

The Forest (Conservation) Rules, 2003

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The Forest (Conservation) Rules, 2003¹

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

1. Short title, extent and commencement.—(1) These rules may be called the Forest (Conservation) Rules, 2003.

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

(3) They shall come into force on the date of their publication in the Official Gazette.

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

(a) “Act” means the Forest (Conservation) Act, 1980 (69 of 1980);

²[(b) “Committee” means the Forest Advisory Committee constituted under Section 3 of the Act;]

³[(ba) “Conservator of Forests” means an officer appointed by the State Government or the Union Territory Administration, as the case may be, under the designation of Conservator of Forests or the Chief Conservator of Forests or the Regional Chief Conservator of Forests or any such similar designation, to hold charge of a Forest Circle having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;]

(c) “Chairperson” means the Chairperson of the Committee;

⁴[(ca) “Divisional Forest Officer” means an officer appointed by the State Government or the Union territory Administration, as the case may be, under the designation of the Divisional Forest Officer or the Deputy Conservator of Forests or any such similar designation, to hold charge of a Forest Division having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;]

⁵[(caa) “District Collector” means an officer appointed by the State Government or the Union Territory Administration, as the case may be, under the designation of District Collector or Deputy Commissioner or any such similar designation, to hold charge of the administration of

1. *Vide* Noti. No. G.S.R. 23(E), dated January 10, 2003, published in the Gazette of India, Extra., Part II, Section 3(i), dated 10th January, 2003, pp. 14-24, No. 18.

2. *Subs.* by Noti. No. G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004). Prior to substitution it read as:

“(b) “Committee” means the Advisory Committee constituted under Section 3 of the Act;”

3. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

4. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

5. *Ins.* by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017).

the revenue district having jurisdiction over the forest land for which the approval of the Central Government under the Act is required.]

- ⁶[(cb) "Chairperson of the Regional Empowered Committee" means chairperson of each of the Regional Empowered Committees constituted under Rule 4-A;
- (cc) "Head of the Regional Office" means senior-most officer in the rank of Additional Principal Chief Conservator of Forests or Chief Conservator of Forests appointed by the Central Government at Regional Office to deal with the forest conservation matters under the Act;
- (cd) "linear projects" means projects involving linear diversion of forest land for purposes such as roads, railways lines, pipelines, transmission lines, etc.;
- (d) "Member" means a member of the Committee;
- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;
- (f) "Regional Office" means a Regional Office of the Central Government in the ⁷[Ministry of Environment, Forests and Climate Change] established as part of the Ministry to deal with the forest conservation matters under the Act;
- (g) "Section" means a section of the Act;
- (h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

⁸[3. **Composition of the Forest Advisory Committee.**—(1) The Forest Advisory Committee shall be composed of the following members, namely:—

6. *Ins.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

7. *Subs.* for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

8. *Subs.* by Noti. No. G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004). Prior to substitution it read as:

"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."

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|-------|---|---|------------------|
| (i) | the Director General of Forests, ⁹ [Ministry of Environment, Forests and Climate Change] | — | Chairperson |
| (ii) | the Additional Director General of Forests, ¹⁰ [Ministry of Environment, Forests and Climate Change] | — | Member |
| (iii) | the Additional Commissioner (Soil Conservation), Ministry of Agriculture | — | Member |
| (iv) | three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics | — | Members |
| (v) | the Inspector General of Forests (Forest Conservation), ¹¹ [Ministry of Environment, Forests and Climate Change] | — | Member-Secretary |

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

4. Terms of appointment of non-official members shall be as follows.—(i)

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

(ii) A non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;

(iii) A non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;

(iv) Any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term;

(v) Travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force:

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

9. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

10. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

11. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

¹²[***4-A. Constitution of Regional Empowered Committee.**—(1) The Central Government by notification in the Official Gazette, shall constitute a Regional Empowered Committee at each of the Regional Offices.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following members to be appointed by the Central Government to deal with the forest conservation matters, namely:

- | | | |
|-------|---|------------------|
| (i) | Head of the Regional Office; | Chairperson |
| (ii) | Senior most officer from amongst officers in the rank of Chief Conservator of Forests or Conservator of Forests in the Regional Office; | Member |
| (iii) | Three non-official members from amongst eminent persons who are experts in the forestry and allied disciplines; | Members |
| (iv) | Senior most officer from amongst officers in the rank of Deputy Conservator of Forests in the Regional Office. | Member-Secretary |

(3) Representatives of the State Government or the Union Territory Administration, as the case may be, not below the rank of a Director to the Government of India, one each from Forest Department and Revenue Department shall also be invited to attend meeting of the Regional Empowered Committee as special invitee, in the examination of the proposals pertaining to such State or Union Territory Administration, as the case may be.

(4) The term of appointment of non-official members shall be as specified in Rule 4.]

12. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:
"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—

- | | | | |
|-------|---|---|-------------------|
| (i) | the Regional Principal Chief Conservator of Forests (Central) | — | Chairperson |
| (ii) | three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics | — | Members |
| (iii) | the Conservator of Forests or the Deputy Conservator of Forests in the Regional Office | — | Member-Secretary" |

* **Publisher's Note: In G.S.R. 94(E), dt. 3-2-2004, R. 4 reads as:**

"(4) In the said rules, after Rule 3, the following rule shall be inserted, namely:—"
 However, this ought to read as "4. In the said rules, after Rule 4, the following **Rule 4-A** shall be inserted, namely:—"

In G.S.R. 713(E), dt. 10-10-2014, Rule 3 read as:

"3. In the said rules, for Rule 4 relating to constitution of Regional Empowered Committee as inserted vide Notification Number G.S.R. 94(E), dated the 3rd February, 2004, the following rule shall be substituted, namely:—"

However, this ought to read as "In the said rules, for **Rule 4-A** relating to constitution of Regional Empowered Committee as inserted vide Notification Number G.S.R. 94(E), dated the 3rd February, 2004, the following rule shall be substituted, namely:—"

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5. Conduct of business of the Committee.—(i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.

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

(iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of Rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.

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

(v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.

(vi) The quorum of the meeting of the Committee shall be three.

¹³[**5-A. Conduct of Business of Regional Empowered Committee.**—(1) The Chairperson of the Regional Empowered Committee shall hold the meeting of the Regional Empowered Committee whenever considered necessary, but not less than once in a month.

(2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the Chairperson of the Regional Empowered Committee 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 referred to the Regional Empowered Committee, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site or sites.

(3) The Chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee:

Provided that in the absence of Chairperson of the Regional Empowered Committee, the senior most member in the rank of the Chief Conservator of Forests or the Conservator of Forests shall act as the Chairperson of the Regional Empowered Committee.

(4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson of the Regional Empowered Committee may direct that papers may be circulated and sent to members of the Regional Empowered Committee for their opinion within the stipulated time.

(5) The quorum of the meeting of the Regional Empowered Committee shall be three.]

¹⁴[6. Submission of proposal seeking approval of the Central Government under Section 2 of the Act.—(1) Every User Agency that wants to use any forest land for non-forest purposes, shall make its proposal in the relevant Form appended to these rules, namely; Form 'A' for proposal seeking first time approval under the Act, Form 'B' for proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, and Form 'C' for prospecting of minerals, 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 respect.

(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, District Collector and Regional Office as well as the Monitoring Cell of the Forest Conservation Division of the ¹⁵[Ministry of Environment, Forests and Climate Change].

(3)(a) The Nodal Officer of the State Government or the Union territory Administration, as the case may be, 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 and the District Collector within a period of ten days of the receipt of the proposal.

(b) 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 a period of ten days to the User Agency and this time period and the time taken by the User Agency to re-submit the proposal shall not be counted for any future reference.

(c) The Divisional Forest Officer 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 Conservator of Forests.

(d) The Divisional Forest Officer shall process and forward the application along with his findings on the proposal involving forest land up to forty hectares, above forty hectares and up to one hundred hectares and above one hundred hectares to the Conservator of Forests within a period of thirty days, forty-five days and sixty days respectively.

14. Subs. by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

15. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

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¹⁶[(e) the District Collector shall—

- (i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal;
 - (ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and
 - (iii) forward his findings in this regard to the Conservator of Forests;
- (f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal;

(g) the Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations to the Nodal Officer;]

(h) The time taken by the Conservator of Forests to process and forward to the Nodal Officer the proposal involving forest land up to forty hectares and above forty hectares shall not be more than ten days and thirty days respectively.

(i) The Nodal Officer, through the Principal Chief Conservator of Forest, shall forward the proposal to the State Government or the Union territory Administration, as the case may be, along with his recommendations.

(j) The Nodal Officer shall process and forward the proposal along with his findings on the proposal involving forest land, up to five hectares, above five hectares and up to forty hectares, above forty hectares up to one hundred hectares and above one hundred hectares, to the State Government or the Union territory Administration, as the case may be, within a period of ten days, twenty days, twenty-five days and thirty days respectively.

16. Clauses (e), (f) and (g) *subs.* by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(e) The District Collector shall complete the process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) (hereinafter referred to as the FRA), obtain consent of the Gram Sabha or Gram Sabhas, wherever required, and forward his findings in the Format specified in this regard to the Conservator of Forests.

(f) The District Collector shall forward the proposal along with his findings on settlement of rights under FRA and consent of the Gram Sabha or Gram Sabhas, wherever required, in respect of the proposal involving forest land up to forty hectares, above forty hectares and up to one hundred hectares and above one hundred hectares to the Conservator of Forests within a period of thirty days, forty-five days and sixty days respectively.

(g) The Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site-inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations and the report on settlement of rights under the FRA and consent of the concerned Gram Sabha or Gram Sabhas, wherever required, received from the District Collector to the Nodal Officer.”.

(k) In case the State Government or the Union territory Administration, as the case may be, decides not to, de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, the same shall be intimated to the User Agency within thirty days of the receipt of proposal from the Nodal Officer:

Provided, all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings where the State Government or the Union territory Administration, as the case may be, does not agree in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, shall be forwarded to the Central Government along with comments of the State Government or the Union territory Administration, as the case may be.

