

Forest (Conservation) Amendment Rules, 2004

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

G.S.R.94 (E)- In exercise of the powers conferred by Sub-section (1) 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 for 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 to the following members, namely:-
 - (i) the Director General of Forest, Ministry of Environment and Forests - Chairperson.
 - (ii) The Additional Director General of Forests, Ministry of Environment and Forests - 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), Ministry of Environment and Forests -Member 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 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:
 - (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

(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 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’ for 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, whichever is earlier, the question of completeness or otherwise of the proposal shall not be raised.

(c) If the Nodal Officer of the State Government of 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 proposals from him.
- (e) (i) The Nodal Officer, through the principal Chief Conservator of Forests, 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 Bhawan, 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 sent 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 that in case the State Government or the 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 up to five hectares and (b) process, scrutinize and forward diversion proposals

of more than five hectares and up to 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 forest land up to 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.

- (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 Bhawan, 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) and (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.

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

Dr. V.K. 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 10th January, 2003.

MINISTRY OF ENVIRONMENT AND FORESTS CORRIGENDUM

New Delhi, the 9th February, 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 3rd 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 Sib-rule (3), involving forest land up to forty 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 up to 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 up to forty hectares including all proposals relating to mining and encroachments up to 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 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 Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi-110 003”

(F. No. 5-5/98-FC)
Dr. V.K. 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.E.94 (E) dated the 3rd February, 2004.

**APPENDIX
(See Rule 6)**

FORM- 'A'

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

**PART-I
(to be filled up by user agency)**

- 1. Project details:**
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Cost of the project.
 - (iv) Justification for locating the project in forest area.
 - (v) Cost-benefit analysis (to be enclosed).
 - (vi) Employment likely to be generated.
2. Purpose-wide 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 rising and maintenance of compensatory afforestation and/ or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).
6. Details of Certificates/ documents enclosed as required under the instructions.

Signature
(Name in Block letters)
Designation
Address (of User Agency)

Date:-_____

Place:-_____

State serial No. of proposal _____
(To be filled up by the Nodal Officer with date of receipt)

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

State serial No. of proposal _____

7. Location of the project. Scheme:
- (i) State/Union Territory
 - (ii) District.
 - (iii) Forest Division
 - (iv) Area of forest land proposed for diversion (in.ha.)
 - (v) Legal status of forest
 - (vi) Density of vegetation.
 - (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/hydel projects enumeration at FRL, FRL- 2 meter & FRL- 4 meter also to be enclosed.)
 - (viii) Brief note on vulnerability of the forest area to erosion.
 - (ix) Approximate distance of proposed site for diversion from boundary of forest.
 - (x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
 - (xi) Whether any rare/endangered/unique species of flora and fauna found in the area-if so details thereof.
 - (xii) Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in col.2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.
9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
10. Details of compensatory afforestation scheme:
- (i) Details of non forest area/ degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.

- (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation, and adjoining forest boundaries.
 - (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
 - (iv) Total financial outlay for compensatory afforestation scheme.
 - (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).
11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col.7 (xi, xii), 8 and 9 above.
12. Division/ District profile:
- (i) Geographical area of the district
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - (v) Progress of compensatory afforestation as on (date) _____on
 - (a) forest land
 - (b) non-forest land.
13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Singnature
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 Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date:- _____

Place:- _____

PART-IV

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

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

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

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

PART-V

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

18. Recommendation of the State Government:

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

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

INSTRUCTIONS (for Part-I):-

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF-Col 1 (ii)
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given-Col.1 (iii).
4. For proposal relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral on 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/lease 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 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. Project details:
 - i. Short narrative of the proposal and project/scheme for which the forest land is required
 - ii. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - iii. Cost of the project:
3. Purpose-wise break-up of the total land required (already broken & to be broken):
4. Details of Certificates/documents enclosed as required under the instructions.

Signature
(name in Block letters)
Designation
Address(of User Agency)

Date:- _____
Place:- _____

State serial No. of proposal _____
(To be filled up by the Nodal Officer with date of receipt)

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

State serial No. 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 (date) _____ on
 - (a) forest land
 - (b) non-forest land.

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

Signature
Name
Official Seal

Date:- _____
Place:- _____

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

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclose.
11. Whether the concerned Conservator of Forests agree with the information give in Part-B and the recommendations of Deputy Conservator of Forest.
12. Specific recommendation of concerned Conservator of Forests for acceptance or other wise 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
Official Seal

Date:- _____
Place:- _____

PART-V

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

14. Recommendation of the State Government:

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

Signature
Name & Designation
(Official Seal)

Date:- _____

Place:- _____

INSTRUCTIONS (for Part-D):

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.

[F.No.5-5/98-FC]

Dr. V.K. BAHUGUNA, Inspector General of Forests (Forest Conservation)

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

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