VOLUME 7

Minor Minerals, Sand & Forest Land

Sand & minor minerals · EMF/DMF · environmental clearance · forest diversion & compensatory afforestation

07

COMPILED BY

Upendra Luha, OAS

odisharevenuelaws.com

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By Fax/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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RDM-LRGEC-EXINST-0002-2018 - 27689 /R&DM Dated 27 JUL 2018

From

Sri Avaya Kumar Nayak, OAS (S)
Joint Secretary to Government

To

All Collectors

Sub: **Directions to the State Government for preparation of District Survey Report**

Sir,

In enclosing herewith a copy of letter No. 11011/26/2018-IA-II(M) dtd. 22.05.2018 of Advisor, Ministry of Environment, Forest and Climate Change Impact Assessment Division, Government of India and the Notification S.O.141 dtd.15th January, 2016 on the subject cited above, I am directed to say that as intimated, preparation of District Survey Report (DSR) is applicable for all the minerals. The format prescribed in the Appendix-X of the notification mentions sand or bajri in the columns but that does not imply that preparation of DSR is not applicable on other minerals.

(a) The main objective of preparation of DSR is to ensure that the identification of areas of aggradations or deposition where mining can be allowed and identification of area of erosion and proximity to infrastructural structures and installations where mining should be prohibited.

(b) A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

(c) A sub-Divisional Committee comprising of Sub-Division Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee,

Forest Department, Geology or mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability for mining or prohibition thereof.

(d) The DSR shall be prepared for each mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalized within six months by the DEIAA.

(e) The DSR shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

You are, therefore, requested to instruct the DEIAA to prepare DSR for all minor minerals separately and to constitute the Sub-divisional Committee headed by Sub-Collector to visit each site for which environmental clearance has been applied for and make recommendation on suitability for mining or prohibition thereof. You are also requested to ensure finalization of District Survey Report for all minor mineral sources of your district in accordance with the procedure laid down in the Notification dtd. 15th January 2016 within 6 months.

Yours faithfully,

26/7/18

Joint Secretary to Government

Memo No. 27690 dtd. 27 JUL 2018

Copy forwarded to Joint Secretary, I/c of IMU Cell, Revenue & DM Department for information with a request to upload the same in the Department website.

26/7/18

Joint Secretary to Government

ED/70/226264/4254

F.No. L-11011/26/2018-IA-II (M)

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

22 MAY 2018

3rd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110 003

Dated: 22nd May 2018

To,

Chief Secretaries of all States

Subject: Directions to the State Government for preparation of District Survey Report-reg.

Sir,

The Ministry issued Notification S.O. 141(E) dated 15th January 2016 which mentions the preparation of DSR for sand mining or river bed mining and mining of other minor minerals in Para 7(iii) and lays down the procedure for preparation of DSR in Appendix-X.

2. The following points are *inter-alia* mentioned with respect to the DSR in the Notification dated 15th January 2016:

a) Preparation of DSR is applicable for all the minerals. The format prescribed in the Appendix-X mentions sand or bajri in the columns but that does not imply that preparation of DSR is not applicable on other minerals.

b) The main objective of preparation of DSR is to ensure that the identification of areas of aggradations or deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited.

c) A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

ACC F&F
R. Secretary
Steel & Mines
R. Secretary (ED)

Chief Secretary,

d) A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability for mining or prohibition thereof.

e) The DSR shall be prepared for each mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalized within six months by the DEIAA.

f) The DSR shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

3. The State Governments are requested to adhere to the procedure laid down in the Notification dated 15th January 2016 for preparation of District Survey Report.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

22/5/18

(Surendra Kumar)
Adviser

Copy to

1. Member Secretaries of all the SEIAAs
2. APCCFs of Regional Offices

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to AS(AKJ) / AS (AKM)
5. PPS to JS (GB)/ JS(JT)
6. Website, MoEF&CC
7. Guard file

10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;

11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;

12. का.आ. 1599(अ) तारीख 25 जून 2014;

13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;

14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014

15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;

16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;

17. का.आ. 811(अ) तारीख 23 मार्च, 2015;

18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;

19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;

20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;

21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, vide number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification.-

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-

"and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

"3 A. District Level Environment Impact Assessment Authority:-

(1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.

(2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.

(3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.

(4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.

(5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.

(6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.

(7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.

(8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.

(9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.

(10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.

(11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.

(12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.

(13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. ";

(c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

"(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification." ;

(d) for paragraph 5, the following paragraph shall be substituted, namely:-

"5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.";

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

"6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category 'B2' projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.";

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading "I. Stage (1)- Screening:", the existing sub-paragraph shall be lettered as sub-paragraph "(A)" and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

"(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance." ;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

"7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.";

(g) in paragraph 8,-

(i) for the letters and word "EAC or SEAC", the words and letters "EAC or SEAC or DEAC" shall be substituted;

(ii) for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee" wherever they occur, the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee", the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

"(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.";

(j) in paragraph 11, -

for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee", the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
"1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease	<50 ha of mining lease area in respect of non-coal mine lease	General Conditions shall apply except:
		>150 ha of mining lease area in respect of coal mine lease	≤150 ha of mining lease area in respect of coal mine lease	(i) for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area);
		Asbestos mining		(ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		**Note:** (1) Mineral prospecting is exempted. ''; (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI."; (3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(I) after Appendix VI, the following appendices shall be inserted, namely:-

"APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
3. **Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.

6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII
(See paragraph 6)
FORM 1 M
APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE

(II) Basic Information

(viii) Name of the Mining Lease site:
(ix) Location / site (GPS Co-ordinates):
(x) Size of the Mining Lease (Hectare):
(xi) Capacity of Mining Lease (TPA):
(xii) Period of Mining Lease:
(xiii) Expected cost of the Project:
(xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX – IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/ MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

(a) District wise detail of river or stream and other sand source.
(b) District wise availability of sand or gravel or aggregate resources.
(c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

(1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.

(2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.

(3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.

(4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.

(5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.

(6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.

(7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.

(8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 – 5ha	'B2'	Form – 1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	**'B2'**	Form –I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	**'B1'**	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	**'A'**	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	**'B2'**	Form –1M, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	**'B2'**	Form –I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	**'B1'**	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	**'A'**	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

   (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.

   (b) Unique Barcode.

   (c) Unique Quick Response (QR) code.

   (d) Fugitive Ink Background.

   (e) Invisible Ink Mark.

   (f) Void Pantograph.

   (g) Watermark.

2. Requirement at Mine Lease Site:

   (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

(b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.

(c) Access control of mine lease site.

(d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

(a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;

(b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;

(c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.".

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
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District Survey Reportof Kandhamal District
for
Minor Mineral Excavation (Sand)



Prepared by

District Level Environment Impact Assessment Authority (DEIAA),

Kandhamal, Phulbani

Govt. of Odisha

Preface

In compliance to the Notification issued by the Ministry of Environment, Forest, Climate change dated 15.01.16, the preparation of District Survey Report of sustainable sand mining is in accordance with appendix 10 of the notification. It is also mentioned here that the procedure of preparation of District Survey report is as per notification/ guidelines. District Survey report (DSR) will be prepared in every district for each minor mineral. The District Survey Report will guide systematic andscientific utilization of natural resources, so that present and future generation shall be benefitted at large.

The purpose of District Survey report (DSR) is to identify areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining activities in that area.

Every effort has been made to identify sand mining locations, areas and overview of mining activity in the district with all its relevant features pertaining to geology and mineral sources. This report will be a model and guiding document which is a compendium of available mineral resources, geographical, environmental and ecological set up of the district and is based on various departments, published reports and websites.

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"APPENDIX-X"

[See paragraph 7(iii)(a)]

I. INFORMATION FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING IN RESPECT OF KANDHAMAL DISTRICT

01. INTRODUCTION

The Government of India, Ministry of Environment, Forests and Climate Change (MoEF&CC) has made certain amendments vide Notification No. S.O.141(E) dated 15.01.2016 and Notification No. S.O.190(E) dated 20.01.2016 in Environmental Impact Assessment (EIA) Notification No. S.O.1533(E) Dated 14.09.2006 issued by the erstwhile Ministry of Environment and Forests (MoEF). These amendments led to the constitution of the district Level Environment Impact Assessment Authority (DEIAA) at District Level for grant of Environmental Clearances for category B2 projects (B2 category projects pertaining to mining of minor minerals of lease area less than or equal to 5Hc) for mining of minerals, for all the districts in the country. DEIAA in Kandhamal District comprises of following members:

Sl No	Designation	Designation in the Committee
01	District Magistrate-cum-Collector, Kandhamal	Chairperson
02	Divisional Forest Officer, Phulbani	Member
03	Executive Engineer,OLIC,Kandhamal	Expert Member
04	Sub-Collector, Phulbani	Member Secretary

Ordinary sand other than sand used for prescribed purposes and some other minerals have been specified as minor mineral in Sec 3 E of The Mines and Minerals (Development and Regulation) Act, 1957. The Central Government in addition to some other minor minerals has also declared the ordinary earth (used for filling or levelling purposes in construction of embankments, roads, railways and buildings) and brick earth as the minor minerals. The DEIAA shall base its decisions on the recommendations of District Level Expert Appraisal Committee (DEAC). It comprises of following members as per the guidelines of the MoEF&CC Gazette Notification Dated 20/01/2016:

Sl No	Designation	Designation in the Committee
01	Executive Engineer, Minor Irrigation, Phulbani	Chairperson
02	A.C.F., Phulbani	Member

03	Geologist, South Zone, Berhampur or his representative	Member
04	CDMO, Phulbani	Member
05	Executive Engineer, DRDA, Phulbani	Member
06	Regional Officer, Berhampur or his representative not below the Rank of Asst. Env. Engineer/ Asst. Env. Scientists of State	Member
07	ACF, Balliguda	Expert Member
08	Range Officer, Balliguda	Expert Member
09	Lecturer in Botany , Govt. Autonomous College, Phulbani	Expert Member
10	Senior most Assistant Executive Engineer, R&B, Phulbani	Member
11	Mining Officer, Phulbani	Member Secretary

In the light of above, The District Collector, Kandhamal in consultation with the Mining Officer, Kandhamal have constituted the DEAC which is in force till date.

District Survey report (DSR) is required to identify the areas of aggradations or depositions where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment after mining in that area. Every effort has been made to cover sand mining locations, areas and overview of mining activity in the district with all its relevant features pertaining to geology and mineral wealth in replenishable and non-replenishable areas of rivers, stream and other sand sources.

2. Over view of Mining Activity in the District

Mainly two types of minor minerals constituents such as sand and stone are required for any type of construction apart from other material like cement and steel. In earlier times, the houses / buildings were constructed in form of small dwellings with walls made up of mud plaster, stone and interlocking provided with wooden frames and there were negligible commercial as well as developmental activities resulting in less demand of building material. However, with the passage of time, new vistas of developmental activities were started. The quantity of minor minerals consumption in a particular area is anindicator to assess the development of the area. Thus, with the pace of development activities, the consumption of minor minerals also increased. As such the demand for minor minerals in the district has witnessed an increasing trend. In order to meet the requirement of raw material for construction, the extraction of sand is being carried out exclusively from the river beds.

Mining activity in Kandhamal district consists of river bed sand mining, mining of boulder, stones, morrums and ordinary earth. The demand for sand (river borne collection) in Kandhamal district, is mainly met by the supply from Salunki river bed flowing in the district. All mining activities are made for local consumptions only and are non-organized in nature. Manual excavation of sand from river bed is being done from notified sairat sources.

As per OMMC Rules, 2016 Sairat sources can be leased out for minimum of 05 years and can be extended up to 10 years. In, Kandhamal district, out of 64 sairat sources, 14 sources have been leased out for 5 years from 2015-16 to 2020-21. Out of balance sources, 07 sources are below 5 hectares. As per Memo No. 41788/R&DM Dated 12.11.18 "DEIAA is the Competent authority for grant of E.C proposal of sand mining and other minor minerals mining on the basis of individual mining lease for Ha. 0.00 to Ha. 5.00 and also for sand mining and other minor minerals mining in cluster situation". on this basis, necessary steps are being taken to lease out these 07 numbers of sources. Further, one source is pending for agreement, one source is subjudice before the Hon'ble High Court, Odisha and three other sources are pending in SEIAA Bhubaneswar for Environmental Clearance.

Total No. of sairat sources	Total no. of sources bidder finalized	Pending with RQP	Pending with SEIAA	Pending with Tahasildar	Settled	For Re-Adv	Receive extinction proposal	No. of sources below 5 Hc.	Pending with High Court
Sand 31	14	03	03	02	06	07	02	07	01
Stone 33	09	01	00	00	08	08	16	00	00
Total 64	23	04	03	02	14	15	18	07	01

03. The list of mining lease (sand sources) in the district with location, area and present status

Name of Tahasil	Name of the Sand Sairat Sources	Land Schedule				Present status
		Village	Khata No	Plot No	Area (in Hc.)	
Balliguda	Katarisahi sand source	Balliguda	771	1720,1800 1807,3499	7.972	Pending for EC
	Ganjupadi sand source	Ganjupadi	45	135,207	5.380	Pending for EC

	Sindrigaon sand source	Sindrigaon	207	1326	8.320	Pending for EC
	Biraguda sand source	Biragida	47	349,432	5.283	Bidder not finalised
	Khairabadi sand source	Khairabadi	27	20	6,800	Bidder not finalised
	Khamankhole sand source	Khamankhole	81	31	6.624	Bidder not finalised
Chakapad	Badruguda & Nediguda sand source	Badruguda & Nediguda	69 61	332,335, 363/406	5.650	Operationalfrom 2016-17
	Purunagada sand source	Purunagada	144	1,21,26, 145	5.715	Bidder not finalised
Tikabali	Chhatijhar sand source	Chhatijhar	175	4,12,231, 250	6.260	Operationalfrom 2016-17
	Malbhuin sand source	Malbhuin	116	74,9	5.040	Operationalfrom 2016-17
	Jignagam sand source	Jignagam	187	314	5.680	Pending for agreement
	Padhanpada sand source	Padhanpada	264	984	5.000	In lease process
	Guitana/ Nagrigudari sand source	Guitana, Nagrigudari, kainjhar	29,55, 55,290	420,348, 1817/1955	5.156	In lease process
Phulbani	Bigapadar sand source	Bigapadar	99	585,586	6.436	Operationalfrom 2016-17
	Tudipaju Sand source	Tudipaju	89	01	7.500	Operation from2016-17
	Saini padar sand source	Sainipadar	76	1	5.200	Operational from 2016-17
	Baisingh sand source	Baising ,Guludi	25,10	78,300,1	5.396	In lease process
	Sartaguda Sand source	Sartaguda	121	690,693	5.438	Pending for EC
	Kumudiguda Sand Source	Kumudiguda	123	1414	2.700	Pending in High Court
K.Nuagam	Kudutuli sand Source	Kudutuli	253	848,843	5.000	Bidder not finalised

	Bagada Sand Source	Bagada	28	156,158, 159	5.000	Bidder not finalised

04.Details of Royalty or Revenue received in last three years from sand sources

Name of Tahasils	Name of the sand sairat sources	Collection of royalty/ revenue made in last 3 years (in Rs.)		
		2016-17	2017-18	2018-19
Tikabali	Chhatijhar sand source	1,11,720.00	1,24,440.00	1,28,400.00
	Malbhuin sand source	45,645.00	53,200.00	0.00
	Jiginagam sand quarry	0.00	1,83,750.00	18,3750.00
Phulbani	Bigapadar sand source	0.00	61,316.00	64,270.00
	Tudipaju Sand source	0.00	66,232.00	6,66,232.00
	Saini padar sand source	0.00	42,852.00	42,852.00
Balliguda	Katarisahi sand source	1,01,300.00	70,000.00	37,800.00
	Ganjupadi sand source	1,92,500.00	0.00	0.00
	Sindrigaon sand source	17,500.00	0.00	0.00
	Biraguda sand source	0.00	0.00	37,800.00
Chakapad	Badruguda & Nediguda sand source	50418.00	0.00	0.00

05. Details of Production of sand in last three years

Name of Tahasils	Name of the sand sairat sources	Production of sand in last 3 years (in Cubic Meter)		
		2016-17	2017-18	2018-19
Tikabali	Chhatijhar sand source	2660.00	3111.00	3210.00
	Malbhuin sand source	1499.00	1520.00	1493.00
	Jiginagam sand quarry	Nil	5250.00	5250.00
Phulbani	Bigapadar sand source	Nil	840.00	900.00
	Tudipaju Sand source	Nil	780.00	780.00
	Saini padar sand source	Nil	600.00	600.00

Balliguda	Katarisahi sand source	2894.00	2000.00	900.00
	Ganjupadi sand source	5500.00	Nil	Nil
	Sindrigaon sand source	500.00	Nil	Nil
	Biraguda sand source	Nil	Nil	900.00
Chakapad	Badruguda & Nediguda sand source	1200.00	1300.00	1400.00

06. Process of deposition of sediments in the river of the district

Sedimentation in the geological science is a process of deposition of a solid material from a State of suspension or solution in a fluid (usually air or water). Broadly defined it also includes deposits from glacial ice and those materials collected under the impetus of gravity along, as in talus deposits or accumulation of rock debris at the base of cliffs. The term is commonly used as a synonym for sedimentary petrology and sedimentology.

Sedimentation is generally considered by geologists in terms of the textures, structures, and fossil contents of the deposits lay down in different geographic and geomorphic environments.

River sediment is transported depending on the strength of the flow that carries it and its own size, volume and density and shape. Stronger flow will increase the lift and drag on the particle, causing it to rise while larger or dense particles will be more likely to fall through the flow.

River and stream carry sediment in their flows. This sediment can be in a variety of locations within the flow, depending on the balance between the upwards velocity on the particles (drag and lift forces) and the settling velocity of the particle.

If the upward velocity is approximately equal to the settling velocity, sediment will be transported downstream entirely as suspended load. If the upward velocity is much less than the settling velocity, but still high enough for the sediment to move, it will move along the bed as bed load by rolling, sliding and satiating (jumping up into the flow, being transported a short distance then settling again). If the upward velocity is higher than the settling velocity, the sediment will be transported high in the flow as wash load.

Rivers are the most powerful agents of sedimentary process which includes Erosion, Transportation and deposition of the eroded materials. Generally, the eroded materials comprise of rocks, organic matters etc. The processes of sedimentation in the district are being done by the fluvial action of the river like Salunki, Khadaga. The sedimentation Process is seen to be highest in the rainy season between mid-June to Mid –September.

07. General Profile of the District

Kandhamal District is one among 30 Districts of Odisha State. The administrative headquarters of Kandhamal District is Phulbani. It is Located 198 Km East towards State capital Bhubaneswar. The geographical area of the district is 8021 sq. kms. Area-wise the district rank is 6th among all the districts of Orissa.

Kandhamal literally "the land of Kondhs" is a district with a substantial tribal population. It was formed by bifurcating the former Boudh-Phulbani or Kandhamal District on 1st January, 1994. The agro-climatic condition of the district is otherwise very rich in organic contents.

Ever Since Boudh-Phulbani district was created in 1948 by merging feudatory state of Boudh with Phulbani sub-division with its Headquarters at Phulbani, the movement to separate Phulbani from Boudh began in early 1980's when two Tribal outfits named “Kui Samaj” and “Pahadi Sangram Manch” fight for the separation. When the movement became vociferous, the state Government had to concede the demand of the people ultimately and Kandhamal came into existence.

7.1. Location & Topography:

The district is situated within the longitudes 83^0 30’ and 84^0 35’ East and latitudes 19^0 34’ to 20^0 34’ North. The district is located in central Odisha and bound by Boudh district in North, Rayagada in South, Ganjam and Nayagarh districts in East and Kalahandi district in West. Phulbani and Baliguda are two sub-divisions of the district.

Phulbani sub-division forms a broken plateau about 518 meters above sea level. Continuous mountains surround this sub-division from all sides. On the north-east and west, these ranges rise abruptly from the plains of Boudh district, while on the south, they merge with the outlines of the Eastern Ghats of Baliguda sub-division. The high plateau lying within these ranges is broken up by numerous smaller ranges which form an endless series of valleys varying in size. Thick forests cover much of these tracts and villages lie in scattered clearings along hill sides. The whole of this sub-division is a network of hills and forests interspersed with small hamlets of the Kandhas. This hilly tract is intersected in all directions by streams and rivers, which run dry after the cessation of rains. Baliguda sub-division is on the plateau and lies at heights varying from 300 meter to 1100 meter above mean sea level. The eastern side of the sub-division consists of wide well cultivated valleys. The hills of this sub-division are a part of the Eastern Ghats.The uplands and slopes leading from the foot of the hills are utilized for growing dry crops periodically depending on the rain. The area of cultivated land is small.

7.2. Administrative set up:

The district has two subdivisions- Balliguda and Phulbani. To provide efficient administration, effective implementation and monitoring of development scheme the district is administratively divided into 12 tahsils & 12 Blocks namely Balliguda, Chakapada, Daringbadi, G.Udayagiri, K.Nuagaon, Kandhamal, Kotagarh, Khajuripada, Raikia, Phiringia, Tikabali, Tumudibandh.

There are one municipality, two Notified Area Council, 171 Gram Panchayats and 2,506 villages with 2415 inhabited and 91 uninhabited villages. Baliguda, G. Udayagiri and Phulbani are three assembly constituencies.

Administrative Unit	**Numbers**
Subdivisions	2
Tahasil	12
Block	12
Municipality	1
NAC	2
Police Stations	18
Gram Panchayats	171
Total no. of Villages	2506
Inhabited Villages	2415
Uninhabited Villages	91
Assembly Constituencies	3

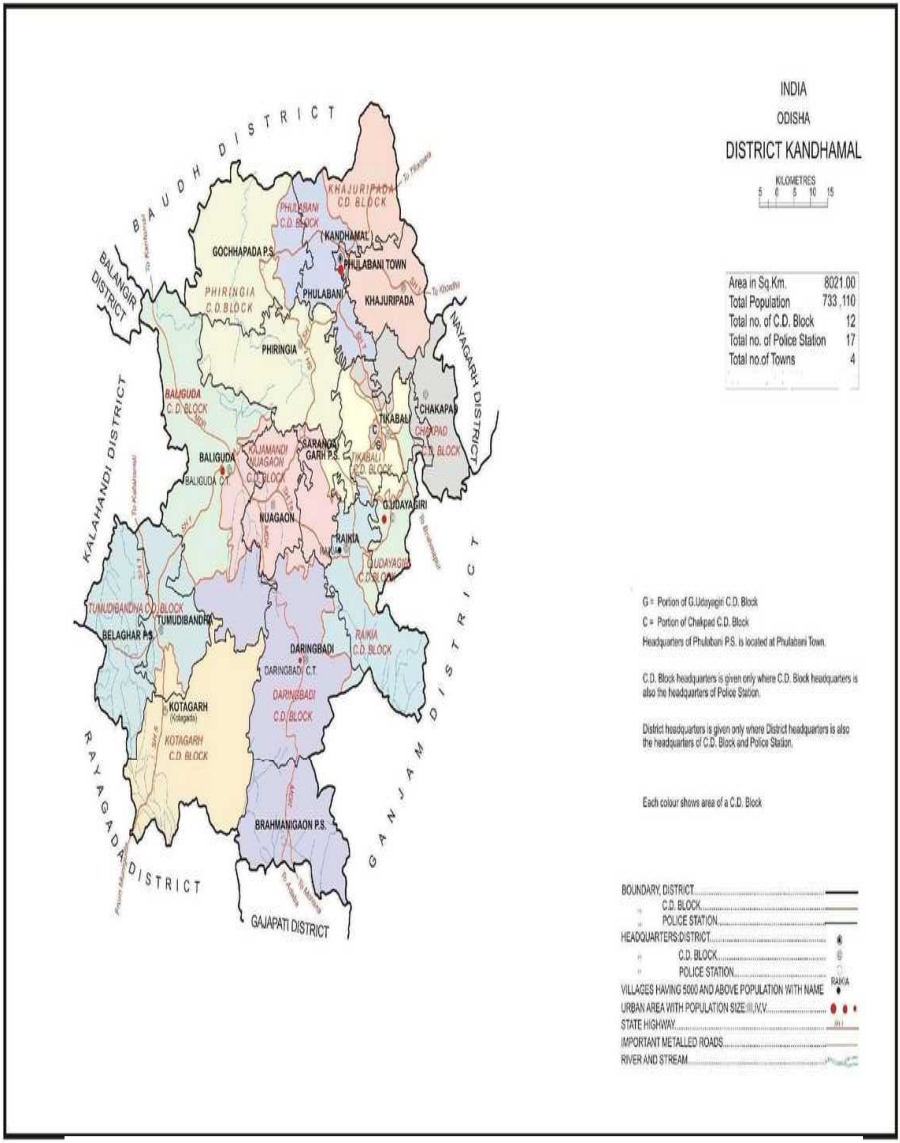

Fig 1. Administrative set up map of Kandhamal District

08. Land Utilization Pattern in the District

The district is spread over a geographical area of 8021Sq.kms which is 7.14% of the total geographical area of the state. About 5709 Sq. kms area is under forest which is about 71% of the total geographical area of the district.

The land in the district is highly uneven and undulating comprising hill slopes, plateaus, valleys and plains with varying slopes. The agriculture land in the district has been classified in to 3 broad categories depending on the gradients of the land i.e. 1) High, 2) Medium 3) Low. The total cultivated land of the district is 1,27,790 hectaresout of which 96298 hectares (75%) is high land, 20624 hectare (16%) Medium land and 10868 hectares (09%) low land. About 32223 hectares i.e. 25.22% of cultivated land is irrigated and rest 74.78% land is under rainfed condition which is exposed to vagaries of monsoon.

Land utilization pattern in Kandhamal District (Area in Ha.):

Geographical Area	Forest area	Cultivable waste land	Land put to Non-Agril. Use	Permanent Pasture s	Land under miscellaneous tree crops and grooves	Other fallow	Current fallow	Net Area sown	Gross cropped area	Cropping Intensity (%)
802100	570983	14245	9103	10079	33775	6182	950	126855	185170	146

As most of the area comes under forests, the people of the district basically depend upon the forest products. Most of the farmers are economically backward with higher percentage of SC & ST families. Majority of the farmers are small and marginal landless labours and depend on the forest and other minor forest products for their livelihoods. Some important crop grown in district are paddy, Maize, Turmeric, Ginger, Mustard and vegetable. As per agricultural census 2010-11 the no. of operational holdings of the district is 91512 with 92801 Ha. operational area. The average size of land holding for all social groups is 1.01 Ha.

Out of 8,02,100 hectares of geographical area of the district, 71% of land is under forest cover. Land under non-agricultural use constitutes 1.77%. Cultivable waste land, permanent pasture and land under miscellaneous tree crops and grooves constituting 7.24%, where the land comes under current fallows during 2012-13 & 2013-14 was 0.35%, which has decreased to 0.11% of the total land during 2014-15.Likewise, the net sown area during the year 2012-13 and 2013-14 was 15.57%, which has increased to 15.81% of total land during the year 2014-15.

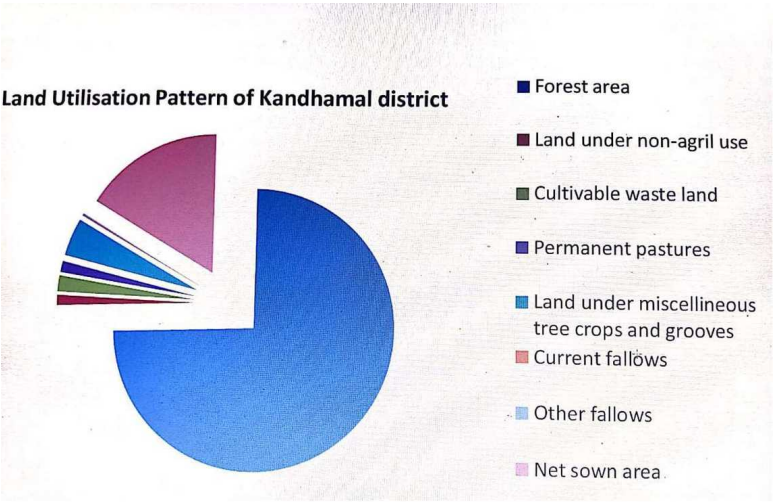

Fig 2. Land utilization pattern of Kandhamal District

09. Physiography of the District

Geomorphologically the district comprises four units viz i) ridges and hills with or without valleys ii) ridges and hills with intervening broad undulating plains, iii) plantation surfaces like Pedi-plains and peni-plains and iv) deeply weathered plains or duricrusts. The first unit is structurally controlled and exposed through 90% of the area whereas rest three has minimal control of structure and found as small patches. The highest elevation of 1290m is observed on west of Daringbadi. The denudational hills present in the area are also called residual hills. Plantation surface consisting of pediplains and peniplains occupies the major portion of the district. Top of the hills are covered with laterites. Bagh river, Raul nadi, salunki river and kharag river with its numerous tributaries control the drainage.

10. Rainfall

The climate of this district is sub-tropical characterised by hot and dry summer, sub-humid, medium to high rainfall, prolonged cold and dry winter. The geographical situation of the district is characterized by undulated topography with hilly terrain where the rain water is carried through hill streams and nallahs. The average annual rainfall of Kandhamal district is 1428.15 mm. The peak period of rainy season is from 15th June to September.