(l) The State Government or the Union territory Administration, as the case may be, shall forward along with its recommendations all those proposals where State Government or the Union territory Administration, as the case may be, agrees in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, and all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings, to the Central Government within thirty days:

Provided that the all proposals involving felling of trees on forest land or a portion thereof for the purpose of using it for reafforestation shall be sent in the form of Working Plan or Working Scheme or Management Plan:

Provided further that the concerned State Government or the Union territory Administration, as the case may be, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, along with its recommendations, to the Regional Office or the ¹⁷[Ministry of Environment, Forests and Climate Change], as the case may be:

Provided also that total time taken exclusively for transit of a proposal between various authorities in the State Government or the Union territory Administration, as the case may be, shall not be more than twenty days, over and above the time period specified for processing of proposal by each authority.

(m) Whenever the time taken by the State Government or the Union territory Administration, as the case may be, for processing the proposal exceeds the time limits stipulated in clauses (a) to (l) above, the proposal shall be considered by the Central Government only if an explanation for the delay is furnished to the satisfaction of the Central Government, together with action taken against any individual held to be responsible for the delay.

¹⁸[(4)(a) The proposal referred to in clause (l) of sub-rule (3), involving forest land up to forty hectares and all proposals related to linear projects irrespective

17. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

18. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

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of the area of forest land involved, shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.

(b) The proposal referred to in clause (1) of sub-rule (3), involving forest land of more than forty hectares, other than proposals related to linear projects shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the Secretary, Government of India, Ministry of Environment, Forests and Climate Change.]

(c) The proposals referred to in clause (1) of sub-rule (3), involving clearing of trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent to the concerned Regional Office.]

¹⁹[(5)(a) notwithstanding anything contained in these rules, the proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than ten per cent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall be submitted by the User Agency in a letter form along with a georeferenced map indicating boundary of the prospecting block, location of each borehole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the aforementioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the georeferenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;

(c) if the Nodal Officer, finds that the georeferenced map or the certificate are not in order, he shall return the proposal within a period of ten days to the User Agency and the said period taken by the Nodal Officer and the time taken by the User Agency to resubmit the georeferenced map and the certificate shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the georeferenced map and certificate submitted by the User Agency and forward the same directly to the State Government or Union Territory Administration, as the case may be, or an officer not below the rank of the Nodal Officer, authorised by the State Government or

“(4)(a) The proposal referred to in clause (1) of sub-rule (3), involving forest land up to forty hectares shall be forwarded by the concerned State Government or the Union territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.

(b) The proposal referred to in clause (1) of sub-rule (3), involving forest land of more than forty hectares shall be forwarded by the concerned State Government or the Union territory Administration, as the case may be, along with its recommendations, to the Secretary, Ministry of Environment and Forests, Government of India.”

19. Ins. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017).

Union Territory Administration, as the case may be, to finally dispose of such proposals, within thirty days of its receipt;

(e) the State Government or the Union Territory Administration, as the case may be, or the officer not below the rank of the Nodal Officer, duly authorised by the State Government or the Union Territory Administration, as the case may be, to finally dispose of such proposals, after examination of the georeferenced map and certificate and after such further enquiry as it may consider necessary, grant permission for prospecting of minerals subject to fulfilment of stipulated conditions, or reject the same within twenty five days of receipt of the proposal from the Divisional Forest Officer and communicate the same to the concerned Divisional Forest Officer and the User Agency, within next five days;

(6)(a) notwithstanding anything contained in these rules, proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than forty per cent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall also be submitted in a letter form along with a georeferenced map indicating boundary of the prospecting block, location of each borehole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the aforementioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the georeferenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;

(c) if the Nodal Officer, finds that the georeferenced map or the certificate are not in order, he shall return the proposal to the User Agency within a period of ten days and the said period taken by the Nodal Officer and the time taken by the User Agency to resubmit the proposal shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the georeferenced map and certificate submitted by the User Agency and forward the same directly to the Nodal Officer, within a period of thirty days of receipt of the georeferenced map and the certificate;

(e) the proposal received by the Nodal Officer under clause (d) shall be further processed in the manner and within the period as provided in clause (i) to clause (m) of sub-rule (3) and sub-rule (4) of Rule 6 and Rule 7 of these rules.]

²⁰[**7. Processing of proposals received by the Central Government.**—(1)(a) The Regional Office, after having received the proposal referred in clause (a) and clause (c) of sub-rule (4) of Rule 6 shall determine the completeness of proposal within five working days.

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(b) If the Regional Office finds that the proposal is incomplete, it shall return it within the period of five working days as specified under clause (a), to the State Government or the Union territory Administration, as the case may be, and this time period and the time taken by the State Government to re-submit the proposal shall not be counted for any future reference.

21[(2)(a) The Regional Office shall after examination of the proposal involving forest land up to five hectares other than the proposal related to mining, encroachments, and hydel projects, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the Union Territory Administration, as the case may be, and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five days.

22[(b) In case a proposal involves forest land more than one hundred hectares or renewal of lease, Regional Office shall within forty five days of the receipt of the proposal complete in all respects from the State Government or the Union Territory Administration, as the case may be, inspect the forest land proposed to be diverted and prepare a site inspection report:

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office

21. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

“(2)(a) The Regional Office shall after examination of the proposal involving forest land up to five hectares other than the proposal relating to mining and encroachments, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the Union territory Administration, as the case may be, and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five days.

