o **DGPS readings** at each **station** along the periphery shall be taken by a **Rover** with a **minimum observation period of 15 minutes**. Subsequently, the DGPS Rover data need to be **differentially corrected** with reference to the **Base station / Control Point** data.
- c. **Dual/Multiple frequency DGPS receivers (Rovers)** can be used within a **radius of 50 km** from the **Base**.
- d. **Single frequency DGPS receivers (Rovers)** can be used **within a radius of 10 km** from the **Base**.

**02. DGPS Survey in real-time mode:**

The Dual Frequency DGPS with **OMNISTAR XP/HP connection or equivalent** shall be used and reading shall be taken when **accuracy is within 20 cm** (Photograph of Controller must be taken as proof).

**03. Total Station Survey:**

- i. Each BP must be fixed from at least 2 known locations.
- ii. Geo-reference the data using GCPs. (GCPs shall be collected as per procedure detailed in (01))
- iii. The accuracy desired is 5 mm/km, and angles to 1°/3600°. The distance between the Total Station and the target shall not be more than 500 m.

**04. Conditions to be observed for Survey:**

- i. The survey shall be conducted with similar instruments as far as possible.
- ii. DGPS/GNSS instruments used for survey must be set to Geographic Coordinate System – WGS84 Datum.

**II. Submission of data and maps:**

**For DGPS/GNSS Survey:**

- a. **RAW** (for Rover and Base) **as well as Post-Processed/ real-time differentially corrected** (for Rover) **DGPS/GNSS readings** at each BP along the periphery, in RINEX and native formats.
- b. **Each BP wise readings in MS Excel** (8 decimal places in degrees for Latitude and Longitude including height in cm)
- c. All BPs as single file in **e00 format** as well as in **Shape file in Geographic Coordinate System - WGS84 datum**.
- d. If real-time DGPS is used, the OMNISTAR license or equivalent must be produced.

**For Total Stations (TS) Survey:**

- a. **Unregistered data in dwg format & geo-referenced data in dwg & e00 format** along with GCPs collected using DGPS/GNSS (RAW & differentially corrected DGPS/GNSS readings in RINEX and native formats).
- b. The TS data in its native format.
- c. **Each BP wise readings in MS Excel** (3 decimal places for X and Y)

**For Both Surveys:**

- a. Map of land with area and perimeter in **pdf** or **jpg** format.
- b. Name of the Agency, who carried out the DGPS Survey along with the names and designations of the persons.
- c. Period of conduct of Survey.
- d. Make & Model of the instruments used for Survey.
- e. Names of the departmental officers accompanied Survey of the forest lands to be diverted, along with designations.

**N.B.: The need for submission of RAW and Differentially corrected DGPS/GNSS data:**

- To verify the time of observation at each station.
- To ascertain whether the readings are recorded with handheld GPS or DGPS/GNSS.
- To ascertain the accuracy of the readings.

## GOVERNMENT OF ANDHRA PRADESH

## FOREST DEPARTMENT

O/o the Prl. Chief Conservator of Forests, Andhra Pradesh, Hyderabad

Rc.No.32100/2007-F3

Dated: 17.04.2013

**Sri SV Kumar, IFS**

Prl. Chief Conservator of Forests (Head of Forest Force)

**Circular no.02 (i)/2013**

**Sub:** Diversion of forest land under Forest (Conservation) Act, 1980 – Depositing of funds to into State specific Ad-Hoc CAMPA Accounts Numbers of Corporation Bank & Union Bank of India, New Delhi – need for expediting procedure in depositing the funds - Reg.

**Ref:** PCCF, AP, Hyderabad Rc.no.32100/2007-F3, Dt. 04.03.2013 (Circular No.2/2013).\* \* \*

In continuation to this office ref cited and in order to further minimize the delays in crediting of the amounts received from various User Agencies into State Specific Ad-hoc CAMPA Accounts, it has been decided to direct all the Divisional Forest Officers/Conservator of Forests to instruct the User Agencies to transfer all the funds towards NPV/CA./Penal CA/Safety Zone etc., through RTGS/ NEFT mode only in the A.P. State specific CAMPA Savings Bank Accounts maintained in either of the Banks mentioned below with immediate effect:-

1. SB A/c.No.SB01025198-CAF Andhra Pradesh, Corporation Bank, CGO Complex, Lodhi Road New Delhi-110003 (**RTGS/IFSC No. CORP0000371**).
2. SB A/c.No.344902010105 407-Andhra Pradesh CAMPA, Union Bank of India, Sundar Nagar, New Delhi – 110003 (**RTGS/IFSC No UBIN0534498**).

The proof / evidence of deposit of funds so made in the State Specific Account Number by the User Agency through RTGS / NEFT mode are to be furnished alongwith component-wise breakup of funds deposited at the earliest to this office for reconciliation purpose. Further, where User Agencies have already been asked to make deposits through Demand Drafts and the same have not been furnished in the form of DDs yet; they may be addressed immediately to make deposits in the said Saving Bank Accounts through RTGS/ NEFT (online) mode only.

Henceforth, the funds should not be collected in the form of DDs from the User Agencies.

The above instructions shall come into force with immediate effect.

(SV Kumar)

**Prl. Chief Conservator of Forests (Head of Forest Force)**

To,

All the Circle Heads (T&amp;WL),

Copy to the Divisional Forest Officers (T&amp;WL) for information and necessary action.

Copy to F-1, F-2, F-3 &amp; F-4 Assistants for information and necessary action.

Copy to the Addl. Prl. Chief Conservator of Forests (FCA-M) for information and necessary action.

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## Prayer for the Trees

*We thank Thee Oh God! For the Trees,  
Thou Comest very to us through thy trees,  
From them we have beauty, wisdom, love,  
The air we breath, the water we drink,  
the food we eat and the strength,  
Help us oh God! to give our best to life and leave the  
world a little more beautiful and worthy for having lived in it.  
Prosper Thou our planting and establish thy kingdom of  
love and understanding on the Earth.*

*- St Baker*

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Andhra Pradesh Forest Department  
Hyderabad