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2016	30.87	14.75	30.78	2.55	42.97	204.37	238.17	273.88	267.34	118.9	1.81	0	1226.39
2017	0.00	0.00	30.27	0.60	62.66	238.82	211.64	242.04	216.44	195.39	33.76	0.00	1231.62
2018	0	0	0.13	92.56	75.33	146.24	461.87	385.98	309.47	293.33	0	61.54	1826.45
Avg.	10.29	4.92	20.39	30.90	60.32	196.48	303.89	300.63	264.42	202.54	11.86	20.51	1428.15

11. Geology and Mineral wealth

Geologically the area forms part of the Eastern Ghats Super Group and is divided into khondalite group, Charnockite group and migmatite group. The alluvium is of Pleistocene to recent age. Khondalite group of rocks are of metasedimentary origin and represented by quartz-garnet-silimanite schist and gneisses without graphite, sillimanite quartzite and quartz-silimanite sericite schist occurring as enclaves within granite. Occurrences of basic charnockite are very restricted as bands or lensoid patches within the granites. Intermediate or acid charnockite are common being distributed throughout the hilly area. Migmatite group comprising augen gnesis, garnetiferous leucogranites are the most abundant rock types of the area. This constitutes high hill ranges at several places towards north and south and smooth rolling topography in the plains. Rocks of lower Gondwana group especially the Talchir formation is exposed in the northern part of the area. The contact between Talchir and older rocks is faulted at places. Pockets of laterites commonly found in khondalite bearing ridges mainly over the hill tops. The laterite exposed in the area is of Cainozoic age. The river beds of the area are covered by recent alluvium.

The general strike of the foliation is WNW-ESE to ENE-WSW through NE-SW and NS. The amount of dip ranges between 50^0 to sub-vertical. There is one major shear zone near Ranipathar area. Mylonite and silicification occur along this zone at several places. Both vertical as well as inclined joint planes are observed. Numbers of fault planes occur in the area with varieties of strike direction. A number of lineaments are deciphered in this area from LANDSAT imageries. Two major sets of these lineaments are deciphered running along NW-SE to NNW-SSE and NS directions.

A number of mineral occurrences are noticed in the area. Bauxite deposits have been located in the plateau of khondalite hills. Rucy, mica-bearing pegmatite vein is located East of Mundagaon. Several occurrences of dimension stones are found at the southern bank of kalipana river. Graphite occur in the garnet-quartz-silimanite schist of khondalite suite in the form of bands, enechelon veins and lenses or disseminated forms. They are usually disposed conformably along the foliation planes of the host rocks. A number of graphite deposits have

been found in the western part of the area at NW of Tumudibandha. Only occurrence of bed ocher, found in the district is situated south of Ghumusar Udayagiri.

(a) District wise details of river or stream and other sand source

The district headquarter Phulbani is surrounded by the River Salunki full of natural beauty and green hills which caters to a wide variety of flora and fauna.

Drainage system with description of main rivers

Sl No.	**Name of the River**	**Area drained (Sq. Km)**	**% Area drained in the District**
1	Salki	1581	78%
2	Khadaga	2020	93%
3	Pilasalki	87.36	100%
4	Kalava	95.85	100%

Salient Features of Important Rivers & Streams

Sl No	**Name of the River or Stream**	**Total Length in the District(in Km)**	**Place of origin**	**Altitude at Origin**
1	Salki	85	Bakamaha of G.Udayagiri Block	652 m
2	Khadaga	142	Gumamaha of Raikia Block	702 m
3	Pilasalki	37	Sanabeda of Chakapada Block	863 m
4	Kalava	15	Linepada of Chakapada Block	530 m

Name of the Tahasil	**Portion of the River or Stream Recommended for Mineral concession**	**Length of area recommended for mineral concession (in Kilometer)**	**Average width of area recommended for mineral concession (in meters)**	**Area recommended for mineral concession (in square meter)**	**Mineable mineral potential (in metric tone) (60% of total mineral potential**
Balliguda	Khadaga River near Katarisahiu	0.322	0.125	718693.086	2340

	Khadaga River near Ganjupadi	1.107	0,101	54480.201	1950
	Khadaga River near Sindrigaon	0.8	0.127	84251`.909	1170
	Biraguda Stream	1.267	0.056	53497,937	390
	Khadaga River near Khairabadi	0.885	0.121	68859.733	390
	Khadaga River near Khamankhole	0.704	0.125	67077.481	390
Chakapad	River Badruguda/ Nediguda	2.0	5	250	2328.96
Tikabali	Salki river Chhatijhar	1.47	10	6338	15876
	Salki river Malbhuin	0.943	10	51035	7469
	Salki river Jignagam	0.81	10	5751	15750
	Salki river Padhanpada	0.87	10	8860	10500
	Salki River Guitana/ Nagrigudari	0.82	10	3341	10500
Phulbani	Badasalunki,Bigapadar	1.24	42	62000	6181
	Badasalunki, Tudipaju	1.77	36	54000	7669
	Badasalunki,Sainipadar	1.75	42	52000	5786
	Pilasalunki,Kendupadar	1.02	22	35000	
	Pilasalunki, Sartaguda	0.84	18	2000	6362
	Badasalunki, Kumuriguda	1.52	36	27000	
K.Nuagam	Khadaga River	0.62	82	25864	3050
	Kadipenu River	0.76	68	29784	3110

(b)District wise availability of sand

Mineral Potential

Name of the Tahasil	Name of the Sand Sairat Sources	Total reserved Sand (MT)	Total Mineable Mineral Potential (MT) as per Mining Plan
Balliguda	Katarisahi	39,574	22,894
	Ganjupadi	34,970	23,504
	Sindrigam	64,896	14,864
	Biraguda	650	650
	Khairabadi	650	650
	Khamankhol	650	650
Chakapad	Badruguda/Nediguda	9,399	9,399
	Purunagada	EC not approved by SEIAA	EC not approved by SEIAA
Tikabali	Chhatijhar	38,206.07	38,206.07
	Malbhuin	17,974.37	17,974.37
	Jignagam	37,902.85	37,902.85
	Padhanpada	Mining plan not approved	Mining plan not approved
	Guitana, Nagrigudari, kainjhar	Mining plan not approved	Mining plan not approved
Phulbani	Bigapadar	10,302.75	10,071.39
	Tudipaju	12,782.64	10,073.8
	Sainipadar	9,644.82	8,994.12
	Baising ,Gulidi	Mining plan not approved	Mining plan not approved
	Sartaguda	10,604	8,194
	Kumudiguda	Mining plan not approved	Mining plan not approved
N.Nuagam	Kudutuli	14,892	14,892
	Bagada	12,932	12,932

Annual Deposition

Name of the Tahasil	Name of the Sand Sairat Sources	Annual Deposition (in MT)
Balliguda	Katarisahi	5,332
	Ganjupadi	3,307
	Sindrigaon	2,009
	Biraguda	1,000
	Khairabadi	1,000
	Khamankhol	1,000
Chakapad	Badruguda/Nediguda	3,500
	Purunagada	EC not approved by SEIAA
Tikabali	Chhatijhar	3,400
	Malbhuin	3,800
	Jignagam	12,700
	Padhanpada	1,000
	Guitana, Nagrigudari, kainjhar	1,000
Phulbani	Bigapadar	2,200
	Tudipaju	2,892
	Sainipadar	2,170
	Baising ,Gulidi	1,000
	Sartaguda	2,410
	Kumudiguda	1,000
K.Nuagam	Kudutuli	1,400
	Bagada	1,000

Collector & District Magistrate,
Kandhamal-cum-chairperson, DEIAA

Mining Leases Marked on the map of the District.



रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—23 REGISTERED NO. DL—(N)04/0007/2003—23

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 18] नई दिल्ली, शुक्रवार, अगस्त 4, 2023/ श्रावण 13, 1945 (शक)
No. 18] NEW DELHI, FRIDAY, AUGUST 4, 2023/SRAVANA 13, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 4*th August,* 2023/*Sravana* 13, 1945 (*Saka*)

The following Act of Parliament received the assent of the President on the 4th August, 2023 and is hereby published for general information:—

THE FOREST (CONSERVATION) AMENDMENT ACT, 2023

(No. 15 OF 2023)

[4*th August*, 2023]

An Act further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Forest (Conservation) Amendment Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of preamble.

69 of 1980.

2. In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after the long title and before the enacting formula, the following preamble shall be inserted, namely:—

"WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO_2 equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS, it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality.".

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words and brackets "Forest (Conservation) Act", the words and brackets "*Van* (*Sanrakshan Evam Samvardhan*) *Adhiniyam*" shall be substituted.

Insertion of new section 1A.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Act to cover certain land.

'1A. (*1*) The following land shall be covered under the provisions of this Act, namely:—

(*a*) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force; 16 of 1927.

(*b*) the land that is not covered under clause (*a*), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(*2*) The following categories of land shall not be covered under the provisions of this Act, namely:—

(*a*) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(*b*) such tree, tree plantation or reafforestation raised on lands that are not specified in clause (*a*) or clause (*b*) of sub-section (*1*); and

(*c*) such forest land,—

(*i*) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the

case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(*ii*) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(*iii*) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(*3*) The exemption provided under sub-section (*2*) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.'.

Amendment of section 2.

5. In the principal Act, section 2 shall be renumbered as sub-section (*1*) thereof and—

(*a*) in sub-section (*1*) as so renumbered,—

(*I*) in clause (*iii*), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(*II*) in the *Explanation*, for the long line occurring after clause (*b*), the following shall be substituted, namely:—

"but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(*i*) silvicultural operations including regeneration operations;

(*ii*) establishment of check-posts and infrastructure for the front line forest staff;

(*iii*) establishment and maintenance of fire lines;

(*iv*) wireless communications;

(*v*) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

(*vi*) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

53 of 1972.

(*vii*) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(*viii*) any other like purposes, which the Central Government may, by order, specify.";

(*b*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.".

Insertion of new section 3C.

6. In the principal Act, after section 3B, the following section shall be inserted, namely:—

Power of Central Government to issue directions.

"3C. The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory Administration, or to any organisation, entity or body recognised by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation of this Act.".

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
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MGIPMRND—236GI(S3)—04-08-2023.

F. No. 5-2/2017- FC
Government of India
Ministry of Environment, forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2019

To,

The Principal Secretary/Secretary (Forests),
All State/UT Governments.

Sub: Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8th March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: www.parivesh.nic.in.

This issue with the approval of competent authority.

Yours faithfully,

(Sandeep Sharma)
Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MHA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC **with a request to place a copy of the letter on website of this Ministry.**
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.

(Sandeep Sharma)
Assistant Inspector General of Forest (FC)

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)



Ministry of Environment, Forest and Climate Change
Government of India
2019

डॉ. हर्ष वर्धन
Dr. Harsh Vardhan

सत्यमेव जयते

भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्री
GOVERNMENT OF INDIA
MINISTER OF ENVIRONMENT, FOREST & CLIMATE CHANGE



FOREWORD

The Forest (Conservation) Act, 1980, is an important Central statute and a living example of the will of the nation to preserve its precious forest, wildlife and biodiversity wealth. It is one of the shortest Act with widest implications on development and biodiversity conservation in the country. It embodies our firm commitment to ensure integrated and sustainable development by striking a balance between the economic and ecological considerations. This Act is of regulatory and not prohibitory in nature. It permits only unavoidable use of forest land for various developmental purposes.

As the Forest (Conservation) Act, 1980 is an evolving statute of the Central Government, implementation of the provisions under the act has been guided by sets of relevant rules, guidelines and directives contained in various court orders. The guidelines in particular have certainly helped the Ministry to implement, clarify and streamline the process of forest clearance under the Forest (Conservation) Act, 1980.

The Ministry, in the past, with a view to align the procedures and provisions of the Act with various rulings of Hon'ble Supreme Court, policy decisions, has issued more than 250 guidelines under the FC Act. Some of these guidelines were contextual to specific cases and specific times. To have better clarity and transparency, the Ministry, in consultation with concerned stakeholders, Regional Offices, State/UT Governments, has consolidated all the information, scattered in guidelines, in the form a handbook and has come up with a set of comprehensive, exhaustive, transparent and easy to understand guidelines in one single document in supersession of all the guidelines issued by the Ministry in the Past.

This Handbook provides comprehensive and updated details of amendments made in the Forest (Conservation) Rules, and guidelines issued by the Ministry so far. The Revised Handbook of the Forest (Conservation) Act, 1980 will serve as a yardstick to help the forest officers, State Governments, user agencies and all practitioners to deal with the issues related to the Forest (Conservation) Act, 1980 more efficiently. It will help various users to readily access the requisite guidelines, procedure, documents issued under the Forest (Conservation) Act, 1980 was earlier scattered in various guidelines.

(Dr. Harsh Vardhan)

Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003,
Tel. : 011-24695136, 24695132, Fax : 011-24695329

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Abbreviations

ACF	Assistant Conservator of Forest
APCCF	Additional Principal Chief Conservator of Forests
BRO	Border Road Organisation
CA	Compensatory Afforestation
CCF	Chief Conservator of Forests
CF	Conservator of Forest
CZA	Central Zoo Authority
DFO	Divisional Forest Officer
ESZ	Eco Sensitive Zone
FAC	Forest Advisory Committee
FCA	Forest (Conservation) Act, 1980
HEP	Hydro Electric Project
IFA	Indian Forest Act, 1927
ITBP	Indo-Tibetan Border Police
LAC	Line of Actual Control
MDDA	Mussoorie Dehradun Development Authority
MHA	Ministry of Home Affairs
NHIDCL	National Highways and Infrastructure Development Corporation Limited
NPV	Net Present Value
OFC	Optical Fibre Cable
PA	Protected Areas
PCCF	Principal Chief Conservator of Forests
PMGSY	Pradhan Mantri Gramya Sadak Yojna
PSU'	Public Sector Undertakings
RCCF	Regional Chief Conservator of Forest
REC	Regional Empowered Committee
RO	Regional Office
RoW	Right of Way
SEZ	Special Economic Zone
UA	User Agency
WPA	Wildlife (Protection) Act, 1972

PARTA

FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

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

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

1. Short title, extent and commencement-

(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October 1980.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

ii) that any forest land or any portion thereof may be used for any non-forest purpose;

iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

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

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

b) any purpose other than reafforestation;

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

3. Constitution of Advisory Committee

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

i) the grant of approval under Section 2; and

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

3A. Penalty for contravention of the provisions of the Act

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

3B. Offences by the Authorities and Government Departments

1) Where any offence under this Act has been committed -

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

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

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

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

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

4. Power to make rules

1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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

5. Repeal and saving

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

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

* * * * * *

Forest Conservation (Rules), 2003 (amended up to August 2017)
Ministry of Environment and Forests
Notification

New Delhi, the 10th January, 2003

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

1. Short title, extent and commencement

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

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

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

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

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

(b) "Committee" means the Forest Advisory Committee constituted under section 3 of the Act;

[1](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;

[1](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;

[2](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 the revenue district having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;

[3](cb) "Chairperson of the Regional empowered Committee" means chairperson of each of the Regional Empowered Committees constituted under rule 4A;

[1]Inserted vide GSR 185 (E) dated 14th March, 2014

[2] Inserted vide GSR 200 (E) dated 6th March 2017.

[3]Inserted vide GSR 713(E) dated 10th Oct., 2014.

[1](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;

[1](cd) "linear projects"means projects involving linear diversion of forest land for purposes such as roads, 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 Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;

(g) "Section" means a section of the Act;

(h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

3. Composition of the Committee

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

(i) Director General of Forests,	
Ministry of Environment and Forests -	Chairperson
(ii) Additional Director General of Forests,	
Ministry of EnvironmentandForests-	Member
(iii) 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) 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 theabsence of Director General of Forests

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

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

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

moral turpitude;

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

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

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

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

[4]4-A Constitution of Regional Empowered Committee

(l) 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 oftheRegional 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 ofForests 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 terms of appointment ofnon-official members shall be as specified in rule 4.

[4] Substituted vide GSR 713(E) dated 10th Oct., 2014.

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.

[5]**5AConductof Business of the 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 ordecision 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.

[5] Inserted vide GSR 713(E) dated 10th Oct., 2014.

[6]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 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 upto 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.

[7](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

[6] Substituted vide GSR 185 (E) dated 14th March, 2014

[7] Substituted vide GSR 200 (e) dated 6th March 2017.

(iii) forward his findings in this regard to the Conservator of Forests;

[7](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;

[7](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 Forests, 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.

(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 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 Ministry of Environment,Forestsand 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.

(4) [8] (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 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.

[8] (b) The proposal referred to in clause (1) of sub rule (3), involving forest land of more than 40 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 itsrecommendations, to the Secretary, Government of India of Ministry of Environment, Forests, and Climate Change.

(c) The proposals referred to in clause (l) 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.

[9](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 percent crown densityas 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 geo-referenced map indicating boundary of the prospecting block, location of each bore-hole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the afore-mentioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the geo- referenced 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 geo-referenced map or the certificate are not in

[8]Substituted vide GSR 713 dated 10th October 2014.

[9] Inserted vide GSR 200 (E) dated 6th March 2017.

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 re-submit the geo-referenced map and the certificate shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the geo-referenced 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, authorized by the State Government or 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 authorized by the State Government or the Union territory Administration, as the case may be, to finally dispose of such proposals, after examination of the geo- referenced map and certificate and after such further enquiry as it may consider necessary, grant permission for prospecting of minerals subject to fulfillment 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;

[10](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 percent 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 geo-referenced map indicating boundary of the prospecting block, location of each bore-hole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the afore-mentioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the geo-referenced 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 geo-referenced 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 re-submit the proposal shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the geo-referenced 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 geo-referenced 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.";

[11]7. Processing of proposals received by the Central Government. –

[10] Inserted vide GSR 200 (E) dated 6th March 2017.
[11] Substituted vide GSR 185 (E) dated 14th March, 2014

(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.

(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.

[12](2) (a) The regional office shall after examination of the proposal involving forest land up to 5 hectares other than the proposal relating 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 itsreceipt form the State Government or the United Territory Administration, as the case may be, and communicate the same to the concerned State Government or the United Territory Administration, as the case may be, within next five days.

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

(c)Regional office shall refer all proposals involving forest land above 5 hectares and up to forty hectares, proposals relating to mining, encroachments, and hydel projects involving forest land up to 5 hectares, and all proposals related to linear projects which are complete in all respect, including site inspection report, wherever required, to the Regional Empowered Committee within ten days ofreceipt form the State Government or the United Territory Administration, as the case may be:

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

(d) The Regional Empowered Committee shall within a period of thirty days examine the proposal 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 relating to mining, encroachment and hydel projects subject to fulfillment 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 United 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

[12] Substituted vide GSR 713(E) dated 10th October, 2014.
[13] Substituted vide GSR 200 (e) dated 6th March 2017.

proposals relating to mining, encroachments, and hydel projects involving diversion of forest land up to forty hectares and tender its advice:

Provided 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 minimize 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 it under 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,providedthat time taken in transit of 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 deem 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 United Territory Administration, as the case may be, within next five working days.

(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 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 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 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 re-submit the proposal shall not be counted for any future reference.

[14](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:

[14] Substituted vide GSR 200 (E) dated 6th March 2017.

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 bore holes and all such non-forest purpose is more than one hundred hectares:

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 in 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 minimize 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 fulfillment 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.

[15]**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.

[16](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:

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.

[16] (i) in case the Nodal Officer finds that the compliance report is complete in all respect, he

[15] Substituted vide GSR 185 (E) dated 14th March, 2014

[16]*Substituted vide GSR 200 (e) dated 6th March 2017.*

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 authorize 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 Ministry of Environment and Forests or the Regional Office, as the case may be, within a period of fifteen days of its receipt from the Nodal Officer.

(l) The 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.

[17](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, to the Nodal Officer and the User Agency, within a period of twenty days of the receipt of the compliance report.

(n) The report on fulfillment 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 (l) above.

(2)[18](a) In cases where compliance of conditions in the in-principle approval is awaited for more than five years from the StateGovernmentor the Union Territory Administration, as the case may be, the in-principle approval may be summarily revoked:

[17] Substituted vide GSR 200 (e) dated 6th March 2017.
[18] Substituted vide GSR 713(E) dated 10th Oct., 2014

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the StateGovernmentor 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, the Central Government may extend the period for compliance of such conditions by further period as it deems 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 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.

[19](c) In 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 the mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions, or reject the same.

[19](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 the date of expiry of the lease and forvalid and cogent reasons it has not been possible for the User Agency or the StateGovernment 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 in-principal approval:

Provided such in-principal 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

[19] Substituted vide GSR 713(E) dated 10th Oct., 2014

stipulated in the in-principal approval.

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

Provided that in such cases, in place of a report on compliance to conditions stipulated in the in-principal approval, a report on compliance to conditions stipulated in the final approval under the Act for diversion of such forest land during the 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 authorized by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

APPENDIX (See Rule 6)

FORM – 'A'

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

PART-I

(to be filled up by user agency)

1. Project details:
   (i) Short narrative of the proposal and project/scheme for which the forest land is required.
   (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
   (iii) Cost of the project.
   (iv) Justification for locating the project in forest area.
   (v) Cost-benefit analysis (to be enclosed).
   (vi) Employment likely to be generated.
2. Purpose-wise break-up of the total land required:
3. Details of displacement of people due to the project, if any:
   (i) Number of families.
   (ii) Number of Scheduled Castes/Scheduled Tribe families
   (iii) Rehabilitation plan (to be enclosed)
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).
6. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date: -_____

Place: -_____

State serial No. of proposal_____

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

PART-II

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

State serial No. of proposal_____

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

v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).

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

12. Division/District profile:

i) Geographical area of the district.

ii) Forest area of the district.

iii) Total forest area diverted since 1980 with number of cases.

iv) Total compensatory afforestation stipulated in the district/division since 1980 on

(a) forest land including penal compensatory afforestation,

(b) non-forest land.

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

(a) forest land

(b) non-forest land.

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

Signature

Name

Official Seal

Date: -_____

Place: -_____

PART-III

(To be filled by the concerned Conservator of Forests)

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

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

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

Signature
Name
Official Seal

Date: -_____
Place: -_____

PART-IV

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

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

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

Signature
Name & Designation
Official Seal

Date: -_____
Place: -_____

PART- V

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

18. Recommendation of the State Government:

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

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

GENERAL INSTRUCTIONS: -

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

FORM – 'B'

(See Rule 6)

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

PART-I

(to be filled up by user agency)

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

2. Project details:

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

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

   (iii) Cost of the project:

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

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

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date:_____

Place: _____

State serial No. of proposal_____

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

PART-II

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

State serial No. of proposal_____

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

Signature
Name
Official Seal

Date: -_____
Place: -_____

PART-III

(To be filled by the concerned Conservator of Forests)

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

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

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

Signature
Name
Official Seal

Date: -_____
Place: -_____

PART-IV

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

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

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

Signature
Name
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
Official Seal

Date: -_____
Place: -_____

INSTRUCTIONS (for Part-I)

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 2 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.

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

3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.

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

5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS

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

[20]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-forest land:

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 land 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 equipment; boundary of the adjoining forests and protected areas located within ten (10) Kilometers 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

[20] Inserted vide GSR 185(E) dated 14th March, 2014.

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 meters, 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 beutilised 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 equipment to be deployed for prospecting:

Sl. No.	Name of equipment or machinery	Mode of traction	Size (L x B x 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: .....

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)

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.

Signature

(Name in Block letters)

Office seal

Date: .....

Place: .....

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.

Signature
(Name in Block letters)
Office Seal

Date: .....
Place: .....

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

Signature
Name
Office 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 StateGovernment 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 shouldbespecially commented upon)

Signature
Name
Office Seal

Date: .....
Place: .....

Note: The Principal rules were published in the Gazette of India vide number G.S.R. 23 (E) dated the10th January, 2003 and subsequently amended vide G.S.R 94 (E) dated the 3rd February, 2004 and videG.S.R. 107 (E) dated the 9th February, 2004, vide GSR 185 (E) dated 14th March, 2014, GSR 713(E) dated 10th Oct., 2014, and GSR 200(E) dated 6th March 2017.

PARTB

Chapter I

Court Orders and General Clarifications

1.1. Meaning of 'forest' for the purpose of FCA-1980: As ordered by the Supreme Court of India in their order of 12th December 1996 in WP No. 202/1995 in the matter of T. N. Godavarman Thirumalpad Vs. Union of India *"The word "forest" must be understood according to its dictionary meaning. This descriptioncovers all statutorily recognized forests, whetherdesignated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, willnot only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of theAct.*

1.2. Salient features of Lafarge Judgement (2011) : Issuing specific guidelines so that *fait accompli* situations do not recur the Supreme Court in their order dated 6.7.2011 (in IA Nos. 1868, 2091, 2225-2227, 2380, 2568 and 2937 in WRIT PETITION (C) No. 202 of 1995 - Lafarge matter) directed for "completion of the exercise undertaken by each State/ UT Govt. in compliance of this Court's order dated 12.12.1996 wherein *inter-alia* each State/UT Government was directed to constitute an Expert Committee to identify the areas which are "forests" irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the land of such "forest" and the areas which were earlier "forests" but stand degraded, denuded and cleared, culminating in preparation of Geo-referenced district forest-maps containing the details of the location and boundary of each plot of land that may be defined as "forest" for the purpose of the Forest (Conservation) Act, 1980".

The Supreme Court also directed "the MoEF&CC for preparation of comprehensive policy for inspection, verification and monitoring and the overall procedure relating to the grant of forest clearances and identification of forests in consultation with the States."

1.3. Procedure for submission of proposals: All proposals for diversion of forest land for any non-forest purpose, irrespective of its ownership, requiring prior approval of the Central Government under FCA shall be submitted to the Nodal officer of the State/UT Government, online in the appropriate form and as per the procedures & requirements prescribed under the Forest (Conservation) Rules 2003, as amended from time to time.

1.4. Approval in two stages: MoEF&CC accords prior approval on proposals of the State/UT Government in two stages: first In-principle or Stage-I approval, and second on compliance to the conditions of the in-principle approval, final or Stage-II approval. Thereafter, as and when the State Government decides to permit the use of the forest land for non-forest purpose, it has to pass order to that effect along with the conditions and safeguards imposed by the Central Government while according Stage-I and Stage-II clearance (Ref: NGT principal bench order dated 7th November 2012 in appeal no. 7 of 2012).

1.5. No additional condition after Centre issues final approval: While issuing the diversion order, the State/UT government shall not impose any additional condition over and above the conditions stipulated by the Central government in their approval. However, subsequent to approval granted by the Central Government under FC Act, if the State/UT Government feels exceptional/unforeseen circumstances warrant imposition of additional

condition(s), prior approval of the Central Government must be sought by the concerned State/UT Government justifying imposition of such additional condition(s).

1.6. No work/activity can be taken up in the forest land before issue of order for its diversion for the non-forest purpose unless and to the extent permitted in the Forest Conservation (Rules) or guidelines issued there under.

1.7. The Supreme Court in its order dated 29th October 2002 directed that Net Present Value (NPV) of forest land diverted was also to be collected from the User Agency in addition to the monies collected for Compensatory Afforestation etc.

1.8. Monitoring of compliance of conditions: The State /UT Government, who being the custodian of the forests in their respective State/UT, should also monitor compliance of conditions of diversion, including those imposed by the MoEF&CC while giving prior approval under FCA.

1.9. Any diversion of forest land for non-forest purpose is only a "right to use" granted to the User Agency without any change in ownership and legal status of the forest land. As such, the diverted forest land cannot be mortgaged or reassigned or subleased by the User Agency.

1.10. In case the User Agency approached any legal fora against any condition(s) of approval for redressal, the approval shall stand revoked/be kept in abeyance unless the court cases are withdrawn with compliance of conditions or till the cases are decided by the Courts.

1.11. The term 'Forest' is not applicable to the plantations raised on private lands, except the notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts, Rules, and Regulations. Felling of trees in private forests will be as per the working /management plan duly approved by the Government of India.

1.12. The term 'tree' for the purpose of FCA will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or State/Other Forest Act that may be in force in the forest area under question.

1.13. De-reservation orders made before 25.10.1980: The cases in which specific order for de-reservation or diversion of forest lands for any project has been issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in the cases where only administrative approval for the project was issued without specific order regarding de-reservation and/or diversion of forest lands, prior approval of the Central Government under the Forest Conservation Act, 1980would be necessary.

The Supreme Court ordered on 13.11.2000 in IA No. 2 in WP No.337/1995, re-iterated by the Supreme Court on 9.2.2004 in IA No.16, that "… Pending further orders, no de-reservation of Forests/Sanctuaries/National Parks shall be effected."

1.14. Projects involving both forest and non-forest lands: Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the project. Though the provisions of the FCAct may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest lands involved is not approved. Therefore, if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been obtained unless and to the extent permitted by

the FC Rules or guidelines issued thereunder.

1.15. Diversion of forest land for non-site-specific projects: A number of proposals for diversion of forest land for non-site-specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form 'A' in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non-site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area.

1.16. Diversion of forest land for rehabilitation: Diversion of forest land for rehabilitation of people is normally not allowed. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of a national park, sanctuary or reserve.

1.17. Nistar and other rights of local people: The provisions of the Forest (Conservation) Act, 1980, do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for *bonafide* domestic use as granted by the State Government under Indian Forest Act, 1927 or State Forest Acts/Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc.

Right holders are permitted to collect stones/slates/boulders for *bonafide* domestic use from the forest area within the Gram Panchayats of right holders and to the extent such right are permitted under the IFA 1927 or the State Forest Act.

The forest produce so obtained shall not be utilised for any commercial purposes.

The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanized vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officer, tractors mounted with trolley may be used.

The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....". In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

1.18. Explanation - Non-Forest Purpose

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

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

(a) The species to be planted are indigenous to the area in question; or are host tree for rearing silk worm/tusser in already identified natural/forest areas for silk cultivation.

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

(iii) Cultivation of tea/oil palm/horticultural spp. etc. for stabilization of shifting cultivation/Jhum lands requires prior approval of the Central Government under the provisions of Forest (Conservation) Act 1980.