(b) The proposals involving forest land above five hectares and up to forty hectares and all proposals for regularisation of encroachments and mining up to forty hectares, which are complete in all respects, shall be examined by the Regional Office in consultation with an Advisory Group consisting of representatives of the State Government or the Union territory Administration, as the case may be, from Revenue Department, Forest Department, Planning Department or Finance Department and the concerned Department whose proposal is being examined.

(c) The Regional Office shall within a period of thirty-five days of the receipt of the proposal from the State Government or the Union territory Administration, as the case may be, shall forward such proposal along with views of the Advisory Group to the Secretary, Ministry of Environment and Forests for obtaining the decision of the Central Government:

Provided that time taken in transit of a proposal from Regional Office to the Ministry of Environment and Forests shall not be more than five days.

(d) The Central Government shall, after considering the views of the Advisory Group and after further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within thirty days of its receipt from the Regional Office and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five working days.”

22. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(b) The proposals involving forest land above five hectares and up to forty hectares and all proposals for regularisation of encroachments and mining up to forty hectares, which are complete in all respects, shall be examined by the Regional Office in consultation with an Advisory Group consisting of representatives of the State Government or the Union territory Administration, as the case may be, from Revenue Department, Forest Department, Planning Department or Finance Department and the concerned Department whose proposal is being examined.”

shall be required only if the area of forest land required for construction of roads, paths, drilling of boreholes and all such non-forest purpose is more than one hundred hectares.]

(c) Regional Office shall refer all proposals involving forest land above five hectares and up to forty hectares; proposals related to mining, encroachments, and hydel projects involving forest land up to five hectares; and all proposals related to linear projects which are complete in all respects, including site inspection report, wherever required, to the Regional Empowered Committee within ten days of the receipt of the proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that proposals referred to in clause (b) above, shall be referred to the Regional Empowered Committee within five days of the receipt of the site inspection report.

(d) The Regional Empowered Committee shall within a period of thirty days examine the proposals referred to it under clause (c) above and after such further enquiry as it may consider necessary, grant in-principle approval to the proposals other than proposals related to mining, encroachment and hydel projects subject to fulfilment of stipulated conditions, or reject the same and the Regional Office shall communicate the decision of the Regional Empowered Committee to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days.

(e) The Regional Empowered Committee shall within a period of thirty days examine the proposals related to mining, encroachments, and hydel project involving diversion of forest land up to forty hectares and tender its advice:

Provided that the Regional Empowered Committee may suggest such conditions or restrictions if any, required to be imposed on the use of any forest land for non-forest purpose, which in its opinion would minimise adverse environmental impact.

(f) The Regional Office shall within a period of five days of the receipt of the advice of the Regional Empowered Committee on proposals referred to in clause (e) above, forward such proposal along with advice of the Regional Empowered Committee to the Secretary, Ministry of Environment, Forests and Climate Change for obtaining the decision of the Central Government:

Provided that time taken in transit of a proposal from Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than five days.

(g) The Central Government shall, after considering the advice of the Regional Empowered Committee and after further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within thirty days of its receipt from the Regional Office and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days.]

R. 7]

(3)(a) All proposals involving clearing of trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be finally disposed of by the Regional Office within a period of sixty days of receipt of the proposals from the State Government or the Union territory Administration, as the case may be.

(b) While examining the proposal, the Regional Office shall 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.

(c) The Regional Office shall however seek prior clearance of the ²³[Ministry of Environment, Forests and Climate Change] whenever the proposal involves clear-felling of forest land having crown density above forty per cent irrespective of the area involved, or clear-felling of forest area of size more than twenty hectares in the plains and ten hectares in the hilly region, irrespective of density.

(4)(a) The ²⁴[Ministry of Environment, Forests and Climate Change], after having received the proposal referred to in clause (b) of sub-rule (4) of Rule 6 shall determine the completeness of the proposal within ten days.

(b) If the ²⁵[Ministry of Environment, Forests and Climate Change] finds that the proposal is incomplete, it shall return it within the period of ten days as specified under clause (a), to the State Government or the Union territory Administration, as the case may be, and this time period and the time taken by the State Government to resubmit the proposal shall not be counted for any future reference.

²⁶[(c) in case the proposal involves forest land more than one hundred hectares or renewal of lease, the Ministry of Environment, Forests and Climate Change shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment, Forests and Climate Change within a period of forty five days:

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office shall be required only if the area of forest land actually required for construction of roads, paths, drilling of boreholes and all such non-forest purpose is more than one hundred hectares:

23. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

24. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

25. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

26. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

"(c) In case the proposal involves forest land more than one hundred hectares, Ministry of Environment and Forest shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment and Forest within a period of forty-five days:

Provided that the total time taken in communication of the request for site inspection from the Ministry of Environment and Forests to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment and Forests shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office."

Provided further that the total time taken in communication of the request for site inspection from the Ministry of Environment, Forests and Climate Change to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office.]