(iv) Ecotourism is a non-forest activity requiring prior approval under the FC Act.

(v) The right holders in whose favour right over the forest land is accorded following the procedure prescribed under the provisions of Forest Rights Act, 2006 are free to raise any crop for their sustenance, agriculture or horticulture or commercial in nature including rubber/tea plantation on such land.

1.19. Clarifications on Sub-clause 2(iv) of the Act

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

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

(iii) The Hon'ble Supreme Court in their order dated 12.12.1996 have ordered that "the felling oftrees in all forests is to remain suspended except in accordance with the Working Plans of the State Governments, as approved by the Central Government"

All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the concerned Regional Office of MoEF&CC, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. In the cases where the proposal of the State Government is not accepted and are substantially modified, a reference would be made to MoEF&CC along with a copy of the Working Plan.

(iv) Felling proposals as per the working plan/working scheme received from the State Governments/UT administrations shall be placed before the Regional Empowered Committee (REC) of the concerned Regional Office of this Ministry for examination and advise to the Regional Office on the issue. The APCCF (Central) of the Regional Office of this Ministry will be competent authority to approve the

proposals on the recommendations of the REC as per the existing rules/ acts keeping into account the directions of supreme Court dated 22.09.2000 in Writ petition No. 202/ 95. The APCCF (Central) of the Regional Office will ensure strict monitoring of felling and regeneration as per approved Working Plan/ Working Scheme.

(v) National parks and Wildlife sanctuaries are to be managed according to approved management plan. The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....".

1.20. Reopening/reconsideration of Proposals

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

a. there is no change in the proposal in terms of scope, purpose and other important aspects.

b. all the required information has been made available

c. delay in providing the information is satisfactorily explained

(ii) Any request for reconsideration of any proposal that has been considered and rejected by the Central Government has to be made by concerned State/UT Government within three months from the date of communication of such rejection along with detailed justification for reconsideration and comments on each of the grounds on which proposal has been rejected.

1.21. Ex-post Facto approval and Penal Provisions: Proposals seeking ex-post-facto approval of the Central Government under the Forest (Conservation) Act, 1980 are normally not to be entertained. The Central Government will not accord approval under the Act unless under exceptional circumstances that may justify condonation. In such cases Central Government shall ensure penalty from user agencies/State as follows:

(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.

a. The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act 1927 and other State Acts dealing with the conservation of Forests by the State government concerned.The land in question will not be considered as diverted under FCA1980 and the status of the land shall continue to be forest.

b. If the permission for use of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable, shall be taken against the authority causing the diversion. A report with full details of

violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests &Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF&CC.

(ii)In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

a. The penalty for violation shall be equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposit is made.

b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.

c. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.

d. User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.

(iii) Violation /noncompliance of any conditions imposed while granting approval under FC Act.

In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time.

a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.

b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.

(iv) Violation on account of change of land use in the approved mining plan:

a. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.

b. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.

c. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para IV(b).

If the violation is not attributable to the user agency, no penalty shall be imposed on user agency.

1.22. Zoo,Rescue,Rehabilitation Centerand captive breeding facility

Zoo, Rescue,RehabilitationCenterand Captive breeding facility for wild life management is treated as a forestry activity for the purpose of applicability of the provisions of FCA 1980.However construction of Zoo over forest land has both forestry and non-forestrycomponents. After thorough deliberation and discussion, it has been decided that detail proposal for construction of Zoo, after approval of plan by CZA, shall be submitted to MoEF&CC as per the procedure prescribed for diversion of forest land. It has been decided that not more than 15 per cent of total forest area, requested for diversion under FCA 1980, may be used for non-forestry activities.Accordingly, 15 per cent of the total NPV calculated for the area sought for diversion will be charged against the proposal.For the purpose of Compensatory afforestation(CA),if the project is being submitted and constructed by central government agency,then it will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted.In case it the project is being submitted and constructed byState Government agencies /private agencies then it will be done over non forest land equivalent to 15 per cent of total area being diverted.In such cases the non-forest land shall be transferred,mutated in the name of forest department and notified as Protected Forest prior to stage II approval.

2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.3 Land for CA:

(i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.

(ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.

(iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format

(iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.

(v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs.The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.

(vi) In cases where non-forest land for CA is to be acquired by the User Agency throughoutright purchase from the individual owners, uploading/ submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage-I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority

in the State Government stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

2.4. Clarification:

(i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

(ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.

(iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval.This dispensation shall be applicable for the Central, State and Private sector projects.

(iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.

(v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.

(vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.

(vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

(viii) In case of bifurcation of States, during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, if the land identified for creation of CA is within the undivided State, and the forest land proposed to be diverted does not fall in the same newly created State, proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, if Central Government agrees In-principle for diversion of forest land for non-forest purpose, it shall be subject to a condition that amounts realized from the user agency for creation and maintenance of compensatory afforestation shall be transferred from the State with which the money has been deposited to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realized from the concerned user agency and transferred to the State where CA is proposed. All other levies realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

(ix) Non-forest land, not coming under the purview of FC Act, 1980 reclaimed by any user agency by planting native species of a minimum of 1000 trees per hectare and of minimum 10 cm diameter at breast height can be considered as CA in lieu of forest land to be diverted, without levying planting cost.The ownership of the non-forest land identified for the purpose of CA is to be transferred and mutated in favour of the State/UT Forest Department and declared as RF/PF under the Indian Forest Act, 1927 or State Forest Act / Rules / Regulations, before the Stage II approval.

2.5 Special provisions for CA for certain categories of projects:

(i) CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:

a. Laying of transmission lines;

b. Laying of telephone/optical fibre lines;

c. Mulberry plantation undertaken for silkworm rearing,

d. Diversion of linear or ‘strip’ plantations declared as protected forest along road/ rail/canal sides for widening or expansion of road/rail/canal,

e. Extraction of minor materials from the river beds,

f. The projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs

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

h. For construction of small hydro-electric project (up to 25 MW) duly approved by the competent authority in the Government which would directly benefit the people of the area, i.e. in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of the forest land doesn't exceed five (5) hectares

(ii) For extraction of minor minerals from the river beds, if forest area to be diverted is above 500 hectares, CA over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted, subject to a minimum of 1000 plants/hectare for compensatory afforestation.

(iii) CA shall be raised and maintained over an equivalent area proposed for diversion in a degraded forest in RFs or such other forest land which are already under administrative control of the State Forest Department at the cost of the user agency in cases of Strategic Defence projects including infra-structure and road projects undertaken by the BRO orfalling within 100 km aerial distance from the Line of Actual Control (LAC) along Indo-China border and undertaken by any user agency identified by the Ministry of Defence.

(iv) CA shall be raised over equivalent degraded forest land of the forest area being diverted for actual impact zone of the Field Firing Range (FFR). If diversion of forest land for Field Firing Rangeis for actual impact area, CA has to be over degraded forest equal in extent of the forest area diverted, otherwise, it has to be over 10% of the forest area diverted.

(v) In case of proposal for construction of zoobeing submitted by central Government agency, thenCA will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case, the project is being submitted and constructed by State Government agencies /private agencies, then CA will be done over non-forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest/Reserved forest (PF/RF)prior to stage II approval.

vi) In the State of Maharashtra, in lieu of diversion/regularization of encroachment over 86,409 ha. of zudpi jungle land (which has already under various non-forestry use) under Forest (Conservation) Act 1980, CA shall not be insisted by the Central Government subject to the condition that:

(a) the State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16, 309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation, by the High-Powered Committee.

(b) the State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment &Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose.

2.6. Provision for plantation of specified number of trees by way of CA in certain cases:

(i) In the following cases, cost of plantation (including ten years maintenance)of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:

(a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,

(b) Diversion of forest land up to one hectare,

(c) Underground mining in forest land without surface rights,

(d) Renewal of mining lease for the forest area for which CA has already been paid,

(e) Diversion of forest land under the General Approval (GA) up to one hectare,

(f) Diversion of forest land upto 5.0 ha. in accordance with the General Approvals granted for activities carried out by Govt. Dept. in notified LWE Districts.

(ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount forafforestationondegradedforest land,tobeselected elsewhere measuringoneandahalftimetheareaofforestlandundersafetyzonewith the StateForestDepartment in additiontodepositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation .

2.7 Identification of land banks for CA

(i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under FC Act 1980.

(ii) In addition to non-forest land, the degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.

(iii) The category of lands as specified in para2.4areapplicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

(a) Areas falling in wildlife corridors to improve connectivity between habitats;

(b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas;

(c) Habitat of rare, threatened and endangered species of flora and fauna to ensure long term conservation of such habitats;

(d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.

(iv) To monitor the progress of creation of land bank for CA following committee,

at each Regional Offices of the MoEF&CC will be constituted:

(a) The Head of Regional Office - Chairman

(b) Representatives of the National Tiger Conservation Authority (NTCA)-Member,

(c) Representatives of the FSI-member

(d) The Nodal Officers (FCA) of States/UTs under each Regional Offices of MoEF&CC-Members

The committee will review the progress in creation of land bank for CA in the States/UTs falling under jurisdiction of the Regional Offices and submit annual report or as and when required to the MoEF&CC.

2.8. Elements of Schemes for Compensatory Afforestation:

(i) CA over Non-Forest Land (NFL): Number of plants to be planted over Non-Forest Land identified for CA, shall be at least 1000 plants per hectare.

If the requisite number of plants @ 1000/ha cannot be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as perthe provisions of working plans. The State Government will intimate to the MoEF&CC the names of the R.F./P.F. in which the balance seedlings will be planted. The User Agency will deposit the cost of planting (including maintenance for ten years).

(ii) Scheme for CA: The scheme for CA, to be submitted/uploaded at the time of applying for diversion of forest land for non-forest purpose, should be site specific, and include the following details: -

a) Details of non-forest or degraded forest land, along with land kisam (NF land) forest type, crown density, etc. (degraded forest) identified for raising CA.

b) Map showing the proposed NF/degraded forest area for CA and that of the nearby forest area and map of degraded forest land proposed.

c) Geo-referenced digital maps of CA (Polygon map with DGPS coordinates).

d) KML file of CA site in polygon shape to be uploaded online.

e) Detailed work schedule including year wise operations including saplings to be planted along with soil & moisture conservation, regeneration cleaning, silvicultural and other activities as prescribed in the working plan,species to be planted, including maintenance for 10 years and annual total costs in conformity with cost norms of the State/UT.

f) Agency responsible for afforestation.

g) Details of proposed monitoring mechanism, including infrastructural facility, if any required by the State/UT Govt.

h) Technical and administrative approvals from the competent authority.

i) The cumulative achievement of the State/UT Governments in respect of compensatory afforestation.

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

SAMPLE FORMAT

Format of certificate of non-availability of land for compensatory afforestation in the State/Union Territory to be issued by the Chief Secretary on official letterhead

No…… Dated…….

Certificate of Non-availability of Land for Compensatory Afforestation

I**…….**....., Chief Secretary.....(Name of State/ Union Territory) do here by certify that:

(i) Relevant records pertaining to non-forest land, revenue lands, ***zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle jhari land, civil-soyam lands*** and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, available in each district of**……** (name of the State/UT) have been examined; and

(ii) I have also conducted such further enquiry as is required to satisfy myself for issue of this certificate. On the basis of examination of relevant records and such further enquiry, as was required for issue of this Certificate, I do hereby certify that non-forest land, revenue lands, ***zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle-jhari land, civil-soyam*** lands and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, is not available in the entire (name of State/UT)

Issued under my hand and seal on this…….....day of…….

Signature & Official Seal

Chapter 3

Net Present Value

3.1 In pursuance of the orders of 29th Oct 2002 of the Supreme Court in Writ Petition (Civil) No. 202/95 in addition to the funds realized for compensatory afforestation, the Net Present Value (NPV) of forest land diverted for non- forest purposes is also to be recovered from the user agencies, for undertaking forest protection, other conservation measures and related activities.

3.2 NPV is recoverable in all cases where diversion is approved on or after 29th Oct 2002 and also the cases for which in-principle clearance was granted before 29th October 2002 and final clearance after that.

3.3 In their orders of 28th March 2008, 28th April 2008 and 9th May 2008, the Apex Court decided the rates of NPV per ha. of the forest area diverted effective from 28th March 2008 for three years and subject to variation after three years, and also exemptions in specified categories of non-forest uses.

3.4 NPV Rates

The rates of NPV recoverable from the User Agency with effect from 28th March 2008 depending upon the type of forest land diverted are as mentioned below:

Eco-Value class	VDF	DF	OF
	NPV (in Rs.)		
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

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

However, for following specified areas of diversion/ projects the following rates of NPV will be applicable:

1.	Forest land falling in National Parks, if permitted in exceptional circumstances	10 times NPV for the forest area
2.	Forest land falling in Wildlife Sanctuaries, if permitted in exceptional circumstances	5 times NPV for the forest area
3.	Non-forest land falling within the National Parks and Wildlife Sanctuaries, if permitted.	NPV payable for the adjoining forest area
4.	Non-forest land falling within marine National Parks / Wildlife Sanctuaries, if permitted	5 times NPV for adjoining forest areas
5.	Re-diversion of already diverted forest land	Normal NPV for re-diverted forest land, except when such re-diversion is for the same UA and for same project (i.e. change of land use for the same project for which diversion has been approved)
6.	Mining area broken up before 25.10. 1980	Normal NPV for the forest area at the time of renewal of mining lease.

3.5 **Exemption from payment of NPV**

The following category of projects have been given exemption to the extent mentioned in the list below:

S. No.	**Category**	**Particulars of Exemptions**
1.	(i) Schools	Full exemption up to 1 ha., of forest land provided: (a) no felling of trees is involved (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) area is outside any National Park or Wild Life Sanctuary.
	(ii) Hospitals	
	(iii) Children's playground of non-commercial nature	
	(iv) Community centers in rural areas	
	(v) Over-head tanks	
	(vi) Village tanks,	
	(vii) Laying of underground drinking water pipeline up to 4" diameter	
	(viii) Electricity distribution line up to 22 KV in rural areas	

2.	Relocation of villages from National Parks/Sanctuaries to alternate forest land	Full Exemption	
3.	Collection of boulders/silts from the river belts in the forest area	Full exemption provided: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests	
4.	Laying of underground optical fiber cable	Full exemption provided: (a) no felling of trees is involved; and (b) area falls outside National Park/Sanctuary	
5.	Regularization of eligible encroachments before 22.10.1980, and conversion of forest villages into revenue villages	Full exemption	
6.	Underground mining	Surface strain predicted by 3-D subsidence prediction model	NPV
		Up to 5mm/m	NIL
		5mmt010mm/m	10% of normal rates of NPV
		10mm/m to15 mm/m	25% of normal rates of NPV
		15 mm/m to20 mm/m	50% of normal rates of NPV
		more than 20 mm/m	Normal rates of NPV
7.	Other underground works requiring diversion of forest land	50% of normal rates of NPV	

8.	Grant of Petroleum Mining Lease [under P& NG Rules under Oil Field (Regulation and Development) Act 1954]	2% of the NPV for entire forest land in the mining lease.
9.	Wind Energy	50% at the minimum NPV rate provided minimal tree felling is involved, irrespective of the eco-class in which the project lies.
10.	Field firing range by the Defence Ministry not involving felling of trees and no likelihood of destruction of forests	Full exemption
11.	Small Hydro-Electric Project (upto 25 MW)	50% of the normal NPV, as granted to Wind mill energy Projects
12.	Regularization of encroachment over Zudpi Jungle land prior to 12.12.1996 (Category-II) as per the decision of the FAC dated 26.10.2017	Full Exemption
13.	Prospecting	
	Seismic Surveys	1%
	Forest area with vegetation density 0.1 to 0.4	2%
	Forest area with vegetation density 0.4 to 0.7	5%
14.	Zoo	15%

3.6 Vide their order dated 5th October 2015 the Apex Court ordered to transfer various applications for exemption from payment of NPV to the MoEF&CC for consideration in accordance with law as expeditiously as possible.

3.7 The latest ISFR of FSI may be followed for determination of density for the purpose of NPV rates.

Chapter 4

General Approval under Section 2(ii) of FCA – Development of Critical Public &Strategic Defence Infrastructure

4.1 The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, and amendments issued therein, provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure as detailed below, subject to the following:

(a) User Agency shall apply, online, in the "Form A" of the Forest (Conservation) Rules, 2003 and amendments issued therein.

(b) The procedure for processing of the applications as stipulated in the Forest (Conservation) Rules 2003 as amended up to date will be strictly followed. However, in view of General Approval granted by the Central Government the decision for diversion of the forest land or rejection thereof will be taken by the respective State/UT Government and a copy of the decision will be forwarded to the MoEF&CC and the its concerned Regional Office.

(c) The forest area involved is not within a National Park and/or a Wild Life Sanctuary.

(d) User Agency (UA) shall explore all feasible alternatives to minimize use of forest land.

(e) Forest land to be used shall be restricted to the bare minimum and shall be used only when it is unavoidable.

(f) The UA will submit scheme for Compensatory Afforestation as per extant guidelines in the matter.

(g) The UA shall pay the applicable NPV in pursuance of the orders of the Hon'ble Supreme Court.

(h) In addition to monthly report of diversions of forest landunderGeneral Approval accorded by MoEF&CC, each State/UT Government shall submit half yearly reports for the period ending June 30 and December 31 containing details of all forest lands diverted under the General Approval along with the actual status of actual utilization of the forest lands so diverted for the stated purpose, to the MoEF&CC and its concerned Regional Office.

(i) The diversions and compliance to the conditions will be monitored by the concerned Regional Office, MoEF&CC.

4.2 Laying of Under Ground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines.

General approval is accorded for the above listed projects along the roads within existing RoWs (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries' without felling of trees. Approval, in addition to general conditions mentioned above under para 4.1, is subject to the following specific conditions:

-No tree felling is involved for the proposed work

-After completion of the project the area under RoW should be reclaimed suitably.

-UA agrees to make good any loss to Forest/Environment.

-The UA will seek permission from the local FD for carrying out any maintenance.

-In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife shall be obtained.

-In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA shall be obtained.

4.3 Critical development initiatives for public

General approval for diversion of forest area for the development of following critical public utility and welfare projects undertaken by the Government:

a. Schools/Educational Institutes;

b. Dispensary/hospital;

c. Electric and telecommunication lines;

d. Drinking water;

e. Water/rainwater harvesting structures;

f. Minor irrigation canal;

g. Non-conventional sources of energy;

h. Skill up-gradation / vocational training center;

i. Power sub stations;

j. Communication posts;

k. Construction/widening of roads including approach road to roadside establishments

l. Upgradation/strengthening/widening of existing bridges by BRO

m. Police establishments like police stations /outposts /border outposts /towers in sensitive areas (identified by Ministry of Home Affairs)

n. Government approved community toilets partly or fully in forest lands involving not more than one-hectare subject to approval by GP in rural areas and urban bodies in urban areas, and

o. Water mills

4.3.1 This approval, (in addition to general conditions mentioned abovein para – 4.1) is subject to following conditions:

(a) Area not more than one hectare, in each case.

(b) The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha,

general approval will be applicable.

(c) Monthly report by the Nodal Officer (Forest Conservation) shall be submitted to the concerned Regional Office by 5th of every month. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.

(d) User Agency shall plant and maintain ten times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably in the surrounding area of the project). Indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department Trees, planted in surrounding area, will belong to State Forest Department.

4.4Public infrastructure in LWE districts

4.4.1 Following 14 categories of public infrastructure works undertaken by the State Government in LWE affected districts, as notified by the Ministry of Home Affairs (MHA) from time to time, not falling in PAs, are given general approval in forest land upto 40 ha under Section – 2 (ii) of the FCA, 1980:

a. Schools/Educational Institutes,

b. Dispensaries/Hospitals,

c. Electrical and Telecommunication Lines,

d. Drinking Water,

e. Water/Rain Water Harvesting Structures,

f. Minor Irrigation Canal,

g. Non-Conventional Sources of Energy,

h. Skill up Gradation/Vocational Training Center,

i. Power Sub-stations,

j. Public roads (including quarrying of materials to be used),

k. Communication Posts,

l. Police establishments like Police Stations / Outposts / Border Outposts / Watch Towers in sensitive area (identified by Ministry of Home Affairs); and

m. Underground optical fiber cables, telephone lines & drinking water supply lines.

n. Setting up Medical Colleges by Government Departments

4.4.2 This General Approval is also applicable to projects in the LWE districts, identified by the MHA, requiring diversion of forest land not located within Protected Areas for construction of two-lane public roads irrespective of area of the forest land involved.

4.4.3 CA is applicable for all such proposals involving area upto 40 ha except for proposals upto 5 ha with less than 50 tree per ha. (For areas upto 5ha with less than 50 trees the provisions of planting as detailed in Section 3 of Chapter 2 shall be applicable).

4.4.4 However, all such proposals involving more than 5 ha and up to 40 ha and/or having more than 50 trees per ha shall be placed before the following Committee to be constituted by respective State Governments:

i. Addl. Chief Secretary/ Principal Secretary of the State – Chairman

ii. APCCF Regional Office of MoEF&CC - Member

iii. Expert Member of the Regional Empowered Committee – Member

iv. PCCF & HoFF of the State - Member

v. Nodal Office (FCA) of the State – Member convener

The Committee which will examine and approve the proposal submitted for diversion of forest land as per the provisions of the Forest Conservation Act and FCA Rules made thereof with amendment and guidelines issued by the Ministry from time to time.

b. The constitution of such committee shall be communicated to the Ministry. The State Government shall send the report of such diversion undertaken under this dispensation to the Regional office every month.

c. It has been decided that the State Government shall provide in the proforma given below the details of all forest diversion granted by the State Government under the general approval granted vide below referred letters up to December 2017 and in future on monthly basis for review of the general approval granted under Forest Conservation Act and mitigation measures undertaken by the State Government.

Date of approval	Details of proposal including location along with proposal number	Area Diverted (ha.)	Number of trees felled	Compensatory afforestation (ha/number of plants) undertaken with location	NPV & other compensatory levies collected and deposited in CAMPA fund (Rs)	Remarks

d. The general approval in LWE areas,is in addition to general conditions mentioned above under para 4.1 This general approval is valid till 31st December, 2020.

4.5 General approval is accorded under Section 2 (ii) of the Forest (Conservation) Act, 1980 for diversion of forest land required for creation of the following:

4.5.1 Roads in border areas along LAC (with China) and Army

Diversion of forest land (outside PAs) in the area falling within 100 kilometers of aerial distance from the LAC required for:

(a) Construction and widening of two-lane roads by the BRO and other road construction agencies entrusted with the job by the Ministry of Defence,

(b) Widening of roads (by BRO, Indo-Tibetan Border Police and other road construction agencies including NHIDCL which are identified by the Ministry of

Defence as link roads, between Border Roads in the area within 100 Km of aerial distance from the LAC and National Highway/State Highways/Other State Roads, and similar roads by ITBP for which funds are provided by MHA, and

(c) Army Infrastructure Development Project(s).

State Govt. to realize funds for creation of CA over equivalent forest area.

4.5.2 Creation ofborder security related :

Diversion of forest land for creation of Border Security related infrastructure such as, Border Roads, Fencing, Border Outposts, Floodlights, SurveillanceInfrastructure, and Power Infrastructure within;

a. sixteen-kilometer aerial distance from the Indo - Bhutan and Indo-MyanmarInternationalBorders

b. fifteen-kilometer aerial distance from the Indo-Nepal International Borderand

c. within 100 km aerial distance of Line of Actual Control (LoC) along Eastern and Western Borders only

d. within five kilometers of all other International Borders

4.5.3 All such proposals to be executed by the paramilitary organizations of the Ministry of Home Affairs, such as Border Security Force (BSF) and Sashastra Seema Bal (SSB), Border Road Organization (BRO) and other Central Government agencies and PSUs such as National Highway & Infrastructure Development Corporation Limited (NHIDCL) involved in the implementation of such infrastructural projects related to national security from funds provided by the Ministry of Home Affairs, subject to the following conditions:-

(i) Legal Status of the forest land shall remain unchanged;

(ii) The user agency shall submit the project proposal to the State Government in the prescribed i.e. Form –A as provided in Rules- 6 of the Forest (Conservation) Rules, 2003;

(iii) State Governmentshall accord approval to the proposal duly recommendedby Principal Chief Conservatorof Forests;

(iv) Forest land proposed to be diverted shall be located outside the Protected Areas notified' under the Wild Life (Protection) Act, 1972;

(v) User agency shall explore all feasible alternatives to minimize use of forest land. Forestland to be used for creation of border infrastructure shall be restricted to the bare minimum and shall be used only when it is unavoidable. The concerned Divisional Forest Officer shall certify to this effect;

(vi) Nodal Officer, the Forest (Conservation) Act, 1980 shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State Government to grant such permission may be suspended by the Central Governmentfor a specified period of time of till the informationis submitted;

(vii) State Governmentshall realize from the user agency funds for creation of compensatory afforestationover degraded forest land equal inextent to the area of forest land utilised for construction/ widening of the roads;

(viii) User Agency shall be responsible for any loss to the flora/fauna in the surroundings and therefore, shall take all possible measures to conserve the same:

(ix) User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates stipulated by this Ministry from time to time;

(x) Permission accorded by the State Governmentshall be subject to the monitoring by the concerned Regional Office of this Ministry;

(xi) Forest land utilized for creation of the border infrastructure projects shall not be used for any purpose other' than that specified in the approval accorded by the State Government. Any change in the land use without prior permission of the Central Government shall amount to violation of the Forest (Conservation) Act, 1980. Request of such changes shall be made to this Ministry by the Nodal Officer (Forest Conservation) of the concerned State;

(xii) State Forest Department/ State Government or the concerned Regional Office of this Ministry may impose from time to time any other condition in the interest of conservation protection and / or development of forests; and

(xiii) This general approval shall be valid till 31st December 2020.

4.6 Underground optical fiber cables by the Ministry of Defence along the roads

For underground optical fiber cables by the Ministry of Defence along the roads within existing Right of Way not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where maximum size of the trench is not more than 2.0 -meter depth and 1.0 meter wide.

The concerned representative of the Ministry of Defence to submit an application in the letter form (in hard copy) along with a duly certified map indicating layout of the OFC, proposed to be laid by them along the roads within existing RoW, directly to the officers authorized by the State Government in this regard. The Government/UT Governments may authorize Officers, not below the rank of Divisional Forest Officer having jurisdiction over the forest land proposed to be utilised for laying of underground optical fiber cables.

In view of the fact that proposal of the Ministry of Defence involves secret data of Defence network and is very confidential in nature, details of approval granted by the concerned officer for this optical fiber cable may not be uploaded on web-portal for online submission and monitoring of forest clearance proposals. Details of approvals accorded for laying of this OFC may however, be provided to the MoEF&CC and its concerned Regional Office for information and records.

4.7 General Approval for diversion of forest land for approach road to road side establishments for private entrepreneurs.

Central Government has agreed to accord general approval under the Forest (Conservation) Act, 1980 for diversion of **not more than 0.1 hectare of forest land** in each case to government departments/private establishment. This general approval is applicable for approach/access passing through the strip plantation along the linear projects, which has been declared as protected forest under the provisions of IFA, 1927 and not owned by the Forest Department. The general approval shall be subject to fulfillment of following conditions:

(i) The forest land to be diverted for approach/access should not be more than 0.1 ha in each case.

(ii) The clearance of such approach/access to development of project shall be subject to the condition that the project is need based.

(iii) The legal status of the land shall remain unchanged.

(iv) The user agency shall submit the project proposal to the State/UT Governments in the prescribed format online on Ministry's web portal ***https://parivesh.nic.in*** under the Forest (Conservation) Rules, 2003 as amended from time to time.

(v) The project site should be outside Protected Area Network and eco-sensitive zones (ESZ).

(vi) The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project which shall not exceed 0.1 ha in each case and will also certify to this effect.

(vii) The user agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests and from State/UT Government.

(viii) The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases.

(ix) The User Agency shall plant minimum 50 plants or 10 times the no. of trees/plants to be felled whichever is more on Government land to be identified and certified by DFO.

(x) The User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates approved by the Ministry.

(xi) The User Agency shall be responsible for any loss to flora/fauna in the surroundings and therefore, shall take all possible measures in this regard.

(xii) The permission granted by the State/UT Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment, Forest & Climate Change.

(xiii) The forest land shall not be used for any purpose other than specified in the proposal.

(xiv) Entire process for settlement of rights in accordance with the provisions of FRA, 2006 shall be completed before grant of approval for diversion of such forest land.

(xv) The State/UT Forest Department or State/UT Government or the concerned Regional Office, may impose any other condition from time to time in the interest of conservation, protection and/or development of forests.

(xvi) This general approval under Forest (Conservation) Act, 1980 is valid for a period of one year ending **31.12.2019** and will be subject to review thereafter.

Chapter 5

Transfer/Re-diversion

Any forest land diverted for a non-forest use with prior approval of GOI under FCA shall be used by the User Agency for the purpose for which it has been diverted.

However, transfer of user agency for same purpose, or re-diversion for another purpose by same or another user agency may be considered on following basis:

5.1 Transfer of User Agency:

The following procedure shall be followed:

(a) An application from the concerned State/Union Territory Government along with an undertaking from the new user agency shall be submitted.

(b) The undertaking shall state that the new user agency will abide by all conditions on which diversion of forest land was approved in favour of the previous user agency.

(c) Transfer of User Agency can be considered by the Central Government (MoEF&CC) for same use and on same conditions.

(d) The Central Government shall levy a transfer fee, to discourage middle men from processing applications and then selling it to other, @10% of NPV or Rs. 100,000 whichever is less.

(e) The transfer fee will not be applicable to change of UA associated with change in legal heir, and wind power generation projects involving of transfers.

(f) However, in case the transfer is from a Central Government Department/Central Government Undertaking (CPSU) to a User Agency other than Central Government Department /CPSU, the proposal will be examined by the Central Government afresh, and transfer can be agreed to with additional conditions so as to ensure that special concessions given to Central Government Department/CPSU while granting the approval are not extended to the new User Agency.

5.2 Change of the name of UA without any change in shareholding pattern

When change in the name of user agency without any change in its shareholding pattern becomes necessary, permission of the Central Government would be required. The State Govt., shall submit following documents within three months:

(a) no-objection certificate for such change by the State Government.

(b) A certified copy of fresh certificate of incorporation consequent upon change of name issued by the Registrar of Companies

(c) An explanatory statement from the user agency for such change.

Similarly, when change in the name of user agency due to inheritance (change in legal heirs) becomes necessary, permission of the Central Government would be required. For this purpose, the State Government, within three months from the date of issue of legal heir certificate shall submit documents as specified in para (b) and (c) above.

a. Transfer of leases - Wind Energy projects

For transfer of leases from the developer i.e. the User Agency to investors /power producers, State Government shall submit following details:

1. User Agency shall submit duly filled up prescribed form given at Annexure-3 to the Nodal Officer (FC) of the concerned State/UT.
2. A copy of the application will also be marked to the MoEF&CC.
3. The Nodal Officer will examine the particulars furnished by the UA in 45 days of the date of submission of the application and forward it to the State/UT Government.
4. The State/UT Government, or an Officer authorized by will forward its recommendation within 45 days to the Central Government. If decision is not communicated by the State/UT Government on the proposal within the expiry of a period of 90 days i.e. from the date of submission of the proposal, action, as considered appropriate will be initiated by the Central Government.

5.4 Cancelled allocation of Coal Blocks: In respect of 204 coal blocks whose allocation was cancelled by the Hon'ble Supreme Court, two types of situations are possible:

(i) Final approval for diversion of forest land has already been issued, and

(ii) Application for in-principle approval of diversion of forest land under FCA of was in process at either the State or the Central Government, on the day of cancellation of the allocation.

In cases under category (i) above transfer of FC to the new user agency will be done by MoEF&CC on submission by the Ministry of Coal details of the new user agency along with an undertaking from the new user agency that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future.

In cases under category (ii) above the applications will be processed as if they have been submitted by the new user agency decided by the Central Government on completion of the following:

(a) Duly filled in part-I of the application in Form-A appended to the Forest (Conservation) Rules, 2003 and amendments issued therein along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new use agency and details of non-forest/revenue land identified for creation of compensatory afforestation, wherever required, is submitted by the new user agency to the Nodal Officer concerned

(b) Non-forest / revenue land identified by the new user agency for compensatory afforestation, wherever required, is inspected and found to be suitable for compensatory afforestation and for management point of view by the Divisional Forest Officer(s) having jurisdiction over such land, and

(c) A copy of Part-I of the Form A along with all necessary undertakings/certificates submitted by the new User Agency along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating there in that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State Government concerned to the

authority with whom the proposal submitted by the original user agency is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original user agency.

In case of these 204 coal blocks, reimbursement of amount paid by the original user agency in compliance of conditions stipulated in approval accorded under the Forest (Conservation) Act, 1980 for use of forest land for non-forest purpose will be dealt with in the manner, as prescribed in the Coal Mines (Special Provisions) Second Ordinance, 2014 and the rules framed thereunder.

5.5 Cancelled allocation of Iron Ore mines:

In respect of 49 mining leases (operating iron ore mines falling in Category 'C') cancelled on the Orders dated 18th April 2013 of the Hon'ble Supreme Court of India and put to auction, the Hon'ble Supreme Court has ordered on 30.7.2015 that "the existing statutory approval/clearances in favour of the lessee of the erstwhile category 'C' leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of statutory approval such as Environment Clearance, TWP/Forest Clearance under the Forest Conservation Act 1980."

5.6 Re-diversion

(a) In case of change in land use or re-diversion of forest land becomes necessary for the same project and same User Agency, the State Government can request for prior approval under FCA to the Central Government giving details of primary approval and the new proposed use/land use.

(b) In case the re-diversion of a forest land becomes necessary for another purpose by another user agency a fresh proposal for prior approval under FCA has to be sent to GOI. The re-diversion while continuing the use by the primary user agency (in whose favour the diversion has been approved) can be permitted by GOI provided the use is compatible with the primary use and does not hinder it and the primary user agency gives its written consent, without taking any payment for the same.

If the primary user agency refuses to give its consent, and the User Agency seeking re-diversion feels that the other use is compatible with and does not in any way hinder the primary use, it can apply to the State nodal officer along with all details, who will after hearing the primary user giving him advance notice, give his agreement for the re-diversion or otherwise giving reasons for his decision in the form of a note and forward the proposal to the Central Government for decision on re-diversion.

While permitting re-diversion, Central Government may if considered necessary modify original conditions or impose additional conditions to be fulfilled by the primary User Agency and conditions (including rights and responsibilities)to be fulfilled by the secondary User Agency along payment for (i) payment of NPV at the applicable rates; and (ii) if not already recovered from primary user agency the cost of Compensatory Afforestation, in respect of the forest land proposed to be re-diverted in favour of the secondary User Agency.

5.7 Transfer of Zudpi lands:

In case of diversion of Zudpi Jungle land used for Public purpose/public infrastructure, encroachments excluding commercials purposes prior to 12/12/1996, the transfer of forest land proposed to be diverted (which is not notified as forest and status is a revenue land) shall under no circumstances be transferred to any other user agency, department or person without the prior approval of the State government.

Format for Transfer of Lease - Wind Energy Projects

(A) To be filled in by the User Agency

S. No.	PARTICULARS	DESIRED INFORMATION
1	Name of the proposal approved under the Forest (Conservation) Act, 1980	
2	Forest Area diverted (in ha)	
3	Name of the User Agency	
4	Order No. and date of final approval of the proposal under Forest (Conservation) Act, 1980	
5	Name(s) along with details of the proposed investors/ power producers (attach a table)	
6	Details of the transfer of lease with specific location(s) depicted on a copy of the original map submitted by the User Agency, viz i. Area (ha) involved in the transfer of lease ii. Location(s) of the leased area (on map) proposed to be transferred. iii. Essential features of the agreement for transfer of lease (with a copy of the agreement). iv. Other important details	
7	No objection of the User Agency to the lease-transfer agreement (Certificate to be enclosed)	
8	No objection of the investors/power producers to the lease transfer agreement (Certificate to be enclosed)	
9	Under taking by the investors/power producer to comply with all the conditions stipulated by the Central Government under Forest (Conservation) Act, 1980 while granting final approval (see col. 4)	

In the event of breakdown of the lease-transfer agreement due to the investors/power producers moving out by breach of the lease-transfer agreement thereby abandoning the project fresh proposal for transfer of lease to the new investors/power producers shall be moved by the User Agency according to these guidelines.

Signature on behalf of User Agency with Date

(B) Recommendation of the State Forest Department:

(to be signed by Nodal Officer/Principal Chief Conservator of Forests/Head of Forest Department)

Signature with Stamp and Date

(C) Recommendation of the State Government:

(to be signed by Principal Secretary/Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of Under Secretary)

Signature with Stamp and Date

Chapter 6
Survey and investigation

Prospecting of minerals in forest areas without felling of trees and construction of new road(s) or path(s) in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors involving forest shall be regulated as per the provisions under Rule 5 and Rule 6 of the Forest (conservation) Rules, 2003 as amended from time to time.

6.1 While processing proposals under Forest Conservation Act, LiDAR (Light Detection and Ranging) technology may also be used for geo-referencing spatial data.

6.2 Survey&Investigationsand surveys for mining projects involving clearing of forest area or felling of trees, prior permission of the Central Government in mandatory.

6.3 To undertake investigation and surveys including reconnaissance surveys in forest lands in connection with development projects other than for mining, including hydro-electric projects,establishmentof wind energy farms, will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and loping of trees branches for purpose of sighting, permission of the State Forest Department under the Indian Forest Act, 1927 or the State Forest Act will however be required to be taken.

6.4 Surveys to be undertaken in connection with development projects such as transmission line, hydro-electric projects, seismic survey, exploration for oil drilling, mining etc. in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department also will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees and operations area restricted to cleaning of bushes and lopping of the branches for purpose of sighting. Permission from the Chief Wildlife Warden, as provided in the said O.M. No.6-133/2014(part) dated 26th September 2014 issued by the Wildlife Division in the MoEF&CC, will however be required to be obtained for such activities to be carried out in wildlife sanctuaries and national parks. The Chief Wildlife Warden should exercise the mandate provided in section-28 of WLPA, 1972 and consider prescribing appropriate guidelines for application and safeguards to be followed for grant of permission to enter protected areas for survey/investigation if no physical disturbance on the PA is contemplated.

6.5 However, any permission given to survey, exploration or prospection would not *ipso facto* imply any commitment on the part of the Central Government for diversion of forest land.

6.6 Drilling of large number of bore-holes i.e. 15-20 bore-holes per sq. km. For prospecting of minerals in forest area is a non-forestry activity and cannot be exempted from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980.

6.7 However, to facilitate expeditious decision on applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas the Ministry, in consultation with the Ministries of Mines, Coal and Petroleum and Natural Gas formulated a simplified format of the application for obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting in forest areas.

6.8 After recommendation of Forest Advisory Committee in connection with prospecting of

minerals to further simplify the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas, it has been decided that:

(i) Prospecting in National Parks, Wildlife Sanctuaries, Biosphere Reserves, Tiger Reserves and notified wildlife corridorsshall not be allowed.

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

(iii) Any investigation or survey operation, that involves clearing of forest area or felling of trees, prior permission of the Central Government shall be obtained.

(iv) Prospecting of any mineral, done under prospecting license granted under MMDR Act, including collection, removal of samples and seismic survey in the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under the Forest (Conservation) Act, 1980 would be required. However, for drilling up to 25 boreholes of maximum 4" diaper 10 sq. km for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act.

(v) For prospecting of minerals (including hydrocarbons) which requires drilling of more than 25 boreholes of maximum 4" dia per 10sq. km and/ or felling of trees, the following guidelineswill be followed:

a. For seismic survey prior permission of Central Government under the Act would be required. NPV @ 1% will be charged of total lease area proposedfor prospecting.

b. The user agency shall apply for diversionof forest area for prospecting and the proposal will be processed as per the procedure laid down in Rule 5 and 6 of Forest (Conservation) Amendment, Rules 2016.

c. In case of proposal in forest area with vegetation density between 0.1 and 0.4 NPV @ 2% will be charged for the total lease area proposedfor prospecting.

d. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forest land having vegetation density between 0.4 and 0.7, the State Government shall forward the on-line application to the Regional Office of the Ministry for approval. The REC may consider the proposal and may grant approval on merit to the concerned State/UT, with mandatory conditions inter alia that user agency will pay NPV @ 5.0 percent of the total prospecting lease area in which exploration/prospecting /survey is proposed.

e. Both in-principle and final approval may be granted by the Regional Office in one go. The amount of NPV and/or payments towards planting of trees, shall be deposited online in the stipulated account, as per the instructions issued by Ministry of EF&CC from time to time. State government shall ensure that the NPV and other levies, if any, have been deposited prior to commencement of actual work.

f. Any amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospectingin the area, will be adjusted against the estimated NPVto be levied, in case the approval is obtained for diversion of the same forest land for mineral extraction, under section 2 of FCA 1980.

g. Permission for carrying out survey/investigation/prospecting/ exploration or any payment of NPV deposited for such operations will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribedin Forest Conservation Rules 2003 (as amended upto date) and on merit.

h. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the State.

i. User agency shall prepare a plan to plant 20 tall trees per bore-holearea. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plantsare planted on abandonedbore-holearea or degraded forest land, as per prescription of working plan.

(vi) Special dispensation is being made for exploration for Hydrocarbons. In case of switching to exploitation/extraction of hydrocarbon, if the bore-well hit the reserve during exploration, the same shall not be treated as a technical violation. However, the user agency shall submit complete online application for diversion, within three months of start of extraction

Chapter 7
Mining Projects

7.1 Extraction of minerals from/beneath the Earth's surface is an important site-specific activity regulated under various acts viz. Mines and Mineral (Development andRegulation) Act through grant of mining leases, or allocation of areas acquired under Coal Bearing Area Act,Petroleum& Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954. Mining, including open cast and underground mining as also for removal of boulders, bajri, stones, sand etc. from/in the river beds, is a non-forestry activity and if any mining lease/project involves forest land as defined by the Apex court in its order of 12.12.1996, prior approval of the Central Government is required under the FCA 1980 and rules made there under.

7.2 The Supreme Court of India in its order of 6thJuly 2011 issued guidelines so as to not create *fait accompli* situation in the matter of diversion of forest land under the FCA, 1980. Therefore, in the case of new mining leases/projects having forest land in part or in full, approval under FCA for diversion of entire forest land located within the mining lease/project is to be obtained before execution/renewal of mining lease/project.

7.3 Mining in respect of minerals (other than coal, lignite, and atomic minerals) regulated under MMDR Act**:**

(i) In case of mining projects, having forest land in part or in full, approval of Central Government under Section 2(iii) of the FC Act, for the entire forest land located within a mining lease shall be obtained before execution of a mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the rules framed there under. Mining in the forest land within the ML area, including government can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980.

(ii) In case of existing mining leases having forest land in part or in full for which mining lease has already been executed at least once before 1st April, 2015 but approval under the FC Act for even a part of forest land falling in such mining leases has not been obtained no mining shall be allowed in such mining leases after 31.03.2017 till approval under Section 2(iii) of the FC Act for the entire forest land falling in such mining lease is obtained and NPV of forest land falling in such mining leases as stipulated in such approval is realized from the user agency and provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act 2006 are complied with. Any mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FCAct, 1980.

(iii)In case of existing mining leases, where approval under section 2 (ii) of the FC Act for the entire forest land in the mining lease has been obtained before 1.4.2015 the FC validity is deemed to have been extended co-terminus with ML in accordance of the provision of the MMDR Act. The extension of validity of FC is subject to realization of NPV before 31.3.2017, if not already realized earlier, failing which the Forest Clearance shall remain in abeyance till NPV is realized. Moreover, this deemed extension shall not apply to forest land falling in a Mining Lease for which renewal has been rejected, or which has been determined or lapsed before 1.4.2015.

(iv)In case of existing mining leases having forest land in part or in full where approval under section 2 (ii) of the FC Act for a part of the forest land has only been obtained, the

Central Government accorded General Approval on 1st April 2015 under section 2(iii) of the FC Act for the remaining area of the forest land falling within such mining leases subject to the following conditions for execution of Mining Lease.

a. State Government shall realize from the user agency NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realized and deposit of NPV is confirmed by the concerned authority under CAMPA/Ad-hoc CAPMA.

b. The provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are complied with for the entire forest area. However, mining may not be stopped in the forest area for which FC has already been obtained before grant of General Approval with compliance to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

c. No mining activities in such mines shall be allowed till such time after 01-04-2016 up till full realization of NPV.

d. The General Approval shall be valid for a period co-terminus with the period of mining lease in accordance with provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the rules framed thereunder;

e. Grant of the General Approval under Section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under Section 2(ii) of the FC Act and decision on the proposals under Section 2 (ii) will be taken purely on the merit of each case.

f. However, mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FCAct, 1980 obtained following the procedure prescribed under the Rulesmadeunder the FC Act 1980.

g. Grant of this General Approval does not in any manner exonerate the concerned authorities in the State Government or any other authority from the proceedings under Section 3A and 3B of the FC Act liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land for mining lease without obtaining prior approval of the Central Government under Section 2 of the FC Act.

h. State Government shall submit the report every quarter (as on 1st January, 1st April, 1st July and 1st October every year) for all such cases for which permission has been granted by the State Government for signing mining lease agreement under general approval under section 2(iii) of FC Act to the Central Government (MoEF&CC) in the following proforma:

Report for the quarter										
S. No.	Detail of FC Clearance under section 2(ii)						Permission for mining lease (ML) by State Government under			
	Case/ File no.	Date of FC	Total Forest Area (FL)	Total Non-forest area (NFL)	Total Lease area (FL+ NFL)	FC granted for FL area	Date	Forest area for which lease granted	NPV Deposited (In Rs)	FRA 2006 complied or not (Y/N)

(v) In case of mining leases having forest land in part or in full, the concerned user agency may execute a single mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed there under, for the entire area falling in the mining lease after final approval under Section-2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained.

However, the State Government, if so desires, may execute a separate mining lease for a whole or part of non-forest land falling in such mining lease, once stage-I approval under Section 2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained. The Government, in such cases, shall take all measures to ensure that no violations of the Forest (Conservation) Act, 1980 occurs on the forest land.

(vi)The existing period of validity of forest clearance granted for diversion of forest land under section-2(ii)of Forest (Conservation) Act 1980 for mining of minor mineral in the State regulated under Rules made under section 15 of MM (DR) Act, 1957 shall be for a period co-terminus with the period of mining lease as deemed extended under the Rules made under section15 of MM (DR) Act, 1957 subject to the following conditions:

a. The State Government shall, realize from the user agency the Net Present Value (NPV) of the forest land so diverted, if notrealized so far, within two years in two equal installments from the date such Rules became enforceable.

b. In case of NPV of forest land for which a period of approval under the FC Act, 1980 has been extended has not been realized andthe State Government fails to realize the same within the periodof two years as per the clause (i), approval under the FC Act for such forest land shall be deemed to have been kept in abeyance, till such time, the NPV of such forest land is realized by the State Government and all mining operations shall be suspended during the period the FC has been kept in abeyance.

c. In case where diversion of forest land has been accorded in single proposal to a State agency for cluster of mines assigned to more than one lease holder, the entire NPV as applicable shall be depositedwithin two years in two equal installments by the State agency in whose favor the FC has been granted.

d. The Regional Office of the Ministry shall regularly monitor status of compliance to conditions stipulated in approvals accorded under the FC Act for diversion of forest land falling in mining leases so as to ensure that the user agencies comply with all the conditionsbefore the land falling in such leases is surrendered to the concerned State Government/Union Territories on expiry of the mining lease.

e. Those mining leases whose mining lease had expired but were under extension (deemed or otherwise) when these Rules came into force and had not obtained Forest Clearance will be required to obtain fresh Forest Clearance under section 2(ii) of FCAct, 1980.

f. 'Provisions' of here-in, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before 30.11.2017.

7.4 Mining in respect of atomic minerals regulated under MM(DR) Act, 1957

In case of existing mining leases in respect of Atomic Minerals specified in Part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957, period of validity of approvals Mineral Concessions Rules 2016 accorded under the Section-2 of the FC Act shall be extended and shall be deemed to have been extended up to a period co-terminus with the period of mining lease or a period of 50 years, whichever is earlier from the date of notification of the Atomic Mineral Concessions Rules, 2016 on 11th July 2016, subject to the following conditions:

(i) Realization of NPV by the State Government, if not already realized, within the period specified by the MoEF&CC i.e. on before 25.02.2018.

(ii) In case NPV has not been already realized and the State Government fails to realize NPV as mentioned in (i) above, approval accorded under FC Act shall be kept in abeyance till such time NPV is realized.

(iii) This provisions not withstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed.

(iv) In the cases where the forest Clearance has expired and has not been renewed, fresh forest clearance under FC Act would be mandatory required before renewal of the mining lease.

7.5 Mining of minor minerals

(i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the riverbeds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched.

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

7.6 Coal mining

User Agency shall apply for diversion of forest land for coal mining under the FCA, 1980, in respect of entire forest land within acoal mine project in the case of coal mines in/over an area vested in a Government Company under the Coal Bearing Area Act 1957, or a coal mine vested in a Government under the Coal nationalization act 1973, or a coal block allotted under Allocation of coal blocks, Coal Blocks Allocation Rules, 2017 under the MMDR Act 1957, including at the time of renewal.

The validity of clearance granted under FC of FC shall be coterminous with the life of the mine as per the approved mine plan subject to a maximum of 30 years as provided in the MMDR Act, 1957 as amended up to Mines and Minerals (Development and Regulation) Amendment Act, 2015.

For extension of period of validity of FC not involving change in Mine Area or total quantity of coal to be extracted, application may be made in the form of a letter to the MoEF&CC through the State Government along with justification for extension requested, and the

present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC.

7.7 Petroleum Mining

Non-forest use of forest land included in the petroleum mining lease under the Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954, will be permissible after diversion of forest land involved for undertaking drilling of oil well and associated activities with prior approval of the Central Government under the FC Act 1980, and payment of NPV for such forest areas. The NPV so payable will be in addition to NPV payable at the time of approval for the Grant/re-grant of Petroleum Mining lease.

7.8 Mining Proposals:

(i) It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted, a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted minerals. Along with this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining proposals in forest areas in respect of coal and other major minerals should be accompanied with the following documents: -

(a) In respect of underground mining in stratified deposits in forest areas

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

(b) Open cast mining in forest areas

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

Installation of temporary Crushing and screening Plants in mining lease area already approved by the Central Government shall be subject to following guidelines:

- To suppress the fugitive dust at the crushing screen mobile plant, special water jets with mist spray should be provided at dumper platform crusher, screens, transfer points and unloading points. At all transfer points sprinkling of water with the help of spray nozzles will be done to suppress fugitive dust.
- In sensitive areas, mobile crusher screening unit(s) should adopt wet dust suppression measures augmented by foam injection to control dust from the material handling and processing operations, if found necessary.
- As an administrative control, any movement of these mobile plants should be informed to the State Pollution Control Board or the Regional Office of the MoEF&CC to keep a track of their location and monitor/check pollution control measures taken by the operator.
- As far as possible, no such unit should be located within02 kilometers from the Forest/Colony/NH or SH without effective wet suppressing measures at the crusher, screening, transfer and uploading points.
- There should be sufficient safeguards against noise pollution and safe noise level should be maintained.
- If found necessary for better control in such location, prior permission to operate, shall be taken from the State Forest Department and the State Pollution Control Board.
- Since all these are mobile operations, the local administration and forest official should be kept posted with the change of location and possible time period of its operations within leasehold.

(c) Land use pattern:

As per the MMDR (Amendment) Act 2015 & Mineral (Evidence of Mineral content) Rules, 2015, a mining lease can be granted pursuant to ensuring G-2 level of exploration (prospecting) and lessee has to prove the mineral up to G-1 level in next 5 years of time, hence land use in the mining plan should be prepared up to conceptual period and the land use of diversion proposal should be same as land use in the Mining plan. After G-1 level of exploration, the mining plan/scheme should be modified accordingly and final land use pattern should be submitted to MoEF&CC for information and record.

(d) Any proposal for diversion of forest for mining involving any forest land in respect of which diversion has been approved earlier will invariably be submitted along with the present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC**.**

(e) Approach road/conveyor beltand other ancillary activities related to mining shall be considered as part of the mining project and should therefore be processed accordingly.

7.9 Safety Zone:

All mining projects, including cluster-mines, are required to have a 7.5-meter-wide peripheral safety zone within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt. This shall be applicable prospectively to all fresh diversion proposals approved after 27th May 2015. However, the mining projects for which diversion of forest land have been approved before 27th May 2015, the UA shall take approval of forest land in the safety zone, if not already taken.

Any forest land within the safety zone if put to non-forest use shall require prior approval under the FCA along with other forest land in the ML for execution of ML under MMDR Act, 1957 as amended from time to time.

Further:

i. The width of 10m and 50 m strip on either side of public road and natural stream respectively located inside the mining lease shall be protected but will not be considered as a part of safety zone.

ii. Safety zone will be redrawn taking the cluster of all the mining leases taken together. if all the leases are carried by the same user agency.

iii. CA and NPV will be regulated as per the guidelines related to CA & NPV.

Chapter-8
Wind Energy

8.1 Any proposal for establishment of wind energy farms/wind mills shall include requirement of forest land inclusive of transmission lines, corridors between successive wind mills, statutory buildings, earthing pits and roads including provision for repose, breast walls, drains, curvature etc. The proposal shall also have full details of alternative explored on non-forest land, benefit cost analysis as per extant guidelines, and other details such as employment generation, economic viability of the project etc.

8.2. Reconnaissance surveys in forest lands for planning establishment of wind energy farms shall not require prior approval under FCA if the surveys do not involve any clearing of forest or cutting of trees and the operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting. If wind data are not available, erection of one wind mast per 500 ha. of forest land can be permitted on payment of Rs. 1.00 lakh per wind mast. The wind masts will have to be removed within two years.

8.3. General guidelines for establishment of wind mills/farms requiring forest land:

(i) State/Union Territory Governments should decide the ratio of the wind energy vis-à-vis other sources of energy i.e. thermal, nuclear, hydel, etc. consistent with the national policy in the matter.

(ii) Areas in National Parks and Sanctuaries, Areas of Outstanding Natural Beauty (AONBs), sites of natural heritage, archaeological importance, special scientific interests and important landscapes should not be considered for establishment of wind energy farms. Wind energy farms shall be located at a safe distance from such sites.

(iii) The State Government shall take sufficient precaution while considering the location of the wind mills so as not to cause any disturbance to the migratory birds, as the turbine of the wind mills produces a humming sound, which may cause disturbance to the avian habitat.

(iv) The wind mills should be located at a safe distance, normally more than 300 meters from the highways and villages.

(v) A large number of small wind turbines, together with their access paths, constitute higher disturbances to the forest area compared to a small number of large wind turbines. Large size wind turbines up to 4.5 MW capacity are being now utilised in most of the countries which are not only cost effective and but also have low impact area. Therefore, in forest areas wind mills of power generating capacity less than 500 KW shall not be allowed except in the periphery of wind farms having higher capacity turbines, for optimization of production of wind energy, and stand-alone (not requiring transmission grid) off grid wind mills up to 10 KW.

(vi) Above parameters relating to establishment of wind mills/farms shall be reviewed after 5 years with a view to promote/facilitate adoption of latest technology at par in the world.

(vii) The forest land will be leased in favour of the developers for a period of thirty years on payment of lease rent of Rs. 30000/- per MW. Within a period of 5 years of Stage-II approval, the developer shall apply for transfer the lease in the name of investors/power producers, for prior permission of the Central Government following the procedure for transfer of User Agency.

(viii) CA and NPV will be regulated as per the concerned guidelines.

Chapter-9

Irrigation and Hydro-Electric Projects, including Catchment Area Treatment (CAT) Plan

9.1. Proposals for diversion of forest lands falling within an irrigation / hydroelectric project need to be processed in their entirety to avoid creation of *fait accompli* situations. However, keeping in view the long gestation period for such projects, user agency may split such projects into different phases for valid and cogent reasons. State Govt. while submitting proposals to obtain "in principle (stage-I)" approval of Central Government under the Act for diversion of the entire forest land required for the project, may intimate the extent of forest land required and time schedule for execution of its each phase as may be specified by them, and may request the Central Government to consider grant of "final (stage-II) approval" under the Act in phased manner. In such cases, at the time of submission of the proposal, scheme for compensatory afforestation for the forest land required for execution of initial phases, consisting of *inter-alia* the dam, reservoir and main canals originating from the reservoir as indicated by the State Government may only insisted upon. The Regional Empowered Committee while examining such proposals shall stipulate time schedule for transfer and mutation of non-forest land and funds for creation of Compensatory Afforestation in lieu of the forest land required for execution of remaining phases in favour of the State Forest Department so as to ensure that expenditure incurred on initial phases of the project does not become infructuous.

9.2. Catchment Area Treatment (CAT) plans: A proposal for diversion of forest land for Irrigation/Hydro-electric projects shall invariably be accompanied by detailed CAT plan except in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects and do not involve impounding of water/submergence of forest land.

The CAT Plan is an important and essential plan for enhancing and maintaining the ecological health of the catchment area of the proposed irrigation/hydroelectric project through site-specific biological and engineering measures for conservation of soil & moisture and management of water regime. Among other provisions, the measures should focus on arresting soil erosion, improving effective drainage in the area, and rejuvenation of the degraded eco system in the catchment. Following general principals should be kept in view while formulating CAT plans.

(i) In the dense forest areas major concentration should be on soil & water conservation including water harvesting for which various water harvesting structures like check dams, gully plugging, gabion dams, contour trenches and vegetative structures should be made.

(ii) In the open forest areas besides taking up soil & water conservation measures, plantation of local indigenous tree and shrub species, including rare/medicinal plants, should be done. In higher altitudes plantation of Chir pine should be avoided.

(iii) The CAT plan should include a component of fodder development on the civil soyam forest or on revenue/private lands in order to meet the requirement of fodder/small timber/fire wood for the local population with a view to reduce pressure on the forests.

(iv) The CAT Plan should have a socio-economic component including supply of CNG connections to the project affected families to be implemented through Joint Forest Management Committees (the nomenclature may vary among the States/UTs).

(v) The infrastructure component like construction of buildings, vehicles, salaries of staff etc. may be provided based on a careful analysis of the need for the same with detailed justification and should constitute a very small percentage (say up to 5%) of the total cost of the CAT plan.

(vi) CAT plan shall be approved by the Principal CCF & HoFF or any other officer authorized by him for the purpose.