(d) The Central Government shall refer every proposal, which is complete in all respects, received by it under clause (b) of sub-rule (4) of Rule 6 including site inspection reports, wherever required, to the Committee for its advice and the Committee shall give its advice within thirty days from the date of receipt of the said proposal.

(e) 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 clause (d), namely—

- (i) 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;
- (ii) 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;
- (iii) whether the State Government or the Union territory Administration, as the case may be, 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;
- (iv) whether the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof;
- (v) whether the per unit requirement of forest land is significantly higher than the national average for similar projects; and
- (vi) whether the State Government or the Union territory Administration, as the case may be, before making their recommendation has considered all issues having direct and indirect impact of the diversion of forest land on forest, wildlife and environment.

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

(g) The Central Government shall, after considering the advice of the Committee under clause (e) and clause (f) and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within thirty days of the receipt of advice from the Committee and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five working days.

R. 8]

²⁷[8. **Submission of report on compliance to conditions stipulated in the in-principle approval and grant of final approval.**—(1)(a) The Nodal Officer shall within five days of receipt of the in-principle approval, endorse a copy of the same to the concerned Divisional Forest Officer and the Conservator of Forests;

(b) On receipt of a copy of the in-principle approval, the Divisional Forest Officer shall prepare a demand note containing item-wise amount of compensatory levies such as cost of creation and maintenance of compensatory afforestation, Net Present Value (NPV), cost of implementation of catchment area treatment plan or wildlife conservation plan etc. to be paid by the User Agency and communicate the same, along with a list of documents, certificates and undertakings required to be submitted by the User Agency in compliance with the conditions stipulated in the in-principle approval to the User Agency within ten days of the receipt of a copy of the in-principle approval.

(c) The User Agency shall within thirty days of receipt of demand note and list of documents, certificates and undertakings from the Divisional Forest Officer make payment of compensatory levies and submit a compliance report containing a copy of documentary evidence in respect of the payment of compensatory levies along with documents, certificates and undertakings indicated in the said list to Divisional Forest Officer.

(d) The Divisional Forest Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the User Agency.

(e) If the Divisional Forest Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency within a period of fifteen days of its receipt from the User Agency and if the compliance report is complete in all respect, it shall be forwarded to the Conservator of Forests within a period of fifteen days of its receipt from the User Agency.

(f) The Conservator of Forests, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Divisional Forest Officer.

²⁸[(g) in case the Conservator of Forests finds that the compliance report is complete in all respect, he shall forward such report along with the report on completion of the process of recognition and vesting of forest rights and consent of the each Gram Sabha received from the District Collector referred to in sub-clause (f) of sub-rule (3) of Rule 6, to the Nodal Officer within a period of fifteen days of its receipt from the Divisional Forest Officer:

27. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014). Earlier it was *omitted* by G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004).

28. *Subs.* by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(g) If the Conservator of Forests finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency and the Divisional Forest Officer within a period of fifteen days of its receipt from the Divisional Forest Officer and if the compliance report is complete in all respects, it shall be forwarded to the Nodal Officer within a period of fifteen days of its receipt from the Divisional Forest Officer.”

Provided that in case the Conservator of Forests finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency and the Divisional Forest Officer within a period of fifteen days of its receipt from the Divisional Forest Officer.]

(h) The Nodal Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Conservator of Forests.

²⁹[(i) in case the Nodal Officer finds that the compliance report is complete in all respect, he shall forward such report to the State Government or Union Territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests:

Provided that the State Government or the Union Territory Administration, as the case may be, may authorise the Nodal Officer to send the compliance report directly to the Ministry of Environment, Forest and Climate Change or the Regional Office, as the case may be:

Provided further that in case the Nodal Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Conservator of Forests.]

(j) The State Government or Union territory Administration, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Nodal Officer.

(k) If the State Government or Union territory Administration, as the case may be, finds that the compliance report is incomplete, it shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Nodal Officer, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Nodal Officer and if the compliance report is complete in all respects, it shall be forwarded to the ³⁰[Ministry of Environment, Forests and Climate Change] or the Regional Office, as the case may be, within a period of fifteen days of its receipt from the Nodal Officer.

(l) The ³¹[Ministry of Environment, Forests and Climate Change] or the Regional Office, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days.

29. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(i) If the Nodal Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Conservator of Forests and if the compliance report is complete in all respects, it shall be forwarded to the State Government or Union territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests.”

30. Subs. for “Ministry of Environment, Forests” by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

31. Subs. for “Ministry of Environment, Forests” by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

R. 8]

³²[(m) in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is complete in all respect, it shall accord the final approval under the Act and communicate such approval to the State Government or the Union Territory Administration, as the case may be, within a period of twenty days of the receipt of the compliance report:

Provided that in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is incomplete, the shortcoming or shortcomings in the compliance report shall be communicated to the State Government or the Union Territory Administration, as the case may be, the Nodal Officer and the User Agency, within a period of twenty days of the receipt of the compliance report.]

(n) The report on fulfilment of shortcoming or shortcomings in the compliance report shall be processed and forwarded to authorities concerned in the State Government or the Union territory administration, as the case may be, and Central Government in the manner and within the time limits stipulated in clause (d) to clause (1) above.