(vii) Regular monitoring is essential for effective implementation of the CAT Plan. The Chief Project Officer of the User Agency must be associated in implementation as well as monitoring of the progress of CAT plan. For this, a committee with following composition may be constituted at State level for quarterly review of progress of implementation of various CAT plans and take immediate steps to ensure the same:

1.	PCCF & HoFF	- Chairman
2.	Secretary (Agriculture) or his representative	- Member
3.	Secretary (Animal Husbandry) or his representative	- Member
4.	Project Officer-User Agency	- Member
5.	Concerned Conservator of Forests	- Member
6.	Nodal Officer (FC) o/o PCCF	-Member Secretary

9.3. CA and NPV will be regulated as per the concerned guidelines.

Chapter-10
Transmission lines
(Bare conductor and underground/Insulated cable)

10.1 Transmission through bare conductor(s): As a general principle, where routing of transmission lines through the forest areas is unavoidable, these should be aligned in such a way that it involves the least number of trees cutting, and as far as possible, the route alignment through forest areas should not have any line deviation. The following table gives the width of Right of Way (RoW), clearance below each conductor, and minimum clearance between conductors for laying transmission line of different voltages.

<table>
<tr><th>Transmission Voltage</th><th>Width of Right of Way (Meter)</th><th>Width clearance below each conductor or conductor bundle for stringing purpose (meter)</th><th>Minimum clearance between conductor and trees (Meters)</th></tr>
<tr><td>11Kv</td><td>7</td><td>Not required</td><td>2.6</td></tr>
<tr><td>33KV</td><td>15</td><td>Not required</td><td>2.8</td></tr>
<tr><td>66KV</td><td>18</td><td>Not required</td><td>3.4</td></tr>
<tr><td>110KV</td><td>22</td><td>Not required</td><td>3.7</td></tr>
<tr><td>132KV</td><td>27</td><td>Not required</td><td>4.0</td></tr>
<tr><td>220KV</td><td>35</td><td>Not required</td><td>4.6</td></tr>
<tr><td>400KV S/C vertical delta configuration</td><td>46</td><td>3 twin bundle,
5 triple bundle</td><td rowspan="2">5.5</td></tr>
<tr><td>400 KV D/C</td><td>46</td><td rowspan="2">7</td></tr>
<tr><td>+/- 500KV HVDC</td><td>52</td><td>7</td></tr>
<tr><td>765 KV S/C (With delta configuration)</td><td>64</td><td rowspan="2">7 quadruple bundle
10 hexagonal bundle</td><td rowspan="2">9</td></tr>
<tr><td>765 KV D/C</td><td>67</td></tr>
<tr><td>1200 KV</td><td>89</td><td>To be decided</td><td>13</td></tr>
</table>

In case of the demand for reduction in the width of Right of Way (RoW) of transmission lines in forest areas in the cases where Aerial Bunched Cable (ABC) are used in place of overhead lines, it is clarified that as per definitions in Measures relating to Safety and Electric Supply, Regulations, 2010 conductor is defined as bare or insulated and as such the vertical & horizontal clearance specified in Regulation 61 have to be maintained for both bare and insulated conductors like ABC etc.

To prevent death of animals like elephants due to electrocutions the distribution companies shall preferably use ABC or underground cables in forest areas. In case of the overhead lines, the clearance above ground of the lower conductor of 11kv and 33 KV overhead lines should

be as per the CEA regulation 58(3) and 58(4) or above maximum trunk height of the elephant, whichever higher.

10.2 Transmission through insulated cable: The norms/ standards for laying underground insulated cables through forest areas shall be as below:

Lines Voltage	Trench Width	Trench Depth
33 KV	600 mm	1200 mm
11 KV	300 mm	900 mm

However, for laying double circuit (D/C) underground cables through forest areas trench width shall be twice the afore-mentioned width stipulated for the single circuit cable.

10.3. Compensatory afforestation (CA) and Net Present Value (NPV) will be regulated as per the concerned guidelines.

Chapter – 11

Infrastructural Projects incl. roads, railway lines, border roads, critical utility infrastructure development, residential / building construction

11.1 Infrastructure projects requiring diversion of forest land under the FCA, 1980 fall under following categories, (in addition to the General Approval granted by the Central government for the specified public utility services and critical/strategic defence infrastructure for the specified periods):

(i) Road Widening and construction, including widening in existing RoW.

(ii) Construction of railway lines including conversion of meter gauge railway line to broad gauge including widening within RoW of existing meter gauge.

(iii) Repair and maintenance of roads constructed on forest lands prior to 25th October 1980

(iv) Approach/exit roads to petrol pumps etc.

(v) Residential projects in forest lands

(vi) Construction of residential buildings in private forests

(vii) Non-site-specific projects like: Industries, residential colonies, institutes, disposal of fly ash and rehabilitation of displaced persons

(viii) Ecotourism in Forest Areas

(ix) School in hilly areas

(x) Passenger Ropeways

11.2 Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projectssuch as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and where ever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.

11.3 To facilitate phased preparation and processing, the proposals for such projects may be prepared Forest Division/ State-wise subject to submission of a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up

on salient features of the entire project and details of approvals already obtained and/ or sought under the Act for other sections of the project.

Moreover, in case of linear projects involving both forest as well as non-forest land, work on non-forest land may be executed subject to submission of details of all stretches involving forest lands along with alternate alignments identified to bypass the forest land. To prevent occurrence of *fait accompli* situations, User Agency needs to undertake that in case diversion of forest land is denied, project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of diversion of forest land under the Forest (Conservation) Act, 1980. Work on non-forest land will not confer any right on the User Agency with regard to grant of approval under the Act. Further, in case approval under the Act is declined for widening of road, width of the portion of road falling in the forest land will be maintained at its existing level.

The above facilitation is not applicable to the roads falling in the Protected Areas and the Eco-sensitive zones around the Protected Areas where impact on wildlife is to be considered.

11.4 Roads/Railways/Canals: Non-forest lands which were acquired by the concerned Government departments for construction of roads/railways/canals and the vacant areas in the Right of Way (RoW) were subsequently planted and notified as Protected Forests for management purposes will attract the provisions of Forest (Conservation) Act, 1980. Similarly, breaking of any land, recorded as forest, for conversion of meter gauge railway line to broad gauge railway line or road widening even if such forest land falls within the existing RoW will require prior approval of the Central Government under the FC Act, 1980.

11.5 Railway projects passing through the notified ESZ or located within 10 km radius of PAs (Protected Areas) or Tiger Reserves (TR) are not required to obtain Wildlife Clearance from the NBWL as these projects do not need Environment Clearance. However, railway projects passing through the areas linking one TR with another PA or TR diversion cannot be allowed for ecologically unsustainable use, except in public interest with the approval of NBWL on the advice of NTCA as provided under section 38 (O) (1) (g) of WLPA 1972

11.6 Repair and maintenance of roads constructed in forest lands: The up-gradation of roads, constructed in forest areas prior to 25th October 1980, from 'Kutcha to Pucca' is permissible without attracting the provisions of FC Act, 1980 and black topping and bituminous work of forest roads (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) is permitted subject to fulfillment of the following conditions:

(a) Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.

(b) The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.

(c) The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.

(d) The user agency shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.

(e) The user agencyshall provide side drains for proper drainage.

(f) No tree felling is involved.

(g) No widening of road should be undertaken without prior approval of the Central Government under the Forest (Conservation) Act, 1980

11.7 Approach/Exit Roads to Fuel stations for distribution of petrol, diesel, LPG, CNG etc.: Fuel stations should generally be part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops, etc. Proper planning should be done by the User Agencies, in advance, for construction of such complexes along the highways so that destruction of road side forests is minimized.

Requirement for diversion of forest land for construction of acceleration/de-acceleration lane and exit/entry opening shall be based on the approved layout plan provided in the extant guidelines issued by the Ministry of Road Transport and Highways in this regard.

However, if approach/exit road for a fuel station involves forest land already diverted for construction/widening of a road, fresh approval for re-diversion of such forest land for construction of approach/exit for fuel station will be required only if it involves clearing of or felling of any tree.

If two or more fuel station are to be constructed in close proximity or adjacent to each other for some reasons, diversion of forest land for a common access/exit shall only be approved.

11.8 Infrastructure ancillary to Forest Management: According to the explanation in the Act, any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check- posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the FC Act. As such all States Government should ensure that the basic spirit and essence or the Forest (Conservation) Act, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required.

11.9 Residential Projects: The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction of residential or dwelling houses in the MDDA areas of Uttarakhand subject to fulfillment of following conditions:

(a) Construction activity for residential purpose in private forest shall be allowed only for domestic purpose and shall not be extended to any institutional buildings or commercial development

(b) The construction activates shall be restricted to a maximum of 250 square meter of built up area in each case.

(c) The construction of residential building in private forest is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bonafide residential buildings.

Above stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand, where non-forest land is not available.

11.10 Eco-tourism: Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non-forestry activity. In such cases, prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required.

11.11 Construction of schools in hilly areas: The Central Government has conveyed approval for construction of Governmentschools in hilly areas, over an area of 4 acres or 1.62 ha, where non-forests land is not available with the following conditions:

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

11.12 Passenger Ropeways:

a. The alignment of ropeways should be such that it involves least tree-cutting
b. The route alignment through the forest areas should not have any line deviation and it should be above tree height with minimum clearance of 5 meters from the highest tree.
c. The land required for construction of terminal stations, line towers, etc. will be included for diversion under FCA.
d. Forest land under the ropeway, in the alignment of ropeways where no felling is involved, will also need diversion as this area cannot be diverted to any other project. However, for such areas no CA charges shall be levied, but NPV has to be paid in full as applicable.
e. The minimum clearance prescribed for maintaining the distance between the cables and trees in the width of right of way be exempted as there is no electricity passing through the cables

11.13 CA and NPV will be regulated as per the guidelines related to CA & NPV.

CHAPTER – 12
Projects in/near Protected Areas, Tiger Reserves, Elephant Reserves, Eco-sensitive Zones, Zoos

12.1 Protected areas – National Park or Wildlife Sanctuaries etc. are notified and managed under the provisions of the Wildlife (Protection) Act, 1972 and may comprise of RFs and other areas of ecological, faunal, floral, geo-morphological, or zoological association or importance.

12.2 In pursuance of order dated 13.11.2000 in Writ Petition (C) No. 337 of 1995 of the Supreme Court, there shall be no de-reservation / de-notification of forests, National Parks and Sanctuaries without approval of the Supreme Court. Further, in pursuance of the orders of the Hon'ble Supreme Court all mining operations in National Parks and Sanctuaries shall continue to remain suspended, and no mining activity is permissible within 1 km of the boundary of a PA.

12.3 Any proposal for taking up non-forest activity in Protected Areas is required to be cleared by the Standing Committee of National Board for Wildlife (NBWL) under the provisions of Wildlife (Protection) Act, 1972, apart from prior approval of Central Government under the Forest (Conservation) Act, 1980. The proforma for such proposals seeking clearance for Standing Committee of NBWL for non-forestry activities within Protected Areas are enclosed in Annexure-I. Such proposals for non-forest use of PA areas may be processed concurrently for prior approval of diversion of forest land under FCA, 1980 and seeking prior recommendation of the standing Committee on NBWL However, clearance in one aspect will not confer any right upon the UA and complete clearance is obtained when all requisite clearances have been obtained by the UA(User Agency).

12.4 In case the entire forest land involved in the proposal, is located within one or more PAs, the Central Government shall refer such proposals, complete in all respects, along with site inspection reports, wherever necessary, to the forest Advisory Committee (FAC) or Regional Empowered Committee, as the case may be, only after use of such forest land for non-forestry purpose has been recommended by the Standing Committee of NBWL.

12.5 Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 is also required for taking developmental activities in/over an area falling within eco sensitive zones around notified PAs in addition to prior approval of diversion of forest land for non-forest purposes if such area involved is "Forests" as defined by Hon'ble Supreme Court in their order of 12.12.96.

12.6 Zoo/Rescue Centers: Establishment/Re-location of zoosor rescue centers in forest area, including rescue centers in a zoo/wild life safari or otherwise where wild animals are kept also for exhibition to the public, requires diversion of forest land with prior approval of Central Government under FCA, 1980. However, establishment of a rescue centerinside the forest by the State Government purely for rehabilitation and recapitulation and not for public display and enjoyment is not treated as a non-forest activity (Explanation b under Section 2 of the FCA, 1980)

The establishment of Zoo and Wildlife Safari whether stationary or mobile, where captive animals are kept for exhibition to the public that does not include a circus and an establishment of a licensed dealer in captive animals, are non-site specific and requires diversion of forest land with prior approval of Central Government under FCA 1980.

Proposals of construction of Zoo shall be entertained under the provisions of FCA 1980 only when accompanied by CZA approved plan along with mandatory documents

It is empirically arrived at that not more than 15% of the activities in the establishment of a new zoo shall be non-forestry in nature. Therefore, the following general conditions are arrived at for approving new Zoos:

a. The State Government shall ensure that the non-forestry activities should be limited to the minimum, and in any case should not be more than 15% of the diverted area

b. The conditions imposed by Central Zoo Authority shall be strictly adhered to

c. NPV at the rate of 15% of the entire diverted area under Section 2(ii)and (iii) shall be charged.

d. Compensatory afforestation shall be raised as per dispensation specified in guidelines 2.5 (v).

12.7 Activities required to be done in a Zoo as per the approved Management Plan will not attract the provisions of Forest (Conservation) Act provided such activities are necessary for management of animals and imparting education & have the prior approval of CZA.

12.8 Relocation of villages from Protected Areas: Diversion of forest land under FCA for relocation of villages from National Parks/Sanctuaries are to be approved without payment of NPV subject to final orders in I.A. No 566 regarding NPV.

12.9 The legal status of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Wildlife Sanctuaries/Tiger Reserves will cease to be a forest land in accordance with Hon'ble Supreme Court order dated 28th January, 2019.

12.10 Survey for Development Projects : Surveys carried out in connection with development projects such as transmission line, hydro-electric projects, seismic survey, exploration for oil drilling, mining etc. in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department also will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees and operations area restricted to cleaning of bushes and lopping of the branches for purpose of sighting. Permission from the Chief Wildlife Warden, as provided in the said O.M. No.6-133/2014(part) dated 26th September 2014 issued by the Wildlife Division in the MoEF&CC, will however be required to be obtained for such activities to be carried out in wildlife sanctuaries and national parks. The Chief Wildlife Warden may exercise the mandate provided in section-28 of WLPA, 1972 and consider prescribing appropriate guidelines for application and safeguards to be followed for grant of permission to enter protected areas for survey/investigation if no physical disturbance on the PA is contemplated.

12.11 Felling of trees in Eco-Sensitive Zone: In accordance with the extant guideline, permission for tree felling in non-forest land in eco-sensitive zone of protected area for widening of a highway which involve forest and non-forest land may be accorded only after in-principle approval under FC Act 1980 for diversion of forest land required for widening of such highway is obtained. Felling of trees in the Eco Sensitive Zone of the Protected Areas, is subject to following:

(a) There shall be no felling of trees on the forest, non-forest land or government or revenue or private lands falling within the Eco Sensitive Zone of Protected Ares without prior permission of the competent authority duly notified by the State Government.

(b) In case there is no Competent Authority notified by the State Government in such interim period, the Principal Chief Conservator of Forests in-charge of the territorial forests shall be the competent authority for this purpose and will grant permission for tree felling on the recommendation of the Divisional Forest Officer in whose jurisdiction the ESZ falls who will recommend in accordance with the existing provisions of the Central or State Act and rules made thereunder by the State Government for protection of trees in the State.

12.12 Transmission Lines: For laying of 11KV transmission lines for supply of electricity to rural areas passing through Protected Areas, the project shall not be referred to Supreme Court for their approval after obtaining approval from NBWL as per Hon'ble SC order dated 14.9.2007in IA no 1220 and IA No. 548 of WP©202/1995. In all other cases approval from the Supreme court is required.

12.12.1 In case of transmission lines passing through National Parks, Wildlife Sanctuaries and Wildlife Corridors, insulated conductors shall only be used to prevent electrocution of animals In case of transmission lines passing through elephant reserves/corridors, additional clearances of at least 6 m shall be provided over and above minimum clearance [as stipulated under Central Electricity Authority (Measures relating to safety & Electricity Supply) Regulations, 2010] above the ground from the lowest conductor of the transmission lines".

12.13 Eco-Tourism: Ecotourism is a non-forestry activity, and will be allowed in Protected Areas if the said activities are part of the Management Plan/ Tiger Conservation Plan and are duly approved by the Central Government.

12.14 Roads Passing through Protected Areas: The Standing Committee of NBWL has clarified regarding consideration of proposals for roads within PA as follows.

(a) The principles provided in the report of the sub- committee (*Refer F. No 6-62/2013WL dated 22 December 2014*) have been adopted as generic principle.

(b) New roads shall not be proposed inside National Park & Wildlife Sanctuary.

(c) The cases of resurfacing and strengthening of existing roads, not involving widening within protected area will be possible without reference to Standing Committee of National Board for Wildlife.

(d) The cases of widening of existing roads, if unavoidable due to reasons of purpose and alignment, could be placed before the Standing Committee, which shall consider such cases keeping in view the feasibility of mitigation measures irrespective of cost.

12.15 CA and NPV will be regulated as per the guidelines related to CA & NPV and Supreme Court orders.

(Annexure-I)

Proforma for proposals seeking clearance from Standing Committee of NBWL for NBWL for taking up non-forestry activities in National Parks & Sanctuaries.

FORMS

(All documents to be submitted in triplicate and signed in Blue ink)

PART-I

Proposal for investigation and Survey in the National Park/ Sanctuary

(Details to be provided by the Applicant)

1. Name of the Organization:
2. Aims and Objectives of the proposed Project:
3. Location and Map (1:150000) scale) of the area duly authenticated by the competent authority to be investigated/surveyed.
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer in Charge of the N.P./WLS (Attach signed copy)
7. Opinion of the Chief Wild Life Warden (Attach signed copy).

   The following be included in the opinion:

   (i) Brief history of the Protected Area:

   (ii) Current status of Wildlife:

   (iii) Current status of pressures on Protected Areas:

   (iv) Projected impacts of projects on wildlife habitat management and access/use of resource by various stakeholders.

   (v) Contiguous wildlife areas which would benefit wildlife if added to National Park/ Sanctuary.

   (vi) Other areas in the State which have been recommended by theState Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in Protected Area network.

Signed Project Head

Officer in Charge of the NP/WLS

CWLW

Office Seal

Date of submission to Govt. of India by the CWLW: -

PART-II

(To be filled in by the Applicant)

1. Project details:
   - (i) Copy of the investigation and Survey report
   - (ii) Self-contained and factual project report for which NP/WLS area is required
   - (iii) Map (Duly authenticated by the Divisional/ District Head of the Department dealing with Forests and Wild Life) on a scale of 1:150000 showing the boundaries of the NP/WLS, delineating the area in question in red colour)
   - (iv) Self-contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting National Park/Sanctuary area.
   - (v) Copy of the Bio-diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.
2. Location of the Project/Scheme
   - (i) State/Union territory
   - (ii) District
   - (iii) Name of the National Park/Sanctuary
3. Details of the area required (in Hectares only)

   (Provide breakup of the land use under the project e.g. construction of dam, submergence, housing for staff, road etc.)
4. Details of displacement of people, if any, due to the project
   - (i) Total number of families involved in displacement
   - (ii) Number of Scheduled Caste/Scheduled Tribe families involved in displacement
   - (iii) Detailed rehabilitation plan
5. Any other information relevant to the proposal but not covered in any of the columns above.

Signed by

Project Head

Name

Organization

Date of submission to the Head of the National Park/ Sanctuary

PART-III

(To be completed by the Officer-in-Charge of the National Park/Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in this behalf within 30 days of the receipt of PART-II)

1. Date of receipt of the PART-II.
2. Total Area (Ha.) of National Park/Sanctuary
3. Total area (Ha.) diverted from the NP/WLS so far for development purposes
4. List the past projects and the area (Ha.) diverted.

   Name of the Project Area diverted Year of diversion

5. Positive impact/s due to the diversion of area for the projects referred to in column 4 above.

   Name of the Project/s Positive impact Scientific Basis of Assessment

   (Attach separate document, if required)

6. Negative impact/s due to the diversion of area for the projects referred to in column 4 above.

   Name of the Project/s Positive impact Scientific Basis of Assessment

   (Attach separate document, if required)

7. Management Plan Period

   Attach copy of the Management Plan/ Management Scheme/Recommendation of Chief Wildlife Warden

8. List Management actions taken/proposed to be taken in the whole Block/Zone in which the proposed area is located.
9. Type of forest in which the proposed area falls.
10. Location of the proposed area w.r.t. the critical/intensive wildlife management areas/ wildlife habitats (attach Map to scale)
11. List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
12. Provide COMPREHENSIVE details of the impact of the proposal in Terms of Sections 29 and/or section 35(6) of the Wild Life (Protection) Act, 1972 as the case may be.
13. Whether the project authorities have ever committed violation of the Wild Life (Protection) Act, 1972 or Forest (Conservation) Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.

(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)

14. Have you examined the Project Appraisal document and the alternatives as provided in PART-II?
15. Have you examined the Bio-diversity impact Assessment Report?
16. If yes, please give your comments on the recommendations given in the report.
17. Dates and duration of your field visits to the proposed site.
18. Do you agree that the present proposal of diversion of NP/WLS area is the best or only option and is viable?
19. Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making.
20. Do you recommend the project?

    (Please provide full justification to support your recommendations)

The Officer in Charge of the N.P./WLS

Official Seal

Date of submission to the Chief Wild Life Warden or any other officer authorized by him in this regard

PART-IV

(To be completed by the Chief Wild Life Warden within 15 days of the receipt of PART-II and III)

1. Date of RECEIPT of PART-II AND III by the Chief Wild Life Warden or the Officer authorized by him in this regard.
2. Do you agree with the information and recommendation provided by the Officer-in-Charge in PART-III?
3. If not, please provide the reasons.
4. Have you visited the site yourself and held discussions with the applicant?
5. Do you agree that the present proposal for permitting use of NP/WLS area is the best option or only option and is viable?
6. Please provide specific comments w.r.t. Section 29 of the Wild Life.
7. Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making.
8. Do you recommend the project?

   (Please provide full justification to support your recommendations)
9. Conditions, if any, to be ensured in the interest of wildlife for allowing use of the Area.

Signed by

The Chief Wild Life Warden

Name

State

Official Seal

Date of submission to the State Government

PART-V

(To be completed by the Department in charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART-II, III and IV)

1. Date of RECEIPT of PART-II, III and IV by the Department.
2. Do you agree with the recommendation/s of the Chief Wild Life Warden?
3. If not, please provide reasons
4. Did you provide PART-II, III AND IV to the members of the State Board?
5. Attach copy of the opinion of the State Board for Wild Life.
6. Give details of the recommendations of the State Government.

Signed by

The Principal Secretary
Name
State
Official Seal

Date of submission to the Central Government.

Annexure II

Ensuring compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The Forest (Conservation) Rules 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016]vide Rule (3) (a) provides that after having received the proposal for diversion of forest land for non-forest purpose the Nodal Officer of the concerned State Government or the Union territory Administration, and on being satisfied that the proposal is complete in all respects and requires prior approval under the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector.

Rule 6 (3) (e) of the above rules requires the District Collector to 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, 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 forward his findings to the Conservator of Forests.

In compliance of the above mentioned, the District Collector shall submit a certificate along with other specified documents in respect of (a) plantations that were raised on non-forest land and notified as "protected forest" on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census; (b) linear projects involving forest land other than plantations covered in (a); and (c) projects other than linear projects and plantations covered in (a) and (b); in the formats enclosed as Form I, Form II, and Form III respectively.

Passenger Ropeway project shall be considered as linear project for the purpose of submission of evidences for having initiated and completed the process of settlement of rights under ST &OTFD (RoR) Act 2006

FORM –I

(for linear projects other than Plantations)
[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….

Office of District Collector ……..

No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of …… (name of user agency) for …… (purpose for diversion of forest land) in the district falls within the jurisdiction of……. …… village(s) …… in……..... …… tehsils. It is further certified that:

(a) the complete process of recognition and vesting of forest rights under the FRA has been carried out for the entire .....hectares of forest land proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachment .....to attachment …….;

(b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA, 2006 have been completed and the Gram Sabhas have given their consent to it;

(c) the proposed area does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

FORM-II

(for projects other than linear projects and plantations)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….
Office of District Collector ……..
No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of …… (name of user agency) for ……. (purpose for diversion of forest land) in the district falls within the jurisdiction of ……. village(s) …… in…… …… tehsils. It is further certified that:

(a) the complete process of recognition and vesting of forest rights under the FRA, 2006 has been carried out for the entire .....……hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachment .....to…… attachment …….;

(b) the proposal for such diversion (with full details of the project and its implications, vernacular/ local language) have been placed before each concerned Gram Sabha or forest-dwellers, who are eligible under the FRA, 2006;

(c) each of the concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. Copies of certificate issued by the Gram Sabha(s) of ……. villages(s) are enclosed as attachment .....to attachment……;

(d) the discussion and decisions on such proposals had taken pace only when there was a quorum of minimum 50 % of the members of Gram Sabhas present;

(e) the diversion of forest land for facilities managed by the Government as required under Section 3 (2) of tine FRA have been completed and the Gram Sabhas have given their consent to it;

(f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per Section3 (1) of the FRA, 2006.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

FORM- III

(for plantations on non-forest land and notified as "protected forest" on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….

Office of District Collector …….

No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of ……(name of user agency) for ……(purpose for diversion of forest land) in the district falls within the jurisdiction of …….. village(s) …… in…… …… tehsils having no recorded population of Scheduled Tribes as per Census of India 2001 and 2011. It is further certified that:

a) The Protected Forest (s) namely _____ involved in the above villages are plantations raised on non-forest land on or after 13th December 1930 and were notified as PF vide notification no (s)…… dated……;

b) Therefore, these PFs neither have residing Scheduled Tribes nor have Other Traditional Forest Dwellers (residing in the PFs for more than 75 years) having rights recognized under Forest Rights Act, 2006.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

Annexure III

Conducting cost-benefit analysis for projects involving forest diversion

(i) While considering proposal for diversion of forest land for non-forestry use, it is essential that ecological and environmental losses and eco-economic distress caused to the people who are displaced are weighted against economic and social gains.

(ii) Whenever the forest land is involved in the development projects, the cost of ecosystem services and fragmentation of habitat of wildlife and economic distress caused to people dependent on forests and the cost of settlement of people dependent on forest should also be added as the cost of forest diversion in addition to the standard project cost which would have been incurred by the user agencies without involvement of forest land while conducting the cost benefit analysis of the project. Similarly, the benefits from the project accruing due to diversion of forest land and used in the project should also be accounted for in the benefits component in addition to the standard benefits of the project which would have been accrued without involvement of forest land while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).

(iii)The cost of compensatory afforestation and its maintenance in future and soil & moisture conservation at present discounted value and future benefits from such Compensatory Afforestation accruing over next 50 years monetized and discounted to the present value should be included as cost and benefits respectivelyof compensatory afforestation while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).

(iv)**Table-A** lists the details the types of projects involving forest land for which cost-benefit analysis will be required. **Table-B** lists the parameters according to which the cost aspect of forest land diverted for the development projects will be determined, while **Table-C** lists the parameters for assessing the benefits accruing to the project using of forest land.

(v) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for forest clearance under the Forest Conservation Act.

Table-A: Cases under which a cost-benefit analysis for forest diversion are required

S. No.	Nature of proposal	Applicable/ not applicable	Remarks
1	All categories of proposals involving forest land upto 20 hectares in plains and upto 5 hectare in hills.	Not applicable	These proposals may be considered on a case-to-case basis and value judgment.
2	Proposal for defence installation purposes and oil prospecting (prospecting only).	Not applicable	In view of national Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land is diverted for non-forest use.

3	Habitation, establishment of industrial units, tourist lodges complex and other building construction.	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4	All other proposals involving forest land more than 20 hectares in plains and more than 5 hectares in hills including roads, transmission lines, minor, medium and major irrigation projects, hydro projects, mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centers, TV towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use in the overall public interest.

Table-B: Estimation of cost of forest diversion

S. No.	Parameters	Remarks
1	Ecosystem services losses due to proposed forest diversion.	Economic value of loss of eco-system services due to diversion of forests shall be the net present value (NPV) of the forest land being diverted as prescribed by the Central Government (MoEF&CC). ***Note:*** *In case of National Parks the NPV shall be ten (10) times the normal NPV and in case of Wildlife Sanctuary the NPV shall be five (5) times the normal NPV or otherwise prescribed by the ministry or any other competent authority.*
2	Loss of animal husbandry productivity, including loss of fodder.	To be quantified and expressed in monetary terms or 10% of NPV applicable whichever is maximum.
3	Cost of human resettlement.	To be quantified and expressed in monetary terms as per approved R&R plan.
4	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railways, etc.) on forest land, which would require forest land if these facilities were diverted due to the project.	To be quantified and expressed in monetary terms on actual cost basis at the time of diversion.

5	Possession value of forest land diverted.	30% of environmental costs (NPV) due to loss of forests or circle rate of adjoining area in the district should be added as a cost component as possession value of forest land whichever is maximum.
6	Cost of suffering to oustees.	The social cost of rehabilitation of oustees (in addition to the cost likely to be incurred in providing residence, occupation and social services as per R&R plan) be worked out as 1.5 times of what oustees should have earned in two years had he not been shifted.
7	Habitat Fragmentation Cost.	While the relationship between fragmentation and forest goods and services is complex, for the sake of simplicity the cost due to fragmentation has been pegged at 50% of NPV applicable as a thumb rule.
8	Compensatory Afforestation and soil & moisture conservation cost.	The actual cost of compensatory afforestation and soil & moisture conservation and its maintenance in future at present discounted value.

Table-C–Existing guidelines for estimating benefits of forest-diversion in CBA

Sr. No.	Parameters	Remarks
1	Increase in productively attribute to the specific project.	To be quantified & expressed in monetary terms avoiding double counting.
2	Benefits to economy due to the specific project.	The incremental economic benefit in monetary terms due to the activities attributed to the specific project.
3	No. of population benefited due to specific project.	As per the Detailed project report.
4	Economic benefits due to of direct and indirect employment due to the project.	As per the Detailed project report.
5	Economic benefits due to Compensatory afforestation.	Benefits from such Compensatory Afforestation accruing over next 50 years monetized and discounted to the present value should be included as benefits of Compensatory Afforestation. *For benefits of CA the guideline of the Ministry for NPV estimation may be consulted.

Note-1: Net Present value (NPV) of environment and ecosystem services loss:

The concept of Net Present Value of the forest land diverted is a scientific method of calculating the environmental cost and other losses caused due to diversion of

forest land for non-forestry purposes. The NPV represents the net value of various ecosystem services and other environmental services in monetary terms which the forest would have provided if the forest would not have been diverted.

Note-2: Possession value of forest land diverted:

The forest land diverted for the project such as irrigation, hydropower, railways, roads, wind, and transmission lines and mining etc. are unlikely to be returned and remains in possession of the user agencies. Therefore 30% of the net present value (NPV) of forest land diverted or market rate of adjoining area in the district should be added as a cost component as "possession value of forest land" in addition to the environmental costs due to loss of forests.

PART C

The following are general and standard conditions pertaining to different categories of project. These conditions may be incorporated in all cases along with different specific conditions recommended by the RO/REC/FAC/State Government (for general approval projects)

Hydro Electric Project (HEP)

In-principle/Stage-I approval.

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. **Copy of approved Catchment Area Treatment (CAT) Plan, if applicable shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook.**

6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(*https://parivesh.nic.in/*)*.
8. The compliance report shall be uploaded on ***e-portal*** *(*https://parivesh.nic.in/*)*.

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
7. **The Catchment Area Treatment Plan (CAT) shall be implemented as per approved scheme.**
8. **User agency shall undertake afforestation along the periphery of the reservoir.**
9. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.
12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. User agency shall provide free water for forestry related activities/ projects.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

B. Industry Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal (https://parivesh.nic.in/).***

7. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal /Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest/ degraded forest land (Compartment/ Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer.**
8. No labour camp shall be established on the forest land.
9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
11. The forest land shall not be used for any purpose other than that specified in the project proposal.
12. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
13. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
14. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
15. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
16. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

C.Irrigation Project

In-principle/ Stage-I approval

1. Compensatory afforestation:
   a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra

No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. **Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.**

6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

8. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost

of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
7. **User agency shall undertake afforestation along the periphery of the reservoir.**
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

D Mining Project

In-principle/ Stage-I approval

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the

original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

7. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The User Agency either itself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter**

strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) at the project cost. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.

8. **The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.**
9. **The user agency shall undertake mining and reclamation of the mined out area as per the approved mining plan and the directions of the concerned Divisional Forest Officer.**
10. No labour camp shall be established on the forest land.
11. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
12. **The boundary of the diverted forest land, mining lease area and safety zone shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.**
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
15. **The change in the layout plan of the mining lease, if required, shall be done as prescribed in the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.**
16. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
17. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

E. Prospecting proposals

Formal approval

1. The User Agency shall be allowed exploratory drilling of a maximum of …….. borehole of ……" diameter over …… ha of forest land.

2. The prior approval of Govt. of India under Section 2 of FC Act for prospecting in this forest area under consideration is only for resource assessment and mapping and does not confer in any manner any right to the State Government to divert such forest land under Section 2(ii) of Forest (Conservation) Act, 1980 for mining purpose in future in

favour of this user agency or any other mining company on the plea that forest clearance for prospecting has been granted.

3. Charges towards NPV & CA as applicable shall be realized by the State Govt. from the User agency & deposited in Ad-hoc CAMPA fund through e-portal.

4. User agency shall seek permission of concerned Divisional Forest Officer before entering into the forest area and borehole shall be dug with prior permission of the concerned Divisional Forest Officer and also furnish detailed report thereof on completion of the project.

5. Proper plugging of borehole shall be made after exploration activities are complete to the satisfaction of the concerned Divisional Forest Officer.

6. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.

7. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the concerned Divisional Forest Officer.

8. No new road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/ path with prior information to the concerned Divisional Forest Officer. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work.

9. No other construction activities shall be done by the user agency on forest land. Existing path and roads only will be used by the user agency for the purpose of prospecting activities and drilling of borehole will be limited to ……no. with diameter of ……..” within forest land will be dug.

10. Any change in the diameter of borehole and number of bore holes will be reported to the concerned Regional Office in advance for consideration and recommendations to the Central Government.

11. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment, by the concerned Divisional Forest Officer.

12. No labour camp shall be established on the forest land and no work shall be allowed after sunset.

13. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of borehole by suitably re-located.

14. Initially the permission for prospecting will be granted for two years from the date of issue of this approval which can be extended for one more year with convincing justification from the State Government for extension.

15. In case of violations of conditions by the user agency, the permission for prospecting of minerals shall be suspended by the concerned Divisional Forest Officer. Further it shall be enquired by the Nodal Officer (FCA) of the State Government and report to be submitted to the concerned Regional Office for appropriate action.

16. The samples collected during the prospecting shall be used purely for investigation purposes and shall in no case be used for trade or commerce purpose.

17. To minimize disturbance to the wildlife, user agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concerned State Forest Department.

18. The user agency and the State Government shall ensure compliance to provisions of the MoEF&CC Guidelines F. No. 11-96/2009-FC dated 4th July, 2014 issued by the Ministry regarding drilling in the forest land.

19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dated 29/01/2018.

20. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

F. Railway Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
   - **a)** The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *(https://parivesh.nic.in/).*
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.**
10. **The user agency shall provide suitable under/ over passes in ProtectedArea/ Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
13. No labour camp shall be established on the forest land.
14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
22. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected areas/ Forest Areas.**
6. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be demarcated on ground at the project cost as per the directions of the concerned DFO.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

G. Road Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**

a) Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

5. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

9. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**

10. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**

11. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**

12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

13. The layout plan of the proposal shall not be changed without prior approval of Central Government.

14. No labour camp shall be established on the forest land.

15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……., Village-……., Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. User agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
7. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**
8. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
9. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.

12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The forest land shall not be used for any purpose other than that specified in the project proposal.
17. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

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H. Thermal Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566

in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal (***https://parivesh.nic.in/*).*

7. The compliance report shall be uploaded on ***e-portal (***https://parivesh.nic.in/*).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.

2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.

6. **The State Govt. shall ensure that no non-forest / construction activity shall be carried out by the user agency within specified distance beyond HFL of …… River*, if thermal power plant is located on the bank of river.***

7. **The user agency shall ensure that ash produced due to the unit shall not pollute the air and water of the nearby areas for which, green belt shall be maintained around the proposed unit and necessary plantation in the nearby villages/ habitation should be carried out in consultation with the local people.**

8. **User agency shall undertake afforestation along the periphery of the reservoir, *if thermal power plant is reservoir based project.***

9. **The user agency shall also utilize the ash generated by supplying for construction of road project within the 100 Km radius and also facilitate supply of ash to brick industries as per latest fly ash notification.**

10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

11. The layout plan of the proposal shall not be changed without prior approval of Central Government.

12. No labour camp shall be established on the forest land.

13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.

14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of concerned Divisional Forest Officer.

15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.

17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

18. The forest land shall not be used for any purpose other than that specified in the project proposal.

19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

I. Transmission Line Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.**
10. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
11. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
14. No labour camp shall be established on the forest land.
15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

J. Underground Gas / water pipeline / OFC Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
   - **a)** The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

   - **b)** Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

   - **c) Full exemption of NPV in case of laying of underground OFC cable provided no felling of trees is involved and area proposed for diversion is outside of Protected Area as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**

d) Full exemption of NPV in case of laying of underground drinking water pipeline 4" dia provided no felling of trees is involved, non-commercial project, area proposed for diversion is outside of Protected Area and total forest land required for project is less than 1.00 ha as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No labour camp shall be established on the forest land.
13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
16. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
21. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of

the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
8. No labour camp shall be established on the forest land.
9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
11. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
12. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
17. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

K. Forest Village Relocation

Formal approval

1. **Legal status of the forest land diverted under the Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Sanctuaries/ Tiger Reserves shall ceases to be forest land.**
2. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
3. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
4. **Land vacated in the protected area due to relocation of Village shall be developed as per approved Wildlife Management Plan / NTCA guideline / CWLW.**
5. **No fragmentation of forests should take place due to the relocation project.**

6. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
7. The forest land shall not be used for any purpose other than that specified in the project proposal.
8. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
10. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

L. Wind Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …….. ha Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
   - **a)** The State Government shall charge the Net Present Value (NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
   - **b)** **The State Government shall charge 50% of the minimum rate of NPV irrespective of eco-class in which the project lies provided minimum tree**

felling is involved as per MoEF&CC guideline No. 5-3/2007-FC dated 05/02/2009 and the orders of Hon'ble Supreme Court of India order dated 24/04/2008.

c) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees to minimum number of trees shall be deposited by the User Agency with the State Forest Department.

5. **The State Government shall charge a lease rent at the rate of Rs.30,000/- per MW from user agency as a lump-sum onetime payment for the entire period of lease as per MoEF&CC guideline No. 8-84/2002-FC dated 16/12/2005.**

6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

8. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal/Stage-II approval

1. Legal status of the forest land shall remain unchanged.

2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

3. **Compensatory afforestation**

a) Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……., Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.

6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.

7. **User Agency shall demarcate the project area as per the directions of concerned Divisional Forest Officer.**

8. **The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.**

9. **The lease period shall be for a period of 30 years as per MoEF&CC guideline F. No. 8-84/2002-FC dated 14/05/2004.**

10. Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.

11. **The layout plan of the proposal shall not be changed without the prior approval of the Central Government.**

12. **The State Government and user agency shall undertake implementation of mitigation measures to be obtained by the user agency from BNHS/ WII or any other National level reputed agency dealing with bird conservation.**
13. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
14. The State Government and user agency shall complied with the other standard conditions in vogue as per this MoEF&CC guidelines as amended from time to time for Wind Power Project.
15. No labour camp shall be established on the forest land.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

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रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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अधिसूचना

नई दिल्ली, 28 जून, 2022

सा.का.नि. 480(अ).—केन्द्रीय सरकार, वन (संरक्षण) अधिनियम 1980 (1980 का 69) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और वन (संरक्षण) नियम, 2003, को उन बातों के सिवाय जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, अधिक्रांत करते हुए, एततद्वारा निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम, विस्तार और प्रारंभ (1) इन नियमों का संक्षिप्त नाम वन (संरक्षण) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएं- (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हों,-

(क) "प्रत्यायित प्रतिपूरक वनीकरण" से अधिनियम की धारा 2 के अधीन पूर्व अनुमोदन प्राप्त करने के लिए प्रयोग की जाने वाली सक्रिय वनीकरण की एक प्रणाली अभिप्रेत है;

(ख) "अधिनियम" से वन (संरक्षण) अधिनियम, 1980 (1980 का 69) अभिप्रेत है;

(ग) "परामर्शदात्री समिति" से अधिनियम की धारा 3 के अधीन गठित परामर्शदात्री समिति अभिप्रेत है;

(घ) "अध्यक्ष" से परामर्शदात्री समिति का अध्यक्ष अभिप्रेत है;

(ङ) "प्रतिपूरक वनीकरण" से वन (संरक्षण) अधिनियम, 1980 (1980 का 69) के अधीन वनेत्तर प्रयोजन के लिए वन भूमि के अपवर्तन की एवज में किया गया वनीकरण अभिप्रेत है;

(च) "प्रतिपूरक उदग्रहण" में प्रतिपूरक वनीकरण निधि अधिनियम 2016 (2016 का 38) की धारा 4 की उप-धारा 3 के खंड (iii) और (iv) में विविनिर्दिष्ट की गई सभी धनराशियां और निधियां सम्मिलित हैं;

(छ) "वन संरक्षक" से वन संरक्षक, मुख्य वन संरक्षक, क्षेत्रीय मुख्य वन संरक्षक या वन भूमि पर क्षेत्राधिकार जिसके लिए केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, रखने वाले अधिकारी द्वारा वन सर्कल का कार्यभार ग्रहण करने के लिए राज्य सरकार या संघ राज्यक्षेत्र की सरकार द्वारा नियुक्त वन संरक्षक के समकक्ष अधिकारी अभिप्रेत है;

(ज) "अनारक्षण" से वन के रूप में सांविधिक रूप से अथवा अन्यथा मान्यता प्रदान की गई भूमि की विधिक स्थिति को भूमि की किसी अन्य श्रेणी में परिवर्तित करने के लिए राज्य सरकार या संघ राज्यक्षेत्र, प्रशासन और उसके किसी प्राधिकरण द्वारा जारी किया गया आदेश अभिप्रेत है;

(झ) "अपयोजन" से किसी वन भूमि के उपयोग को वनेत्तर प्रयोजन या किसी वन भूमि के पट्टे को वनेत्तर प्रयोजन हेतु निर्धारित करने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन अथवा उसके किसी भी प्राधिकरण द्वारा जारी किया गया आदेश अभिप्रेत है;

(ञ) "जिला क्लेक्टर" से यथास्थिति राज्य सरकार अथवा संघ राज्यक्षेत्र प्रशासन द्वारा नियुक्त अधिकारी से है जिसमें जिला क्लेक्टर, उप-आयुक्त सम्मिलित हैं, उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर क्षेत्राधिकार रखने वाले राजस्व जिले के प्रशासन का प्रभार धारण करने के लिए नियुक्त किया गया अधिकारी अभिप्रेत है;

(ट) "प्रभागीय वन अधिकारी" से राज्य सरकार अथवा संघ राज्यक्षेत्र प्रशासन द्वारा प्रभागीय वन अधिकारी, उप-वन संरक्षक अथवा प्रभागीय वन अधिकारी या उप-वन संरक्षक के समकक्ष कोई अधिकारी, जिसे उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर क्षेत्राधिकार रखने वाले वन प्रभाग का प्रभार धारण करने के लिए नियुक्त किया गया अधिकारी अभिप्रेत है;

(ठ) "एकीकृत क्षेत्रीय कार्यालय" से इन नियमों के प्रयोजन हेतु केन्द्रीय सरकार द्वारा स्थापित और नियंत्रित एकीकृत क्षेत्रीय कार्यालय से अभिप्रेत है;

(ड) "भूमि बैंक" से अधिनियम के अधीन अपयोजन के लिए प्रस्तावित या अपयोजित वन भूमि की एवज में प्रतिपूरक वनीकरण किए जाने के लिए राज्य सरकार और संघ राज्यक्षेत्र प्रशासन द्वारा यथास्थिति भूमि को अभिज्ञात या चिन्हित करना अभिप्रेत है;

(ढ) "संरेखीय परियोजना" से ऐसी परियोजनाएं अभिप्रेत है जिनमें सड़कों, पाइप लाइनों, रेलवे, पारेषण लाइनों आदि के प्रयोजन के लिए वन भूमि का संरेखीय अपयोजन अभिप्रेत है;

(ण) "सदस्य" से परामर्शदात्री समिति का सदस्य अभिप्रेत है और इसमें अध्यक्ष सम्मिलित हैं;

(त) "सदस्य" से क्षेत्रीय सशक्त समिति या परियोजना जांच समिति के सदस्य अभिप्रेत है और जिसमें यथास्थिति क्षेत्रीय सशक्त समिति या परियोजना जांच समिति का अध्यक्ष सम्मिलित है;

(थ) "राष्ट्रीय कार्य-योजना कोड" से कार्य योजनाएं तैयार करने के लिए केन्द्रीय सरकार द्वारा तैयार किया गया कोड अभिप्रेत है;

(द) "नोडल अधिकारी" से इन नियमों व अधिनियम को क्रियान्वित करने और वन वन संरक्षण के मामलों पर कार्रवाई करने वाला और केन्द्रीय सरकार से इस मामले में पत्राचार करने के लिए यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्राधिकृत ऐसा अधिकारी अभिप्रेत है, जो अपर प्रधान मुख्य वन संरक्षक से नीचे के पद का न हो या संबंधित संघ राज्यक्षेत्र के वन विभाग में ज्येष्ठतम अधिकारी, यदि विभाग में अपर प्रधान मुख्य वन संरक्षक या उससे ऊपर का पद नहीं हो;

(ध) "परियोजना जांच समिति" से नियम 8 के अधीन गठित परियोजना जांच समिति अभिप्रेत है, जो यथास्थिति गैर-वानिकी प्रयोजन हेतु वन भूमि का उपयोग करने के लिए राज्य सरकार और संघ राज्यक्षेत्र प्रशासन को सिफारिश करने के लिए परियोजना प्रस्तावों की जांच करेगी;

(न) 'क्षेत्रीय सशक्त समिति" से नियम 6 के उप नियम (1) के अधीन गठित की गई क्षेत्रीय सशक्त समिति अभिप्रेत है;

(प) "क्षेत्रीय अधिकारी" से केन्द्रीय सरकार द्वारा एकीकृत क्षेत्रीय कार्यालय का नियुक्त किया गया प्रमुख अभिप्रेत है;

(फ) "धारा" से अधिनियम की धारा अभिप्रेत है;

(ब) "सर्वेक्षण" से किसी परियोजना की शुरूआत करने से पूर्व किया गया कोई कार्यकलाप या वन भूमि में वास्तविक रूप से खनन कार्य करने से पूर्व कोयला, पेट्रोलियम और प्राकृतिक गैस सहित खनिज भंडारों का अन्वेषण करने, अवस्थिति का पता लगाने या उन्हें साबित करने के प्रयोजन के लिए किए गए कार्यकलाप, जिसमें सर्वेक्षण, जांच करना, पूर्वेक्षण, अन्वेषण आदि सम्मिलित अभिप्रेत है;

(भ) "प्रयोक्ता एजेंसी" से अधिनियम के प्रावधानों या उसके अधीन बनाए गए नियमों के अंतर्गत वन भूमि के अनारक्षण, अपयोजन या पट्टे के निर्धारण के लिए अनुरोध करने वाले किसी व्यक्ति, संगठन या कानूनी इकाई या कंपनी या केन्द्रीय या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का विभाग अभिप्रेत है;

(म) "कार्य योजना" से समय-समय पर केन्द्रीय सरकार द्वारा प्रकाशित की गई राष्ट्रीय कार्य योजना कोड के उपबंधों के अनुसार तैयार किया गया दस्तावेज और जिसमें किसी विनिर्दिष्ट अवधि के लिए विशिष्ट वन प्रभाग के वनों के वैज्ञानिक प्रबंधन करने के लिए निर्धारित निर्देश सम्मिलित हैं, अभिप्रेत है।

(2) इसमें प्रयुक्त शब्दों और अभिव्यक्तियों और जिन्हें इन नियमों में परिभाषित नहीं किया गया है किंतु अधिनियम में परिभाषित किया गया है, का वही अर्थ होगा जैसा कि अधिनियम में क्रमानुसार उन्हें दिया गया है।

3. परामर्शदात्री समिति का गठन- (1) केन्द्रीय सरकार, आदेश द्वारा निम्नलिखित के संबंध में परामर्श देने के लिए एक परामर्शदात्री समिति का गठन कर सकती है:- (i) नियम 9 के खंड 5 के उप खंड (ख) के अधीन संदर्भित प्रस्तावों के संबंध में धारा 2 के अधीन अनुमोदन प्रदान करना, और (ii) वनों के संरक्षण से संबंधित कोई मामला जिसे केन्द्रीय सरकार द्वारा परामर्शदात्री समिति को संदर्भित किया गया है।

(2) परामर्शदात्री समिति में निम्नलिखित सदस्य सम्मिलित होंगे, नामत :-

(1)	(2)	(3)
1.	वन महानिदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय,	अध्यक्ष;
2.	अपर वन महानिदेशक, (वन संरक्षण) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय,	सदस्य;
3.	अपर वन महानिदेशक, (वन्यजीव) पर्यावरण, वन और जलवायु	सदस्य;

	परिवर्तन मंत्रालय,	
4.	अपर आयुक्त (मृदा संरक्षण), कृषि एवं किसान कल्याण मंत्रालय,	सदस्य;
5.	पारिस्थितिकी, इंजीनियरिंग और डेवलपमेंट इकनोमिक्स के क्षेत्रों से प्रत्येक का प्रतिनिधित्व करने वाले केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले तीन विशेषज्ञ,	सदस्य;
6.	वन संरक्षण के संबंध में कार्रवाई कर रहे वन महानिरीक्षक,	सदस्य-सचिव ।

(3) अध्यक्ष, परामर्शदात्री समिति की बैठक में किसी भी डोमेन विशेषज्ञ को विशेष आमंत्रित व्यक्ति के रूप में सहयोजित कर सकते हैं।

(4) अध्यक्ष, परामर्शदात्री समिति की बैठक की अध्यक्षता करेंगे और उनकी अनुपस्थिति में अपर वन महानिरीक्षक (वन संरक्षण), पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की बैठक की अध्यक्षता करेंगे।

4. परामर्शदात्री समिति के गैर सरकारी सदस्यों के लिए निबंधन और शर्तें निम्नानुसार होंगी, अर्थात् :-

(क) एक गैर सरकारी सदस्य के अपने कार्यकाल की अवधि अपने नामनिर्देशन की तारीख से दो वर्ष के लिए होगी;

(ख) एक गैर सरकारी सदस्य का यदि विकृत चित्त या दिवालिया या किसी अपराध, जिसमें नैतिक अधमता सम्मिलित है, में दोषी पाए जाने की स्थिति में उसकी सदस्यता समाप्त हो जाएगी;

(ग) यदि कोई गैर सरकारी सदस्य बिना पर्याप्त कारणों से परामर्शदात्री समिति की लगातार तीन बैठकों में उपस्थित नहीं होता तो उसकी सदस्यता समाप्त हो जाएगी;

(घ) खंड (ख) और (ग) में बताए गए कारणों के फलस्वरूप यदि कोई रिक्ति होती है तो उसे केन्दीय सरकार द्वारा दो वर्ष की शेष अवधि के लिए भर लिया जाएगा;

(ङ) परामर्शदात्री समिति के गैर-सरकारी सदस्य उसी यात्रा भत्ते और दैनिक भत्ते के हकदार होंगे जो समान वेतनमान में समूह 'क' के पद धारण करने वाले भारत सरकार के किसी अधिकारी को स्वीकार्य हैं;

परंतु सदस्य, जो संसद का सदस्य या राज्य विधान सभा का सदस्य है, को यात्रा और दैनिक भत्ते का भुगतान संसद सदस्यों के वेतन, भत्ते और पेंशन अधिनियम 1954 (1954 का 30) या संबंधित राज्य विधान सभा के सदस्यों से संबंधित विधि के संबंधित उपबंधों के अनुसार, जो भी स्थिति हो, विनियमित होगा।

5. परामर्शदात्री समिति के कार्यों का संचालन- परामर्शदात्री समिति अपने कार्य निम्नानुसार करेगी, अर्थात्:-

(क) अध्यक्ष जब कभी आवश्यक समझे, समिति की बैठक बुला सकते हैं, जो माह में एक बार से कम नहीं हो।

(ख) समिति की बैठक नई दिल्ली में होगी परंतु, उस मामले में, जहां अध्यक्ष इस बात से संतुष्ट हो कि ऐसी वन भूमि के स्थान जिसका वनेत्तर प्रयोजनों के लिए प्रयोग किया जाना है का निरीक्षण आवश्यक है या समिति को संदर्भित पर विचार शीघ्रता से किया जाना आवश्यक है तो यह समिति की बैठक नई दिल्ली में न करके उस स्थान पर करने के निर्देश दे सकते हैं जहां से स्थल या स्थलों का निरीक्षण आवश्यक हो।

(ग) समिति की बैठक में ऐसे प्रत्येक प्रश्न पर विचार किया जाएगा जिसके संबंध में केन्द्रीय सरकार को परामर्श देना आवश्यक होगा परंतु तात्कालिक स्वरूप के मामलों में, अध्यक्ष ऐसे दस्तावेजों को सदस्यों के बीच निर्धारित समय के अंदर उनकी राय जानने के लिए परिचालित करेंगे।

(घ) समिति की बैठक की गणपूर्ति (कोरम) पांच होगी।

(ड.) प्रयोक्ता एजेंसी को ऐसी अवधि के लिए उपस्थित रहने के लिए अनुमत किया जा सकता है जो उनसे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे का स्पष्टीकरण करने के लिए आवश्यक हो।

6. क्षेत्रीय सशक्त समिति का गठन - (1) केन्द्रीय सरकार, नियम 9 के खंड 5 के उप खंड (क) के अधीन संदर्भित प्रस्तावों की जांच करने तथा धारा 2 के अधीन प्रस्तावों को अनुमोदन प्रदान करने या अस्वीकार करने के लिए प्रत्येक एकीकृत क्षेत्रीय कार्यालय में आदेश द्वारा एक क्षेत्रीय सशक्त समिति का गठन करेगी।

(2) प्रत्येक एकीकृत क्षेत्रीय कार्यालय में क्षेत्रीय सशक्त समिति में निम्नलिखित सदस्य सम्मिलित होंगे, अर्थात्: -

(1)	(2)	(3)
1.	क्षेत्रीय अधिकारी,	अध्यक्ष;
2.	ख्याति प्राप्त व्यक्तियों में से जो वानिकी और सहायक विषयों में विशेषज्ञ है, में से तीन गैर सरकारी सदस्य,	सदस्य;
3.	एकीकृत क्षेत्रीय कार्यालय में वन संरक्षक और उप वन संरक्षक रैंक के अधिकारियों में से ज्येष्ठतम अधिकारी,	सदस्य सचिव ।

(3) क्षेत्रीय सशक्त समिति का अध्यक्ष बैठक के लिए विशेष आमंत्रितों के रूप में डोमेन विशेषज्ञों को सहयोजित कर सकता है

(4) वन विभाग और राजस्व विभाग से एक-एक प्रतिनिधि, जो भारत सरकार के निदेशक के पद से नीचे का न हो, को क्षेत्रीय सशक्त समिति द्वारा प्रस्तावों की जांच के लिए विशेष आमंत्रित के रूप में बैठक में भाग लेने के लिए आमंत्रित किया जाएगा।

(5) क्षेत्रीय सशक्त समिति के गैर-सरकारी सदस्यों के निबंधन और शर्तें निम्नानुसार होंगी:-

(क) एक गैर सरकारी सदस्य के अपने कार्यालय की अवधि अपने नामांकन की तारीख से दो वर्ष के लिए होगी;

(ख) एक गैर-सरकारी सदस्य को यदि विकृत चित्त, दिवालिया या एक ऐसे अपराध के लिए दोषी पाया गया हो, जिसमें नैतिक अधमता सम्मिलित है, की स्थिति में उसकी सदस्यता समाप्त हो जाएगी;

(ग) यदि कोई गैर सरकारी सदस्य बिना पर्याप्त कारणों से समिति की लगातार तीन बैठकों में उपस्थित नहीं होता तो उसकी सदस्यता समाप्त हो जाएगी;

(घ) उप खंड (ख) और (ग) में बताए गए कारणों के फलस्वरूप यदि क्षेत्रीय अधिकार प्राप्त समिति में कोई रिक्ति होती है तो उसे केंद्रीय सरकार द्वारा शेष दो वर्ष की अवधि के लिए भर लिया जाएगा; तथा

(ङ) क्षेत्रीय सशक्त समिति के गैर-सरकारी सदस्य यात्रा भत्ता और दैनिक भत्ते के हकदार होंगे जो समान वेतनमान वाले समूह 'क' पद धारण करने वाले भारत सरकार के एक अधिकारी के लिए स्वीकार्य है:

परंतु सदस्य, जो संसद का सदस्य या राज्य विधान सभा का सदस्य है, को यात्रा और दैनिक भत्ते का भुगतान संसद सदस्यों के वेतन, भत्ते और पेंशन अधिनियम 1954 (1954 का 30) या संबंधित राज्य विधान सभा के सदस्यों से संबंधित विधि के संबंधित उपबंधों के अनुसार, जैसी भी स्थिति हो विनियमित होगा।

7. क्षेत्रीय सशक्त समिति के कार्यों का संचालन - सलाहकार समिति अपना कार्य निम्नानुसार संचालित करेगी, अर्थात्:-

(क) क्षेत्रीय सशक्त समिति का अध्यक्ष जब कभी आवश्यक समझे, समिति की बैठक आयोजित कर सकता हैं, जो माह में दो बार से कम नहीं हो;

(ख) क्षेत्रीय सशक्त समिति की बैठक एकीकृत क्षेत्रीय कार्यालय के मुख्यालय में आयोजित की जाएगी:

परंतु क्षेत्रीय सशक्त समिति का अध्यक्ष जहां इस बात से संतुष्ट हो कि ऐसी वन भूमि के स्थान या जिनका वनेत्तर प्रयोजनों के लिए प्रयोग किया जाता है, का निरीक्षण आवश्यक या उल्लिखित प्रस्ताव पर विचार शीघ्रता से किया जाना आवश्यक है तो स्थल के ऐसे निरीक्षण के लिए यह क्षेत्रीय सशक्त समिति की बैठक एकीकृत क्षेत्रीय कार्यालय के मुख्यालय में न करके अन्य स्थान पर करने के निर्देश दे सकते हैं;

(ग) क्षेत्रीय सशक्त समिति का अध्यक्ष क्षेत्रीय सशक्त समिति की प्रत्येक बैठक की अध्यक्षता करेगा और उसकी अनुपस्थिति में, ज्येष्ठतम सदस्य जो वन संरक्षक के पद से नीचे का न हो, अध्यक्ष के रूप में कार्य करेगा;