(2) ³³[(a) In cases where compliance of conditions stipulated in the in-principle approval is awaited for more than five years from the State Government or the Union Territory Administration, as the case may be, the in-principle approvals may be summarily revoked:

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval under the Act within five years from the date of grant of in-principal approval, the Central Government may extend the period for compliance of such conditions by such further period as it deem fit.]

(b) If the User Agency or the State Government or the Union territory Administration, as the case may be, is still interested in the project, after its revocation, they may submit a fresh proposal which shall be considered de-novo.

(3)(a) In case, before submission of a report on compliance to conditions stipulated in the in-principle approval accorded under the Act for a mining project by the State Government or the Union territory Administration, as the case may be, and grant of final approval by the Central Government within five years from the date of grant of in-principle approval, validity of the mining lease

32. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

"(m) If the Ministry of Environment and Forests or the Regional Office, as the case may be, finds that the compliance report is complete in all respect, it shall accord the final approval under the Act and communicate the same to the State Government or the Union territory Administration, as the case may be, within a period of twenty days of the receipt of a compliance report which is complete in all respect."

33. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

"(a) In cases where compliance of conditions stipulated in the in-principle approval is awaited for more than five years from the State Government or the Union territory Administration, as the case may be, the in-principle approvals shall be summarily revoked."

expires, instead of submission of a de-novo proposal to obtain approval of Central Government under the Act for diversion of such forest land, for renewal of mining lease, the State Government or Union territory Administration, as the case may be, while submitting report on compliance to conditions stipulated in the in-principle approval may seek final approval of Central Government under the Act for diversion of such forest land for original period of the mining lease for which in-principle approval has already been accorded, and also for renewal of mining lease for a period, as specified by the State Government and Union Territory Administration, as the case may be, not exceeding twenty years.

(b) Report on compliance to statutes, circulars or directives, 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.

³⁴[(c) In such cases, apart from grant of final approval under the 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 Regional Empowered Committee, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or the Union Territory Administration, as the case may be, 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.]

³⁵[(d) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where in-principle approval under the Act for diversion of forest land has been accorded on a day more than five years prior to date of expiry of mining lease and for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval and obtain final approval within five years from the date of grant of the in-principal approval:

Provided such in-principle approval has not already been summarily revoked by the Central Government:

Provided further that in such cases, apart from the report referred to in clause (b) above, the State Government or the Union Territory Administration, as the case may be, shall also submit to the Central Government, reason or reasons for delay in compliance to conditions stipulated in the in-principle approval.

34. *Subs.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

“(c) In such cases, apart from grant of final approval under the 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 further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or Union Territory Administration, as the case may be, 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.”

35. *Ins.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

FORM A]

(e) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where mining lease expires or has already expired within a period of ten years from the date of grant of in-principle approval under the Act, even if final approval under the Act for diversion of such forest land has been granted prior to expiry of the mining lease:

Provided, that in such cases, in place of a report on compliance to conditions stipulated in the in-principle approval, a report on compliance to conditions stipulated in the final approval under the Act for diversion of such forest land during validity of the original lease period shall be submitted to the Central Government by the State Government or the Union Territory Administration, as the case may be.]

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

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

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

APPENDIX

(See Rule 6)

FORM 'A'

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities

Part-I

(To be filled up by user agency)

1. Project details:

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

2. Purposewise break-up of the total land required.
3. Details of displacement of people due to the project, if any:
 - (i) Number of families.
 - (ii) Number of Scheduled Castes/Scheduled Tribe families.
 - (iii) Rehabilitation plan (To be enclosed).
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (Undertaking to be enclosed).
6. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block Letters)

Designation

Address (of User Agency)

Date:

Place:

State Serial No. of proposal

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

Part-II

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

State Serial No. of proposal

7. Location of the project/Scheme:

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

8. Whether the requirement of forest land as proposed by the user agency in Column 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area itemwise 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 Columns 7(xi, xii), 8 and 9 above.

12. Division/District profile:

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

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

Signature

Name

Official Seal

Date:

Place:

Part-III

(To be filled by the concerned Conservator of Forests)

- 14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection and observation made in form of inspection note to be enclosed.
- 15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
- 16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature

Name

Official Seal

Date:

Place:

Part-IV

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

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

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

Signature

Name and Designation

(Official Seal)

Date:

Place:

Part-V

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

18. Recommendation of the State Government:

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

Signature

Name and Designation

(Official Seal)

Date:

Place:

Instructions (for Part-I).—

1. The project authorities may annex a copy of the approved project/plan in addition to filling Column 1(i) e.g. IBM approved mining plan for major mineral/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF — Column 1(ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given — Column 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 ³⁶[Ministry of Environment, Forests and Climate Change], Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

FORM 'B'

(See Rule 6)

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

Part-I

(To be filled up by user agency)

1. Letter No. and date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (Copy to be enclosed):
2. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1 : 50,000 scale map.
 - (iii) Cost of the project:
3. Purposewise break-up of the total land required (Already broken and to be broken):
4. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block Letters)

Designation

Address (of User Agency)

Date:

Place:

State Serial No. of proposal

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

Part-II

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

State Serial No. of proposal

5. Location of the project/Scheme:

(i) State/Union Territory.