(घ) क्षेत्रीय सशक्त समिति को सलाह या विनिश्चय के लिए विनिर्दिष्ट प्रत्येक प्रस्ताव पर क्षेत्रीय सशक्त समिति की बैठक में विचार किया जाएगा।

परंतु शीघ्रता वाले मामलों में, क्षेत्रीय सशक्त समिति का अध्यक्ष निदेश दे सकेगा कि कागज-पत्रों को परिचालित किया जाए और क्षेत्रीय सशक्त समिति के सदस्यों को अनुबद्ध समय के भीतर उनकी राय के लिए भेजा जाए।

(ङ) क्षेत्रीय सशक्त समिति की बैठक में गणपूर्ति (कोरम) तीन होगी; तथा

(च) प्रयोक्ता एजेंसी को बैठक के दौरान ऐसी अवधि के लिए उपस्थित रहने के लिए अनुमत किया जा सकता है जो इससे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे का स्पष्टीकरण करने के लिए आवश्यक हो।

8. परियोजना जांच समिति का गठन - (1) राज्य सरकार और संघ राज्यक्षेत्र प्रशासन, एक आदेश द्वारा, अधिनियम की धारा 2 के खंड (i), (ii) या (iii) के अधीन प्रस्तुत प्रस्ताव की पूर्णता की जांच करने के लिए एक परियोजना जांच समिति का गठन कर सकते हैं।

(2) परियोजना जांच समिति में निम्नलिखित सदस्य सम्मिलित होंगे, अर्थात्: -

(1)	(2)	(3)
1.	नोडल अधिकारी,	अध्यक्ष;
2.	संबंधित मुख्य वन संरक्षक/वन संरक्षक,	सदस्य;
3.	संबंधित प्रभागीय वन अधिकारी,	सदस्य;
4.	संबंधित जिला क्लेक्टर और उनके प्रतिनिधि, (डिप्टी कलेक्टर के पद से नीचे का नहीं)	सदस्य;
5.	नोडल अधिकारी के कार्यालय में प्रभागीय वन अधिकारी,	सदस्य - सचिव।

(3) परियोजना जांच समिति की बैठक प्रत्येक माह में कम से कम दो बार होगी, और परियोजना जांच समिति की बैठक की गणपूर्ति तीन होगी।

(4) परियोजना जांच समिति, प्रस्तावों की जांच के पश्चात, राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, को सिफारिश करेगी।

9. केन्द्रीय सरकार की पूर्व स्वीकृति के प्रस्ताव - (1) केन्द्रीय सरकार द्वारा अनुमोदन दो चरणों में दिया जाएगा, अर्थात् (i) सैद्धांतिक अनुमोदन; और (ii) अंतिम अनुमोदन।

(2) प्रयोक्ता एजेंसी राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को अधिनियम की धारा 2 के अधीन निर्दिष्ट ऑनलाइन फॉर्म में केंद्रीय सरकार से केन्द्रीय सरकार द्वारा अधिसूचित किए जाने वाले, वन भूमि के अनारक्षण, गैर वन प्रयोजनों के लिए वन भूमि के उपयोग या पट्टे के आवंटन, के अनुमोदन के लिए आवेदन करेगा।

(3) प्रस्ताव की एक प्रति, राज्य या संघ राज्यक्षेत्र प्रशासन के संबंधित वन मंडल अधिकारी, जिला कलेक्टर, वन संरक्षक, मुख्य वन संरक्षक और नोडल अधिकारी को भी साथ-साथ अग्रेषित की जाएगी और उनमें से प्रत्येक परियोजना जांच समिति द्वारा जांच के प्रयोजन से प्रस्ताव के प्रलेखन की पूर्णता की प्रारंभिक जांच स्वतंत्र और पृथक रूप से करेगा।

(4) (क) परियोजना जांच समिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से प्राप्त प्रस्तावों की पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों को छोड़कर, प्रस्ताव की योग्यता में जाने के बिना जांच करेगी, कि प्रस्ताव सभी तरह से पूर्ण है और प्रस्तावित गतिविधि की जांच और पता लगाने के उद्देश्य से किसी प्रतिबंधित क्षेत्र या श्रेणी में नहीं है और परियोजना जांच समिति बैठक के दौरान स्पष्टीकरण या अतिरिक्त दस्तावेज, यदि कोई हो, के लिए प्रयोक्ता एजेंसी को बुला सकती है और बैठक के कार्यवृत्त ऑनलाइन अपलोड किए जाएंगे;

(ख) परियोजना जांच समिति प्रस्ताव की पूर्णता और शुद्धता के लिए जांच करेगी और यह सुनिश्चित करेगी कि प्रस्ताव में कमियां, यदि कोई हों, तो उसकी पहचान की जाती है और सदस्य-सचिव इस संबंध में प्रयोक्ता एजेंसी को सूचित करेंगे;

(ग) प्रयोक्ता एजेंसी, यदि खंड (ख) के अधीन प्रस्ताव वापस किया जाता है तो प्रस्ताव को फिर से प्रस्तुत करेगी और परियोजना जांच समिति द्वारा इसकी पुन: जांच की जाएगी; इस उपखंड के अधीन इस प्रकार फिर से प्रस्तुत किया गया अधूरा प्रस्ताव अपंजीकृत माना जाएगा;

(घ) किसी भी प्रस्ताव के लिए जो परियोजना जांच समिति द्वारा सभी प्रकार से पूर्ण पाया जाता है की पहचान संख्या सृजित की जाएगी और इस पहचान संख्या का उपयोग भविष्य के सभी संदर्भों के लिए किया जाएगा;

(ड.) परियोजना पहचान संख्या के साथ पूरा प्रस्ताव संबंधित संभागीय वन अधिकारियों, जिला कलेक्टरों, वन संरक्षक या मुख्य वन संरक्षक को क्षेत्र सत्यापन के लिए अग्रेषित किया जाएगा;

(च) जहां प्रस्ताव में सम्मिलित वन भूमि या उसका कोई भाग वन विभाग के प्रबंधन नियंत्रण में नहीं है, वहां जिला कलेक्टर राजस्व विभाग और वन विभाग के; अधिकारियों द्वारा संयुक्त सत्यापन के माध्यम से ऑनलाइन प्रपत्र में प्रमाणित प्रस्ताव में सम्मिलित वन भूमि का भूमि अनुसूची और नक्शा प्राप्त करेंगे,

(छ) इसके अतिरिक्त, संबंधित संभागीय वन अधिकारी द्वारा क्षेत्र में प्रत्येक प्रस्ताव सत्यापित किया जाएगा, जिसमें 40 हेक्टेयर से अधिक वन भूमि सम्मिलित है तो उसे संबंधित वन संरक्षक द्वारा और यदि प्रस्ताव में सौ हेक्टेयर से अधिक वन भूमि; सम्मिलित है तो नोडल अधिकारी द्वारा क्षेत्रीय निरीक्षण किया जाएगा।

(ज) पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों को छोड़कर प्रस्ताव, खंड (ग) या खंड (ड.) के अधीन पूर्ण प्रस्ताव प्रस्तुत करने से, इन नियमों से संलग्न अनुसूची-2 में निर्दिष्ट अवधि के भीतर परियोजना जांच समिति के विचार के लिए प्रस्तुत किया जाएगा, जैसा भी मामला हो, और परियोजना जांच समिति प्रयोक्ता एजेंसी द्वारा अपनाए जाने वाले उपशमन उपायों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश करने के उद्देश्य से प्रस्ताव की व्यवहार्यता की जांच करेगी:

परंतु परियोजना जांच समिति वन भूमि की आवश्यकता को कम करने या वन और वन्यजीवों, पर प्रतिकूल प्रभाव को कम करने, प्रस्तावित प्रतिपूरक वनीकरण भूमि में परिवर्तन या परियोजना के प्रतिकूल प्रभाव को कम करने के लिए प्रयोक्ता एजेंसी द्वारा अपनाए जाने वाले प्रस्तावित उपायों में परिवर्तन, जैसे कारणों से अपयोजन के लिए प्रस्तावित वन

भूमि में परिवर्तन के संदर्भ में प्रयोक्ता एजेंसी से कोई स्पष्टीकरण, अतिरिक्त विवरण या संशोधन की मांग कर सकती है, और इस उद्देश्य के लिए यह प्रयोक्ता एजेंसी को एक प्रस्तुति देने के लिए कह सकती है:

परंतु यह और प्रयोक्ता एजेंसी द्वारा ऑनलाइन स्पष्टीकरण या अतिरिक्त विवरण प्रस्तुत करने के पश्चात प्रस्ताव पर विचार किया जाएगा, और यदि प्रस्ताव को खंड (ख) से (छ) जैसा लागू हो में चरणों को दोहराने के पश्चात इस खंड में निर्दिष्ट समय अवधि के भीतर पहले नियम के अनुसार संशोधित किया गया है, और यदि संशोधित प्रस्ताव में नई वन भूमि के अपयोजन के लिए प्रस्तावित किया गया है, तो खंड (छ) के चरणों को भी दोहराया जाएगा।

(झ) जहां प्रयोक्ता एजेंसी निर्दिष्ट अवधि के भीतर सही सूचना, अतिरिक्त विवरण या संशोधित प्रस्ताव प्रस्तुत करने में विफल रहती है, प्रस्ताव अस्वीकार माना जाएगा:

परंतु यदि प्रयोक्ता एजेंसी परियोजना जांच समिति को संतुष्ट करती है कि देरी का कारण उसके नियंत्रण से बाहर था, तो परियोजना जांच समिति लिखित रूप में दर्ज किए जाने वाले कारणों के पश्चात उस प्रस्ताव पर पुनः विचार कर सकती है और जैसी भी स्थिति हो, राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश कर सकती है;

(ञ) पांच हेक्टेयर से कम की वन भूमि वाले प्रस्ताव को संभागीय वन अधिकारी के स्तर पर जांच के पश्चात उसके द्वारा सीधे नोडल अधिकारी को अग्रेषित किया जाएगा और नोडल अधिकारी ऐसे प्रस्तावों को अपनी सिफारिशों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को अग्रेषित करेगा और इसकी एक प्रति एकीकृत क्षेत्रीय कार्यालय को भी भेजी जाएगी;

(ट) पांच हेक्टेयर या उससे अधिक की वन भूमि वाले प्रस्ताव को नोडल अधिकारी द्वारा प्रधान मुख्य वन संरक्षक के अनुमोदन से राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को परियोजना जांच समिति की सिफारिश के साथ अग्रेषित किया जाएगा और उसकी एक प्रति एकीकृत क्षेत्रीय कार्यालय को भेजी जाएगी;

(ठ) जहां राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, गैर-वन उद्देश्यों के लिए वन भूमि को अनारक्षित, अपयोजन या प्रस्ताव में बताए अनुसार वन भूमि को पट्टे पर न देने का निर्णय लेता है, तो इसकी सूचना प्रयोक्ता एजेंसी को नोडल अधिकारी द्वारा दी जाएगी;

(ड) जहां राज्य सरकार या संघ राज्यक्षेत्र प्रशासन वन भूमि को अनारक्षित करने के लिए, गैर-वन उद्देश्यों के लिए अपयोजन या पट्टे पर वन भूमि आवंटित करने के लिए जैसा कि प्रस्ताव में दर्शाया गया है, सैद्धांतिक रूप से सहमत होने पर अपनी सिफारिश केन्द्रीय सरकार को अग्रेषित करेगा।

(5) प्रस्ताव का सैद्धांतिक अनुमोदन :-

(क) **(i)** अनारक्षण (ii) 5 हेक्टेयर से अधिक वन भूमि को सम्मिलित करने वाले खनन (iii) अतिक्रमण के नियमितीकरण और (iv) अधिनियम के प्रावधानों का उल्लंघन से संबंधित प्रस्तावों को छोडकर, ऐसे सभी प्रस्तावों (i) रेखीय परियोजना (ii) चालीस हेक्टेयर तक की वन भूमि, और (iii) 0.7 तक वितान (केनोपी) सघनता वाली वन भूमि में 'सर्वेक्षण' के प्रयोजन के लिए उनकी सीमा को ध्यान में रखे विना, की एकीकृत क्षेत्रीय कार्यालयों में जांच की जाएगी और खंड (ग) में विनिर्दिष्ट तरीके से निपटाया जाएगा।

परंतु पेट्रोलियम अन्वेषण लाइसेंस या पेट्रोलियम खनन पट्टे, जिसमें न तो भौतिक कब्जा और न ही वन भूमि को खंडित करना सम्मिलित हो, प्रदान करने के लिए कोई अनुमोदन अपेक्षित नहीं है। तथापि, वन भूमि पर अन्वेषण अथवा विकासात्मक कुओं की स्थापना और वन भूमि से जुड़ी गतिविधियों जैसे सभी कार्यकलापों के लिए केन्द्रीय सरकार द्वारा समय-समय पर जारी किए गए दिशानिर्देशों के उपबंधों के अधीन, इन नियमों के अधीन विहित प्रक्रिया के अनुसार वास्तविक प्रभाव क्षेत्र के लिए अधिनियम की धारा 2 के खंड (ii) के अधीन अनुमोदन प्राप्त किया जाएगा।

(ख) उपरोक्त उप खण्ड (क) के अधीन संदर्भित प्रस्तावों के अतिरिक्त, अन्य सभी प्रस्तावों की जांच की जाएगी और इन नियमों के अधीन विहित रीति से निपटाया जाएगा।

(ग) उप खण्ड (क) के अधीन प्राप्त प्रस्तावों की एकीकृत क्षेत्रीय कार्यालय द्वारा निम्नलिखित रीति से जांच की जाएगी :

(i) 5 हेक्टेयर तक की वन भूमि वाले सभी प्रस्तावों की एकीकृत क्षेत्रीय कार्यालय द्वारा इसकी पूर्णता के संबंध में जांच की जाएगी, और जांच, जो भी आवश्यक समझी जाए, के पश्चात और खंड (ड.) के उप खण्ड (ii) के अधीन सूचीबद्ध पक्षों पर अपेक्षित ध्यान देते हुए, एकीकृत क्षेत्रीय कार्यालय द्वारा सैद्धांतिक पूर्व अनुमोदन प्रदान किया जाएगा या लिखित कारण दर्ज करके उसे निरस्त किया जाएगा।

(ii) 5 हेक्टेयर से अधिक वन भूमि वाले सभी रेखीय प्रस्तावों, 'सर्वेक्षण' के प्रयोजन के लिए 0.7 तक कैनोपी घनत्व वाली वन भूमि के उपयोग के लिए सभी प्रस्ताव, चाहे उनकी सीमा कुछ भी हो और पांच हेक्टेयर से अधिक और चालीस हेक्टेयर तक वन भूमि के उपयोग वाले अन्य सभी प्रस्तावों की एकीकृत क्षेत्रीय कार्यालय द्वारा उनकी पूर्णता की जांच के पश्चात नियम 6 के अधीन गठित क्षेत्रीय अधिकार प्राप्त समिति को संदर्भित किया जाएगा।

(iii) क्षेत्रीय सशक्त समिति, उपरोक्त उप खण्ड (क) के अधीन इसे संदर्भित सभी प्रस्तावों की जांच करेगी और आगे की जांच, जो भी आवश्यक समझी जाए, के पश्चात और खंड (ड.) के उप खण्ड (ii) के अधीन सूचीबद्ध पक्षों पर अपेक्षित ध्यान देते हुए, पूर्व अनुमोदन प्रदान करेगी या कारण दर्ज करके उसे निरस्त करेगी।

(घ) संबंधित एकीकृत क्षेत्रीय कार्यालय द्वारा उप-खंड (ख) में निर्दिष्ट प्रस्तावों के संबंध में एक स्थल निरीक्षण रिपोर्ट तैयार की जाएगी और इसे केन्द्रीय सरकार को समिति द्वारा विचार करने के लिए प्रस्तुत किया जाएगा।

(ड.) केन्द्रीय सरकार द्वारा प्राप्त प्रस्तावों की निम्नलिखित रीति से जांच की जाएगी :-

(i) खंड (ख) के अधीन प्राप्त सभी प्रस्तावों, को इनकी पूर्णता की जांच के पश्चात, उपरोक्त खंड (घ) के अधीन अपेक्षित अनुसार स्थल निरीक्षण रिपोर्ट के साथ समिति को संदर्भित किया जाएगा।

(ii) परामर्शदात्री समिति, खंड (ख) में संदर्भित सभी प्रस्तावों को, निम्नलिखित बिन्दुओं पर अपेक्षित ध्यान देते हुए परंतु उन्हीं तक सीमित न रहते हुए, जांच करेगी और आगे की जांच, जो भी आवश्यक समझी जाए, के पश्चात केन्द्रीय सरकार को उनके द्वारा अनुमोदन पर विचार करने के लिए सिफारिशें करेगी :-

(क) वन भूमि का प्रस्तावित उपयोग, किसी गैर-स्थल विशिष्ट प्रयोजन जैसे कि कृषीय प्रयोजनों, कार्यालय या आवासीय प्रयोजनों से अथवा अपने आवासों से विस्थापित हुए व्यक्तियों के पुनर्वास के लिए नहीं है।

(ख) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, ने प्रमाणित कर दिया है कि उसने सभी विकल्पों पर विचार किया है और इन परिस्थितियों में कोई अन्य विकल्प साध्य नहीं है और यह कि अपेक्षित क्षेत्र की न्यूनतम आवश्यकता है।

(ग) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, ने अपनी सिफारिश करने से पूर्व, वन भूमि के अपयोजन के कारण वन, वन्यजीव और पर्यावरण पर पड़ने वाले प्रत्यक्ष और अप्रत्यक्ष प्रभाव वाले सभी मुद्दों पर विचार किया है।

(घ) राष्ट्रीय वन नीति के अधीन संबंधित अधिदेश;

(ड.) यदि वनेत्तर प्रयोजन के लिए उपयोग किए जाने वाली प्रस्तावित वन भूमि, किसी राष्ट्रीय उद्यान, वन्यजीव अभयारण्य, बाघ रिजर्व का एक हिस्सा है या नामनिर्दिष्ट या अभिज्ञात बाघ या वन्यजीव गलियारा है या वनस्पति-जात और प्राणी-जात की किसी विलुप्तप्राय: या संकटग्रस्त प्रजाति का पर्यावास या गंभीर रूप से अपक्षरित जलग्रहण क्षेत्र में आने वाले क्षेत्र का हिस्सा है तो क्या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, द्वारा पर्याप्त औचित्य दिया गया है और समुचित उपशमन उपाय प्रस्तावित किए गए हैं; और

(च) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, जैसा भी मामला हो, प्रतिपूरक वनीकरण करने के प्रयोजन से नियम 11 के उप नियम (1) के अनुसार अपनी लागत या प्रयोक्ता एजेंसी की लागत पर उपयुक्त भूमि के अपेक्षित विस्तार और उस पर वनीकरण को करने का दायित्व लेता है।

(iii) उप खंड (ii) के अनुसार, सिफारिश करते समय समिति, शर्तों या प्रतिबंधों और ऐसे उपशमन उपायों, जो उसके विचार से प्रतिकूल पर्यावरणीय प्रभाव को कम करेंगे, को भी लागू कर सकती है।

(iv) केंद्रीय सरकार, परामर्शदात्री समिति की सिफारिश पर विचार करने के पश्चात निर्धारित शर्तों को पूरा करने के अध्यधीन, सैद्धांतिक अनुमोदन प्रदान करेगी या अस्वीकृत करेगी और इस बारे में संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता एजेंसी जैसा भी मामला हो, को संसूचित करेगी।

(च) (i) यदि इसकी परीक्षा करने के पश्चात प्रस्ताव अपूर्ण या उपलब्ध कराई गई सूचना असत्य पाई जाती है तो केन्द्रीय सरकार द्वारा राज्य सरकार/संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता एजेंसी को एक विनिर्दिष्ट अवधि के भीतर अपेक्षित सूचना प्रस्तुत करने के लिए सूचित किया जाएगा;

(ii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपखंड (i) के अधीन सूचना प्राप्त होने पर पूरी सूचना प्रस्तुत कर सकता है, जिसके पश्चात इन नियमों के अधीन 'सैद्धांतिक' अनुमोदन के लिए प्रस्ताव पर विचार किया जाएगा :

परंतु, यदि वांछित सूचना, प्रयोक्ता एजेंसी से संबंधित है तो प्रयोक्ता एजेंसी, केन्द्रीय सरकार को अपेक्षित सूचना प्रत्यक्ष रूप से प्रस्तुत करेगी जिसकी एक प्रति राज्य सरकार/संघ राज्यक्षेत्र प्रशासन को भेजी जाएगी। प्रयोक्ता एजेंसी से ऐसी सूचना की प्राप्ति पर, केन्द्रीय सरकार, यदि आवश्यक समझे, तो प्रयोक्ता एजेंसी द्वारा प्रस्तुत की गई सूचना पर 'सैद्धांतिक' अनुमोदन की मंजूरी प्रदान करने पर विचार करने के लिए यथा स्थिति संबंधित राज्य सरकार/संघ राज्यक्षेत्र प्रशासन की टिप्पणियां की मांग कर सकती है।

(6) प्रस्ताव का अंतिम अनुमोदन :-

(क) (i) नोडल अधिकारी केंद्रीय सरकार से 'सैद्धांतिक' अनुमोदन प्राप्त करने के पश्चात, संबंधित प्रभागीय वन अधिकारियों, जिला कलेक्टरों और वन संरक्षक को इसकी सूचना दे सकता है;

(ii) 'सैद्धांतिक' अनुमोदन की एक प्रति प्राप्त होने पर प्रभागीय वन अधिकारी एक मांग-पत्र तैयार करेगा जिसमें प्रतिपूरक उदग्रहण की मद-वार रकम, जैसा लागू हो, प्रयोक्ता एजेंसी द्वारा भुगतान किया जाएगा और साथ ही 'सैद्धांतिक' अनुमोदन में नियत शर्तों के अनुपालन में उनके द्वारा प्रस्तुत किए जाने वाले दस्तावेजों, प्रमाणपत्रों और वचनबद्धताओं की एक सूची के साथ प्रयोक्ता एजेंसी को सूचित करेगा;

(iii) प्रयोक्ता एजेंसी सूचना की प्राप्ति के पश्चात, प्रतिपूरक उदग्रहण का भुगतान करेगा और प्रतिपूरक वनीकरण के लिए चिन्हित भूमि को सौंप देगा, प्रतिपूरक उदग्रहण के भुगतान के संबंध में वचनबद्धता और प्रमाण-पत्र सहित दस्तावेजी साक्ष्य की प्रतियों के साथ एक अनुपालन रिपोर्ट और प्रतिपूरक वनीकरण भूमि प्रभागीय वन अधिकारी को सौंप देगा;

(iv) प्रभागीय वन अधिकारी अनुपालन रिपोर्ट प्राप्त करने और पूर्णता से संतुष्ट होने के पश्चात, अनुपालन रिपोर्ट की अंतिम अनुमोदन के लिए सिफारिश करेगा और इसे वन संरक्षक को अग्रेषित करेगा;

(v) वन संरक्षक, उपर्युक्त उप खंड (iv) में यथानिर्दिष्ट अनुपालन रिपोर्ट प्राप्त करने के पश्चात, अनुपालन रिपोर्ट पर अपनी सिफारिशें करेगा और उसे नोडल अधिकारी को अग्रेषित करेगा;

(vi) नोडल अधिकारी अनुपालन रिपोर्ट प्राप्त करने के पश्चात, इसकी पूर्णता सुनिश्चित करने और राज्य सरकार के प्रधान मुख्य वन संरक्षक या संघ राज्यक्षेत्र प्रशासन के मामले में विभाग के प्रमुख का अनुमोदन प्राप्त करने के पश्चात, ऐसी रिपोर्ट को अपनी सिफारिशों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को, यथा स्थिति, अग्रेषित करेगा।

(ख) (i) केन्द्रीय सरकार, अनुपालन रिपोर्ट प्राप्त कर लेने और इसकी पूर्णता सुनिश्चित करने के पश्चात, इस अधिनियम की धारा 2 के अधीन अंतिम अनुमोदन प्रदान करेगी और ऐसे निर्णय के बारे में राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता एजेंसी को सूचित करेगी;

(ii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, यथास्थिति, अधिनियम की धारा 2 के अधीन केन्द्रीय सरकार का अंतिम अनुमोदन प्राप्त करने के पश्चात और अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) के अधीन अधिकारों के व्यवस्थापन को सुनिश्चित करने सहित यथा लागू, अन्य सभी अधिनियमों और उसके अधीन बनाए गए नियमों के उपबंधों की पूर्ति और अनुपालन करने के पश्चात, यथास्थिति अपयोजन, पट्टा निर्धारित करने या अनारक्षण करने के आदेश जारी करेंगे।

(ग) (i) अधिनियम की धारा 2 के खंड (i) के अधीन अनारक्षण का अंतिम आदेश, जहां भी दिया गया है, के परिणामस्वरूप वन भूमि के अनारक्षण की सूचना राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा यथा स्थिति, राजपत्र में अधिसूचना के माध्यम से दी जाएगी;

(ii) अनुमोदन प्राप्त करने की पूरी प्रक्रिया इस प्रयोजन के लिए विकसित ऑनलाइन पोर्टल में की जाएगी।

(घ) (i) जहां सैद्धांतिक अनुमोदन में अधिरोपित की गई शर्त का अनुपालन राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, यथा स्थिति, से दो वर्षों से अधिक समय से प्रतीक्षित है, उनमें सैद्धांतिक अनुमोदन को अकृत और शून्य समझा जाएगा;

परंतु, केन्द्रीय सरकार लेखबद्ध किए जाने वाले कारणों के लिए, ऐसे प्रस्ताव जिनमें एक हजार हेक्टेयर से अधिक की वन भूमि अंतर्ग्रस्त है, जिनमें सैद्धांतिक रूप से अनुमोदन प्राप्त कर लिया गया है, सक्षम प्राधिकारी द्वारा चरणवार (अंतिम) निम्न शर्तों के अध्यधीन अनुमोदन प्रदान कर सकती है :

(1) लगाए गए प्रतिपूरक उदग्रहण का भुगतान और प्रतिपूरक वनीकरण करने के लिए चिन्हित और स्वीकृत भूमि की अधिसूचना अनुपालन के लिए प्रस्तुत किए गए क्षेत्र के भाग के अनुपात में; और

(2) अन्य कोई विशिष्ट शर्त जिसे अनुपालन के लिए केन्द्रीय सरकार उचित समझे के संबंध में अनुपालन के अध्यधीन हो।

(ड.) खंड (ख) के उपखंड (ii) के अंतर्गत अंतिम अनुमोदन जारी करने और खंड (ग) के उप खंड (i) के अधीन राजपत्र अधिसूचना जारी होने के पश्चात, यथास्थिति संबंधित वन भूमि को राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्रयोक्ता एजेंसी को सौंपा या समनिदेशित किया जा सकता है;

(च) संबंधित एकीकृत क्षेत्रीय कार्यालय, 'सैद्धांतिक' अनुमोदन प्रदान करते समय लागू की गई सभी शर्तों के अनुपालन की निगरानी करेगा और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता एजेंसी वर्ष में कम से कम एक बार, सैद्धांतिक अनुमोदन के दौरान अधिरोपित की गई शर्तों के अनुपालन की निगरानी करेगी और निगरानी रिपोर्ट को ऑनलाइन पोर्टल पर अपलोड करेगी।

10. कार्य योजना के लिए केन्द्रीय सरकार का पूर्व अनुमोदन प्राप्त करने हेतु प्रस्ताव - (1) (क) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का नोडल अधिकारी केन्द्रीय सरकार के पूर्व अनुमोदन के लिए ऑनलाइन पोर्टल पर राज्य परामर्शदात्री समिति की सिफारिश के साथ-साथ राष्ट्रीय कार्य योजना कोड के उपबंधों के अनुसार सम्यक रूप से तैयार किए गए वन प्रभाग की प्रारूप कार्य योजना प्रस्तुत करेगा;

(ख) प्रारूप कार्ययोजना में अन्य बातों के साथ-साथ अपयोजित वन भूमि तत्स्थानी प्रतिपूरक वनीकरण भूमियां और उस पर वनीकरण की स्थिति के विवरण सम्मिलित होंगे;

(ग) केन्द्रीय सरकार को प्रस्तुत की गई प्रारूप कार्य योजना की राष्ट्रीय कार्य योजना कोड, राष्ट्रीय वन नीति, 1988 और इसकी अनुरूपता की जांच संबंधित एकीकृत क्षेत्रीय कार्यालय द्वारा की जाएगी। एकीकृत क्षेत्रीय कार्यालय प्रारूप कार्य योजना को शर्तों के साथ-साथ या बिना किसी शर्तों के पूर्व अनुमोदन दे सकता है या प्रारूप कार्य योजना में निहित उपबंधों में संशोधन के साथ उस अवधि के लिए, जैसा कि उचित समझा जाए, अनुमोदन दे सकता है या कारण बताते हुए उसे अस्वीकार कर सकता है;

(घ) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या इसके नामनिर्दिष्ट अधिकारी कार्य योजना के सभी या विशिष्ट उपबंध और उस अवधि जिसके लिए कार्य योजना अनुमोदित की गई है, के संबंध में एकीकृत क्षेत्रीय कार्यालय द्वारा प्रदान किए गए सैद्धांतिक मंजूरी में कार्य योजना के निर्देशों का कार्यान्वयन करेंगे;

(ड.) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन अनुमोदित कार्यकारी योजना की मध्य-अवधि समीक्षा करेगा और अपनी सिफारिशों के साथ समीक्षा रिपोर्ट एकीकृत क्षेत्रीय कार्यालय को प्रस्तुत करेगा और एकीकृत क्षेत्रीय कार्यालय जांच करने के पश्चात, 'सैद्धांतिक' अनुमोदन की शर्त में संशोधन कर सकता है, या शेष अवधि के लिए पूर्व अनुमोदित कार्य योजना के उपबंधों में संशोधन करते हुए एक नया पूर्व अनुमोदन जारी करेगा या इसके कारण अभिलिखित करके मध्य-अवधि समीक्षा की सिफारिशों को अस्वीकार करेगा; और