(ii) District.

(iii) Forest Division.

(iv) Area of forest land proposed for diversion (In ha.).

(v) Legal status of forest.

36. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

- (vi) Density of vegetation.
 - (vii) Specieswise (scientific names) and diameter classwise enumeration of trees in unbroken area.
 - (viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed.)
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
 7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.
 8. Division/District profile:
 - (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on—
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - (v) Progress of compensatory afforestation as on (date) on—
 - (a) forest land,
 - (b) non-forest land.
 9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature

Name

Official Seal

Date:

Place:

Part-III

(To be filled by the concerned Conservator of Forests)

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection and observation made in form of inspection note to be enclosed.
11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature

Name

Official Seal

Date:

Place:

Part-IV

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

13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.
(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Part-V

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

14. Recommendation of the State Government:
(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Instructions (for Part-I).—

1. The project authorities may annex a copy of the approved project/plan in addition to filling Column 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 — Column 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. Itemwise requirement (Column 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

³⁷[Ministry of Environment, Forests and Climate Change], 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.

³⁸[FORM 'C'

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities for prospecting of minerals in forest land

Part-I

(To be filled up by User Agency)

1. Project detail:

- (i) Name, address and contact details of the User Agency:
- (ii) Legal status of the User Agency:
- (iii) Name, designation and full address of the person making application:
- (iv) Documents in support of the competence or authority of the person making this application to make application on behalf of the User Agency enclosed: (Yes/No)
- (v) Mineral commodity to be explored:
- (vi) Short narrative of the activities proposed to be undertaken in both forest and non-forestland:
- (vii) Details of approvals accorded by the concerned Ministry or Department in the State or Central Government, as the case may be, for grant of prospecting license in favour of the User Agency:
- (viii) Details of forest and non-forest land included in the prospecting lease:
- (ix) Total area of forest land required for prospecting:
 - (a) Area of forest land likely to experience permanent change in land use
 - (b) Area of forest land likely to experience temporary change in land use
- (x) Total period for which the forest land is proposed to be utilised for prospecting:
- (xi) Estimated cost of the project:
- (xii) Details of forest land diverted earlier, if any, in favour of the User Agency in the State or Union territory along with current status of the use of such forest land:
- (xiii) Details of permission accorded earlier, if any, in favour of the User Agency for prospecting of minerals in forest land along with current status of prospecting in each case:

2. Details of Maps enclosed:

- (i) Survey of India Topo-sheet(s), in original in 1:50,000 scale showing boundary of prospecting block; boundary of each patch of forest land located within the prospecting block; location of each sample plot or borehole site, roads or pathway (existing as well as new pathway to be shown separately) to be used for transportation of drilling equipments; boundary of the adjoining forests and protected areas located within ten (10) Kilometres distance from boundary of forest land identified for prospecting etc.:(Yes/No).

Note 1: In case Survey of India Toposheet in 1:50,000 scale is not available, especially in case of the areas located near International Borders and other strategic locations, in place of Survey of India Toposheet other maps available in public domain may also be used.

Note 2: Due to technical reasons, while undertaking the prospecting activities, the user agency may vary location of boreholes, sample plots, roads or paths etc. up to 300 metres,

37. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

38. Ins. by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

provided area of forest land proposed to be utilised and number of trees proposed to be cut does not exceed the same given in the proposal.

3.(i) Justification for prospecting in forest land:

(ii) Details of alternatives examined;

(iii) Detail of non-invasive prospecting activities, if any, undertaken by the user agency in the forest land indicated in the extant proposal:

4. Whether the forest land identified for prospecting is located in scheduled areas (Yes/No);

5. Details of activities proposed to be undertaken in forest land;

(i) Surface sampling

(a) Grab sampling

(b) Chip sampling

(c) Groove sampling

(d) Channel sampling

(e) Bulk sampling

(f) Geochemical grid sampling with sample line spacing

(ii) Pitting or trenching

(a) Number and dimension of pits or trenches

(b) Total volume of excavation

(c) Area of forest land to be utilised for pits or trenches

(iii) Drilling

(a) Number and diameter of boreholes or wells

(b) Spacing of boreholes or wells

(c) Area to be temporarily disturbed at each bore hole or well

(d) Area, if any, to be permanently disturbed at each bore hole or well

(e) Total meterage of boreholes or wells

(f) Number of drill core samples

(g) Volume of drill core samples

(iv) Construction of roads or paths

(a) Length and width of roads or paths proposed to be constructed;

(b) Area of forest land proposed to be utilised for roads or paths;

(v) Any other activity (pl. specify)

6. Area of forest land likely to experience temporary change in land use due to:

(i) Surface sampling;

(ii) Pitting or trenching;

(iii) Drilling;

(iv) Construction of roads or paths;

(v) Any other activity (pl. specify);

Total:

7. Area of forest land likely to experience permanent change in land use due to:

(i) Surface sampling;

(ii) Pitting or trenching;

(iii) Drilling;

(iv) Construction of roads/paths;

(v) Any other activity (pl. specify.);

Total:

8. Details of machinery or equipments to be deployed for prospecting:

Sl. No.	Name of equipment or machinery	Mode of traction	Size (L × B × H)	Estimated deployment (machine hours)	Maximum noise level (decibel)

9. Details of existing paths or roads proposed to be utilised for transport of the equipment or machines in the forest land;

10. Approximate number and approximate duration of stay in the forest land of the persons proposed to be deployed for prospecting;

11. Summary of the estimated quantity of ore and other samples proposed to be collected during the prospecting (not applicable for hydrocarbon sector):

Sl. No.	Details of samples	Qty. proposed to be collected (Metric Tonne)

12. Estimated accuracy and confidence level for mineral reserve assessment;

13. Estimated accuracy and confidence level in case number of bore holes proposed to be drilled are reduced by:

	Accuracy (%)	Confidence level (%)
(i) 10%:
(ii) 20%:
(iii) 30%:
(iv) 40%:
(v) 50%:

14. In case the proposal is for extension of the period of the permission granted for prospecting, or for drilling of additional bore holes, please provide following additional information:

(i) Details of approval accorded under the Forest (Conservation) Act, 1980 in the past:

Sl. No.	Number and date of the approval accorded	Area of forest land permitted for prospecting (ha)	Validity period of approval	
			From	To

(ii) Report on status of compliance to the conditions stipulated in the approval accorded in the past enclosed (Yes/No)

(iii) Details of violation(s), if any committed.

(iv) Justification for extension of permission accorded for prospecting.

(v) Details of prospecting activities undertaken and sample collected, so far.

15. Details of documents enclosed:

Date:

Signature

Place:

(Name in Block letter)

Designation

Address (of User Agency)

State serial No. of proposal

Part-II

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

Division serial No. of proposal.....

16. Location of the project or scheme:

- (i) State/Union Territory
- (ii) District
- (iii) Forest Division
- (iv) Area of forest land proposed to be utilised for prospecting.

17. Legal status of forest land identified for prospecting.

18. Details of vegetation available in the forest land proposed for diversion:

- (i) Forest type;
- (ii) Average crown density of vegetation;
- (iii) Species-wise local or scientific names and girth-wise enumeration of trees required to be felled;
- (iv) Working plan prescription for the forest land proposed to be utilised for prospecting.

19. Brief note on topography and vulnerability of the forest land proposed to be utilised for prospecting to erosion.

20. Approximate distance of the forest land proposed to be utilised for prospecting from boundary of the forest land.

21. Significance of the forest land proposed to be utilised for prospecting from wildlife point of view:

- (i) Details of wildlife present in and around the forest land proposed to be utilised for prospecting;
- (ii) Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (iii) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within ten kilometers from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (iv) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within one kilometer from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (v) Whether any rare or endangered or unique species of flora and fauna found in the area — if so details thereof.

22. Whether any protected archaeological or heritage site or defense establishment or any other important monument is located in the area — (If so, details thereof with No Objection Certificate (NOC) from competent authority to be annexed).

23. Comment as to the reasonability of the extent of the forest land proposed to be utilised for prospecting:

- (i) Whether the requirement of forest land as proposed by the User Agency in Para 6 and Para 7 of the Part – I is unavoidable and bare minimum for the project.
- (ii) If no, recommended area of forest land which may be used for prospecting.

24. Details of violation committed:

- (i) Whether any work in violation of the Act or guidelines issued under the Act has been carried out (Yes/No).
- (ii) If yes, details of the violation including period of work done, area of forest land involved in violation, name, address and designation of the person(s) responsible for violation and action taken against the person(s) responsible for violation;
- (iii) Whether work in violation is still in progress (Yes/No):

25. Details of compensatory afforestation scheme:

- (i) Legal status of the land identified to raise compensatory afforestation;
- (ii) Details such as location, Survey or Compartment or Khasra number, area and distance from adjoining forest of each plot of non-forest area or degraded forest land identified for compensatory afforestation;
- (iii) Survey of India Toposheet(s), in original in 1:50,000 scale showing non-forest or degraded forest land identified for compensatory afforestation and adjoining forest boundaries enclosed? (Yes/No);
- (iv) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc. enclosed (Yes/No);
- (v) Total financial outlay for compensatory afforestation scheme;
- (vi) Certificates from the concerned Deputy Conservator of Forests regarding suitability of area identified for compensatory afforestation and from management point of view enclosed? (Yes/No);

26. Site inspection report of the Deputy Conservator of Forests highlighting important facts pertaining to the impact of proposed activities on flora and fauna enclosed (Yes/No);

27. Specific recommendations of the Deputy Conservator of Forests 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)

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

29. Whether the Conservator of Forests agree with the information given in Part-II and the recommendations of Deputy Conservator of Forests.

30. Specific recommendation of Conservator of Forests for acceptance or otherwise 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)

31. Detailed opinion and specific recommendation of for acceptance or otherwise of the proposal
with remarks

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

Date:

Signature.....

Place:

Name.....

Official

Seal

.....

Part-V

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

32. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-II or Part -III or Part-IV above
should be specially commented upon)

Date:

Signature.....

Place:

Name.....

Official

Seal

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