(च) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्रस्तुत पात्र वार्षिक कार्य योजना के मामले में एकीकृत क्षेत्रीय कार्यालय द्वारा भी विचार एवं अनुमोदन किया जा सकता है।

(2) (क) खंड 2 की धारा (iv) के अधीन आने वाले सभी प्रस्तावों को चाहे उनका विस्तार कितना भी हो, संबंधित एकीकृत क्षेत्रीय कार्यालय को राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा ऑनलाइन प्रस्तुत किए जाएंगे;

(ख) उप-नियम (1) के भाग (क) के अधीन प्राप्त प्रस्तावों की जांच एकीकृत क्षेत्रीय कार्यालय द्वारा की जाएगी जो जांच के पश्चात, 'सैद्धांतिक' अनुमोदन दे सकता है या कारण अभिलिखित करके उसे अस्वीकार कर सकता है;

(ग) ऐसे प्रस्ताव जिनमें वन भूमि के संपूर्ण या कुछ भाग, जिनमें वितान सघनता 0.4 या अधिक हैं या मैदानों में बीस हेक्टेयर और पहाड़ों पर दस हेक्टेयर से अधिक आकार की अच्छी तरह से कटाई वाली वन भूमि के प्रस्ताव, जिनकी वितान सघनता कुछ भी हो, सम्मिलित हैं, क्षेत्रीय सशक्त समिति को अग्रेषित किए जाएंगे और क्षेत्रीय सशक्त समिति इन नियमों के अधीन विनिर्दिष्ट रीति में इसे देखेगी और जबकि प्रस्ताव की जांच

करते समय, एकीकृत क्षेत्रीय कार्यालय यह सुनिश्चित करेगा कि अंतिम निर्णय राष्ट्रीय वन नीति, 1988 और राष्ट्रीय कार्य योजना कोड के अनुरूप है;

स्पष्टीकरण : इन नियमों के प्रयोजन के लिए "वन भूमि से वनस्पति की समूचित कटाई" का आशय आकार में एक हेक्टेयर या उससे अधिक की वन भूमि से सभी प्राकृतिक वनस्पति को चाहे वह किसी भी रूप में हो उन्हें काटकर, उखाड़कर या जलाकर हटाना है लेकिन विनिर्दिष्ट आकार या प्रजातियों के वृक्षों को गिराने के अन्य प्रकारों को जिसमें उनका चयन द्वारा गिराना या ठूंठों को गिराना सम्मिलित है, पर "वन भूमि से वनस्पति की समूचित कटाई" के रूप में विचार नहीं किया जाएगा।

11. प्रतिपूरक वनीकरण का सृजन - (1) (क) प्रयोक्ता एजेंसी ऐसी भूमि उपलब्ध कराएगा जो न तो भारतीय वन अधिनियम 1927 (1927 का 16) या किसी अन्य विधि के अधीन वन के रूप में अधिसूचित हो, न ही वन विभाग द्वारा वन के रूप में प्रबंधित भूमि हो और वह ऐसी भूमि पर प्रतिपूरक वनीकरण (सीए) करने की लागत भी वहन करेगा और प्रतिपूरक वनीकरण भूमि की आवश्यकता इन नियमों के साथ संलग्न अनुसूची-1 के अनुसार होगी :

परंतु यदि प्रयोक्ता एजेंसी द्वारा प्रदान की गई गैर-वन भूमि या उसका कोई हिस्सा विनिर्दिष्ट सघनता के वनीकरण के लिए उपयुक्त नहीं है, तो वन विभाग के प्रबंधन नियंत्रण के अधीन ऐसी अवक्रमित अधिसूचित या अवर्गित वन भूमि पर अतिरिक्त प्रतिपूरक वनीकरण किया जाएगा जो दी गई प्रतिपूरक वनीकरण भूमि में ऐसी कमी के आकार से दोगुना हो, और प्रयोक्ता एजेंसी ऐसे लेखों पर आई अतिरिक्त लागत को भी वहन करेगी:

परंतु यह और कि यदि प्रतिपूरक वनीकरण के लिए उपलब्ध कराई जा रही गैर-वन भूमि में पहले से ही 0.4 वितान सघनता या उससे अधिक की वनस्पति पैदा हो रही है, तो ऐसी भूमि पर पेड़ लगाने की अतिरिक्त आवश्यकता नहीं होगी, लेकिन समयबद्ध रीति से वन विभाग द्वारा वन फसल के सुधार के लिए एक कार्यक्रम कार्यान्वित किया जाएगा:

परंतु यह और भी कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध नहीं है और इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्यक्षेत्र, जैसा भी मामला हो, द्वारा दिया जाता है, तो अवक्रमित वन भूमि पर प्रतिपूरक वनीकरण हेतु विचार किया जा सकता है जो मामला-दर-मामला के आधार पर केन्द्रीय सरकार की एजेंसियों या केंद्रीय सार्वजनिक उपक्रमों के मामले में अपयोजित किए जाने वाले प्रस्तावित क्षेत्र से दोगुना होगा:

परंतु यह और कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध न हो, और इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्यक्षेत्र, जैसा भी मामला हो, द्वारा दिया गया हो, तो अवक्रमित वन भूमि पर प्रतिपूरक वनीकरण पर विचार किया जा सकता है जो मामला-दर-मामला आधार पर कैप्टिव कोयला ब्लॉकों के लिए राज्य सार्वजनिक के उपक्रमों के मामले में अपयोजित किए जाने के लिए प्रस्तावित क्षेत्र से दोगुना होगा:

परंतु यह और कि यदि प्रयोक्ता एजेंसी परियोजना के निष्पादन के लिए कोई गैर-वन भूमि अधिग्रहण करता है, तो केन्द्रीय सरकार के अभिकरणों, केंद्रीय सार्वजनिक उपक्रमों और राज्य सार्वजनिक उपक्रमों मामले में उपरोक्त अपवाद लागू नहीं होंगे।

स्पष्टीकरण : इस खंड के अधीन प्रतिपूरक वनीकरण को बढ़ाने के विनिर्दिष्ट सघनता ऐसा होगा कि, प्रतिपूरक वनीकरण ऑपरेशन के शुरू होने के पांचवें वर्ष में 0.4 या उससे अधिक के न्यूनतम वितान सघनता का वन विकसित हो, और इस क्षेत्र में पर्याप्त वनस्पति सामग्री है जो इसे परिपक्व कर न्यूनतम 0.7 वितान सघनता वाली भूमि बनाने में सक्षम बनाता है;

(ख) खंड (अ) के अधीन विनिर्दिष्ट की गई भूमि को उपयुक्त आकार के कंक्रीट के खंभों द्वारा सीमांकित किया जाएगा और सभी बाधाओं से मुक्त करके, राज्य वन विभाग या संघ राज्यक्षेत्र वन विभाग को सौंप दिया जाएगा, और संबंधित वन भूमि को अधिनियम के अधीन अंतिम अनुमोदन से पहले भारतीय वन

अधिनियम, 1927 (1927 की अधिनियम संख्या 16) की धारा 29 के अधीन या तत्समय प्रवृत्त किसी अन्य विधि के अधीन, अनुमोदन किया जाने से पहले संरक्षित वन के रूप में अधिसूचित किया जाएगा;

(ग) उक्त वन अपयोजन प्रस्ताव के हिस्से के रूप में अनुमोदित प्रतिपूरक वनीकरण योजना के अनुसार राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या प्रयोक्ता एजेंसी द्वारा प्रतिपूरक वनीकरण के लिए चिन्हित और निश्चित की गई भूमि का रखरखाव और वनीकरण किया जाएगा और तत्स्थानी वन भूमि के अपयोजन का आदेश जारी होने के 1 वर्ष के भीतर प्रतिपूरक वनीकरण का कार्य प्रारंभ हो जाना चाहिए और केन्द्रीय सरकार प्रतिपूरक वनीकरण के तौर तरीकों पर मागदर्शक सिद्धांत जारी कर सकती है, जिसमें वे अभिकरण भी सम्मिलित होंगे जो प्रतिपूरक वनीकरण कर सकती हैं;

(घ) इस उप-नियम के अधीन अगर वन भूमि, जिसको अपयोजित किया जाना है, ऐसे पहाड़ी या पर्वतीय राज्य/संघ राज्यक्षेत्र में है जिसके भौगोलिक क्षेत्र में दो तिहाई से अधिक वन क्षेत्र है या वह ऐसे किसी दूसरे राज्य/संघ राज्यक्षेत्र में स्थित है जिसके भौगोलिक क्षेत्र में एक तिहाई से अधिक वन क्षेत्र हैं, तो प्रतिपूरक वनीकरण दूसरे राज्य या संघ राज्यक्षेत्र जिसका वनावरण इसके कुल भौगोलिक क्षेत्र के 20% से कम है, और दोनों राज्य सरकारों/संघ राज्यक्षेत्र प्रशासनों की सहमति के अधीन किया जा सकता है। इसी प्रकार, प्रत्यायित प्रतिपूरक वनीकरण या भूमि बैंक को दूसरे राज्य या संघ राज्यक्षेत्र में शुरू किया जा सकता है;

परंतु, ऐसे मामलों में प्रतिपूरक वनीकरण के लिए धनराशि उस राज्य/संघ राज्यक्षेत्र के राज्य प्रतिपूरक वनीकरण निधि में स्थानांतरित की जाएगी जिसमें प्रतिपूरक वनीकरण हेतु भूमि की पहचान की गई है, और प्रतिपूरक उदग्रहण की गई धनराशि उस राज्य सरकार या संघ राज्यक्षेत्र के प्रतिपूरक वनीकरण निधि प्रबंधन और योजना प्राधिकरण में जमा की जाएंगी जिनमें वन भूमि को अपयोजित करने का प्रस्ताव रखा गया है।

(2) (क) कोई राज्य सरकार या संघ राज्यक्षेत्र प्रशासन यथास्थिति, प्रतिपूरक वनीकरण के प्रयोजन से वन विभाग के प्रशासनिक नियंत्रण के अधीन एक भूमि बैंक बना सकता है;

(ख) भूमि बैंक का न्यूनतम आकार 25 हेक्टेयर का निरंतर ब्लॉक होगा।

परंतु, भारतीय वन अधिनियम, 1927 (1927 का 16) या तत्समय प्रवृत्त किसी अन्य विधि के अधीन वन के रूप में घोषित या अधिसूचित भूमि में निरंतर भूमि बैंक होने के मामले में, संरक्षित क्षेत्र, टाइगर रिजर्व या विनिर्दिष्ट बाघ कॉरिडोर के भीतर या विनिर्दिष्ट/चिन्हित वन्यजीव कॉरिडोर के भीतर जमीन के आकार पर कोई प्रतिबंध नहीं होगा।

(ग) उप नियम (3) के अधीन अर्जित प्रत्यायित प्रतिपूरक वनीकरण के अधीन आने वाली भूमि को भूमि बैंक में सम्मिलित किया जा सकता है।

(3) (क) केन्द्र सरकार, खंड 2 के अधीन पूर्व अनुमोदन प्राप्त करने के लिए उपयोग किए जाने वाले एक प्रत्यायित प्रतिपूरक वनीकरण (एसीए) तंत्र का निर्माण कर सकती है;

(ख) किसी व्यक्ति द्वारा प्रत्यायित प्रतिपूरक वनीकरण अर्जित किया जा सकता है यदि उसने ऐसी भूमि पर वनीकरण किया हो जिस पर अधिनियम लागू नहीं हो और वह भूमि सभी ऋणभार से मुक्त हो;

(ग) कोई वनीकरण प्रत्यायित प्रतिपूरक वनीकरण में गिना जाएगा यदि ऐसी भूमि में मुख्य रूप से 0.4 या उससे अधिक के वितान सघनता वाले पेड़ों से बना वनस्पति क्षेत्र हैं और पेड़ कम से कम पांच वर्ष पुराने हैं;

(घ) एक प्रत्यायित प्रतिपूरक वनीकरण 0.4 या अधिक वितान सघनता के साथ एक हेक्टेयर क्षेत्र के वनीकरण को विकसित करके अर्जित किया जाएगा। 0.4 वितान सघनता से कम या एक हेक्टेयर भूमि से कम के क्षेत्र के विकास के लिए कोई प्रत्यायित प्रतिपूरक वनीकरण नहीं होगा;

(ड.) उप-नियम (1) के अधीन वनेत्तर भूमि पर प्रतिपूरक वनीकरण प्रत्यायित प्रतिपूरक वनीकरण की अदला-बदली की जा सकती है,

परंतु प्रत्यायित प्रतिपूरक वनीकरण न्यूनतम दस हेक्टेयर के ब्लॉक को कवर करे और उस क्षेत्र में प्रतिपूरक वनीकरण के लिए विनिर्दिष्ट मानदंडों के अनुसार बाड़ लगाई गई हो।

परंतु यह और कि इसके अतिरिक्त किसी विधि के अंतर्गत अधिसूचित, संरक्षित क्षेत्र, बाघ रिजर्व या नामनिर्दिष्ट या अभिज्ञात बाघ या वन्यजीव कॉरिडोर के अधीन वन के रूप में घोषित या अधिसूचित भूमि में स्थित किसी भी आकार के प्रत्यायित प्रतिपूरक वनीकरण को प्रतिपूरक वनीकरण के लिए बदला जा सकता है।

(च) राष्ट्रीय उद्यान वन्यजीव अभयारण्य या बाघ रिजर्व और नामनिर्दिष्ट या अभिज्ञात बाघ या वन्यजीव कॉरिडोर से किसी गांव को स्वैच्छिक रूप से पुन:स्थापन करने के कारण गैर-वन भूमि खाली करने से अर्जित प्रतिपूरक वनीकरण इन नियमों से उपाबद्ध अनुसूची-1 के अनुसार प्रतिपूरक वनीकरण के लिए अर्हता प्राप्त करेगा। प्रयोक्ता एजेंसी उप-नियम (1) के अधीन प्रतिपूरक वनीकरण के बदले इस उपबंध का इस्तेमाल भी कर सकती है;

(छ) इस नियम के अधीन चिन्हित किए गए प्रत्यायित प्रतिपूरक वनीकरण का सीमांकन उपयुक्त आकार के ठोस स्तंभों द्वारा किया जाएगा और उस भूमि को सभी ऋणभारों से मुक्त करते हुए, राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के वन विभाग को सौंप दिया जाएगा और इसे इस अधिनियम के अधीन अंतिम अनुमोदन देने से पहले भारतीय वन अधिनियम, 1927 या तत्समय प्रवृत्त किसी अन्य विधि के अधीन संरक्षित वन के रूप में अधिसूचित किया जाएगा।

(ज) केन्द्रीय सरकार प्रत्यायित प्रतिपूरक वनीकरण के निर्माण और प्रतिपूरक वनीकरण भूमि के लिए इसकी अदला-बदली के प्रयोजन से उसके स्टॉक रजिस्ट्री प्रबंधन और केन्द्रीय सरकार द्वारा विनिर्दिष्ट अवधि तक उसके रखरखाव की लागत के बारे में एक विस्तृत मार्गदर्शक सिद्धांत जारी कर सकती है।

12. सामान्य निर्देश

(1) वन भूमियों पर वृक्षों की कटाई जिसे इन नियमों के अधीन गैर-वन प्रयोजन के उपयोग के लिए अनुमोदित किया गया है वहां वृक्षों की कटाई को न्यूनतम और अपरिहार्य संख्या तक सीमित रखा जाएगा तथा यह कार्य स्थानीय वन विभाग के पर्यवेक्षण के अधीन किया जाएगा। उससे प्राप्त वनोपज को राज्य सरकार/संघ राज्यक्षेत्र प्रशासन द्वारा विनिर्दिष्ट रीति से निपटान के लिए स्थानीय वन विभाग को सौंप दिया जाएगा। जो स्थानीय ग्रामवासियों को उनकी घरेलू वास्तविक आवश्यकताओं को पूरा करने के लिए वितरण करने को प्राथमिकता देगा।

(2) इन नियमों के अधीन प्रयोक्ता एजेंसी की कीमत पर उपयुक्त स्थायी सीमा चिन्हों के माध्यम से जमीन पर सीमांकित जो वन-भूमि गैर-वन प्रयोजन उपयोग के लिए अपयोजित की गई है उसका प्रयोक्ता एजेंसी तथा वन विभाग या भूमि स्वामित्व विभाग द्वारा संयुक्त रूप से उपयुक्त सर्वेक्षण किया जाएगा तथा किसी गैर-वन प्रयोजन के प्रारंभ से पूर्व उसे वन-विभाग/भू-स्वामित्व विभाग द्वारा प्रयोक्ता एजेंसी को सौंप दिया जाएगा।

(3) इन नियमों के अधीन वन-आवरण के प्रयोजन से भारत वन सर्वेक्षण द्वारा प्रकाशित नवीनतम भारतीय वन स्थिति रिपोर्ट में प्रयुक्त आंकड़ों और विवरण को संदर्भित किया जाएगा।

(4) केन्द्रीय सरकार राज्य सरकार संघ राज्य क्षेत्र प्रशासन के अनुरोध के साथ या इसके बिना किसी प्रस्ताव के संबंध में दिए गए अनुमोदन को रद्द कर सकती है और मामला दर मामला आधार पर, जमा किए गए प्रतिपूरक उदग्रहण को वापस करने का निर्णय ले सकती है।

(5) वन भूमि के गैर वानिकी उपयोग के अपवर्तन में केन्द्रीय सरकार द्वारा अधिरोपित की गई शर्तों को अंतिम अनुमोदन की तारीख से दो वर्ष की अवधि के पश्चात तब तक परिवर्तित या संशोधित नहीं किया जाएगा जब तक कुछ आपवादिक परिस्थितियां उत्पन्न न हो या केन्द्रीय सरकार अनुपालन के किसी अतिरिक्त खंड को अधिरोपित करना आवश्यक न समझे।

अनुसूची- 1

[नियम 11 (1) और नियम 11 (3) देखें]

प्रतिपूरक वनीकरण से संबंधित भूमि आवश्यकता के लिए उपबंध

क्र.सं.	**प्रतिपूरक वनीकरण (सीए) भूमि का विवरण**	**गैर-वानिकी उपयोग के लिए अपयोजित की गई वन भूमि की तुलना में प्रतिपूरक वनीकरण भूमि का आकार**
(1)	**(2)**	**(3)**
1.	भूमि जिस पर इस अधिनियम के उपबंध लागू नहीं है	समतुल्य
2.	भूमि जो सरकारी रिकार्ड में 'वन' के रूप में अभिलिखित है परंतु निम्नलिखित सभी शर्तें पूर्ण नहीं करती हैं : (क) तत्समय प्रवृत्त किसी विधि के अधीन वन अधिसूचित होना। (ख) वन विभाग द्वारा वन के रूप में प्रबंधित करना। *(केंद्रीय सरकार तथा राज्य सरकार/संघ राज्यक्षेत्र प्रशासन के प्रस्तावों पर ही यह विधान अनुमत है)*।	दो गुणा
3.	अवक्रमित अधिसूचित या अवर्गीकृत वनभूमि। (यह वितरण मामला-दर-मामला आधार पर कैप्टिव कोयला ब्लॉक्स के लिए राज्य के सार्वजनिक के उपक्रम और मामला-दर-मामला आधार पर केन्द्रीय सरकार के अभिकरणों/केन्द्रीय सार्वजनिक उपक्रम के मामले में है)	दो गुणा
4.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि, एक ब्लॉक में पच्चीस हेक्टेयर या उससे ज्यादा के आकार की भूमि । दस हेक्टेयर से कम की प्रतिपूरक वनीकरण भूमि को तब तक स्वीकार नहीं किया जाएगा जब तक दस हेक्टेयर से कम की प्रतिपूरक वनीकरण भूमि की आवश्यकता न हो; ऐसे मामलों में प्रयोक्ता एजेंसी को वृक्षारोपण की तारीख से बीस वर्षों की अवधि के लिए इस प्रकार उठाए गए प्रतिपूरक वनीकरण के संरक्षण की अतिरिक्त लागत वहन करनी होगी।	अधिकतम पच्चीस प्रतिशत की छूट के अधीन दस हेक्टेयर के प्रत्येक अतिरिक्त ब्लॉक या उसके भाग के लिए पांच प्रतिशत कम।
5.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि, एक ब्लॉक में जो भूमि 25 हेक्टेयर आकार से कम है परंतु 10 हेक्टेयर से अधिक है। यदि प्रतिपूरक वनीकरण भूमि की आवश्यकता पच्चीस हेक्टेयर से कम है लेकिन आकार में दस हेक्टेयर से अधिक है, तो प्रतिपूरक वनीकरण के लिए अतिरिक्त भूमि के उपबंध लागू नहीं होंगे लेकिन प्रयोक्ता एजेंसी को वृक्षारोपण की तारीख से बीस वर्षों की अवधि के लिए इस प्रकार उठाए गए प्रतिपूरक वनीकरण के संरक्षण की अतिरिक्त लागत वहन करनी होगी।	प्रत्येक पांच हेक्टेयर लघु ब्लॉक आकार या उसके भाग के लिए पांच प्रतिशत अधिक
6.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा संरक्षित क्षेत्र की अधिसूचित सीमा के अधीन अवस्थित है।	पच्चीस प्रतिशत कम
7.	उपरोक्त क्रमांक (1) या (2) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा एक राष्ट्रीय उद्यान या वन्यजीव अभयारण्य या एक संरक्षित क्षेत्र या बाघ रिवर्ज के साथ अन्य	पन्द्रह प्रतिशत कम

	संरक्षित क्षेत्र और नामनिर्दिष्ट या अभिज्ञात बाघ या वन्यजीव गलियारों को जोड़ने वाला क्षेत्र, की अधिसूचित सीमा की निरंतरता में स्थित है।	
8.	उपरोक्त क्रमांक (1) या (2) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा भारतीय वन अधिनियम, 1927 (1927 का 16) या अन्य विधि के अधीन वन के रूप में अधिसूचित वन भूमि के निकटवर्ती स्थित है। किसी भी आकार की प्रत्यायित प्रतिपूरक वनीकरण भूमि को स्वीकार किया जा सकता है यदि वह किसी विधि के अधीन अधिसूचित वन भूमि के पास हो।	दस प्रतिशत कम
9.	प्रतिपूरक वनीकरण भूमि वन्यजीव अभ्यारण्य, राष्ट्रीय उद्यान या बाघ रिजर्व से गांव (गैर-वन भूमि में स्थित), के संपूर्ण तथा स्वैच्छिक पुन:स्थापन/आवास से ऐसे अभयारण्य उद्यान या रिजर्व, या एक संरक्षित क्षेत्र या बाघ रिजर्व के साथ अन्य संरक्षित क्षेत्र और नामनिर्दिष्ट/चिन्हित वन्यजीव गलियारों को जोड़ने वाला क्षेत्र, यथास्थिति, के बाहर गैर वनभूमि पर उपलब्ध कराई गई।	(क) राष्ट्रीय उद्यान/ वन्यजीव अभयारण्य/ बाघ रिजर्व में गांव या आवास स्थल को खाली कराने के माध्यम से प्रतिपूरक वनीकरण भूमि के बराबर वन भूमि के शुद्ध वर्तमान मूल्य के भुगतान से छूट। टिप्पण: "शुद्ध वर्तमान मूल्य" का प्रतिपूरक वनीकरण निधि अधिनियम, 2016 (2016 का 38) के धारा 2 की खंड (ञ) में निर्धारित अर्थ वही होगा। (ख) स्वैच्छिक पुन:स्थापन के माध्यम से एक गांव द्वारा खाली किए गए स्थान पर (गैर-वन भूमि: अर्जित प्रत्यायित प्रतिपूरक वनीकरण) 1:1.25 के अनुपात में प्रत्यायित प्रतिपूरक वनीकरण (परंतु इसे वन्यजीव अभयारण्य, राष्ट्रीय उद्यान या बाघ रिजर्व, के भाग के रूप में तथा संरक्षित क्षेत्र या आरक्षित क्षेत्र के रूप में भी अधिसूचित किया जाए) (ग) अतिरिक्त प्रत्यायित प्रतिपूरक वनीकरण 0.5 हेक्टेयर प्रति पुनर्स्थापित परिवार के मूल्य पर।

टिप्पणी 1 : प्रयोक्ता एजेंसी या प्रत्यायित प्रतिपूरक वनीकरण विकासकर्ता यह सुनिश्चित करेगा कि पुन:स्थापन स्वैच्छिक है।

टिप्पणी 2 : केन्द्रीय सरकार या राज्य सरकार की सुसंगत योजनाओं के अधीन भी कोई क्षतिपूर्ति पुन:स्थापनकर्ता या प्रयोक्ता एजेंसी या प्रत्यायित प्रतिपूरक वनीकरण विकासकर्ता को देय नहीं होगा।

टिप्पणी 3 : राज्य सरकार भी इस उपबंध का उपयोग कर सकती है, यदि ऐसी योजना पर कोई केंद्रीय सहायता प्राप्त नहीं की जाती है।

अनुसूची-2

[नियम 8 (2) तथा नियम 9 (4) देखें]

परियोजना जांच समिति द्वारा गैर-वानिकी प्रयोजन के लिए वन भूमि के उपयोग हेतु प्रस्तावों की जांच की समयावधि

क्र.सं.	**गैर-वानिकी उपयोग के लिए अनारक्षण/अपयोजन हेतु प्रस्तावित वन भूमि का आकर (हेक्टेयर में)**	**गैर-वानिकी उपयोग की प्रकृत्ति**	**समयावधि (कार्य दिवस)**
(1)	**(2)**	**(3)**	**(4)**
1.	5 से अधिक और 40 तक	सभी उपयोग (खनन के अतिरिक्त)	60
2.	5 से अधिक और 40 तक	खनन	75
3.	40 से अधिक और 100 तक	सभी उपयोग (खनन के अतिरिक्त)	75
4.	40 से अधिक और 100 तक	खनन	90
5.	100 से अधिक	सभी उपयोग (खनन के अतिरिक्त)	120
6.	100 से अधिक	खनन	150

टिप्पणी 1: परियोजना जांच समिति [(नियम 9(4) (ड.) देखें] द्वारा स्वीकार किए गए प्रस्ताव के अंतिम जमा करने की तारीख से गणना की गई समयावधि (कार्य दिवस)।

टिप्पणी 2: परियोजना जांच समिति या विभागीय वन अधिकारी किसी अनुमोदित विशेष योजना जैसे वन्यजीव प्रबंधन योजना, जलागम क्षेत्र शोधन योजना प्रवाह/नदी संरक्षण योजना इत्यादि के पश्चात ही प्रस्ताव की जांच करेंगे, यदि नियम 9 के उप-नियम (4) के खंड (ज) के अधीन प्रस्ताव की जांच के समय विनिर्दिष्ट संबंधित प्राधिकारियों को प्रस्तुत किया गया हो।

टिप्पणी 3: नियम 9 के उपनियम (4) के खंड (ञ) में निहित, खनन और खनन के अलावा सभी प्रस्तावों को, जिनमें 5.0 हेक्टेयर तक वन क्षेत्र सम्मिलित हो, क्रमश: अधिकतम 45 और 30 कार्य दिवस के भीतर संसाधित किया जाएगा ।

[फा. सं. एफसी-11/118/2021-एफसी]

रमेश कुमार पाण्डेय, वन महानिरीक्षक

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th June, 2022

G.S.R. 480(E).—In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2003, 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, 2022.

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

2. Definitions. - (1) In these rules, unless the context otherwise requires, -

(a) "Accredited Compensatory Afforestation" means a system of proactive afforestation to be used for obtaining prior approval under section 2 of the Act.

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

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

(d) "Chairperson" means the Chairperson of the Advisory Committee;

(e) "Compensatory Afforestation" means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Act;

(f) "Compensatory Levies" includes all money and funds specified in clauses (iii) and (iv) of sub-section (3) of section 4 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016);

(g) "Conservator of Forests" means Conservator of Forests, Chief Conservator of Forests, the Regional Chief Conservator of Forests or an officer equivalent to Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a forest circle having jurisdiction over the forest land for which the prior approval of the Central Government is required;

(h) "dereservation" means an order issued by the State Government or Union territory Administration or any authority thereof, for change in the legal status of a land statutorily or otherwise recognised as forest to any other category of land;

(i) "diversion" means an order issued by the State Government or Union territory Administration or any authority thereof for the use of any forest land for non-forest purpose or assignment of a lease of any forest land for non-forest purpose;

(j) "District Collector" means an officer appointed by the State Government or the Union territory Administration, as the case may be, and includes District Collector, Deputy Commissioner, to hold the charge of the Administration of the revenue district having jurisdiction over the forest land for which the prior approval of the Central Government under the Act is required;

(k) "Divisional Forest Officer" means Divisional Forest Officer, Deputy Conservator of Forests or an officer equivalent to the Divisional Forest Officer or Deputy Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a Forest Division having jurisdiction over the forest land for which the prior approval of the Central Government under the Act is required;

(l) "Integrated Regional Office" means an Integrated Regional Office established by, and controlled under the Central Government for the purpose of these rules;

(m) "Land bank" means the lands identified or earmarked, as the case may be, by the State Government and Union territory Administration for raising Compensatory Afforestation in lieu of forest land proposed for diversion or diverted under the Act;

(n) "Linear project" means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, etc.;

(o) "Member" means a Member of the Advisory Committee and includes the Chairperson;

(p) "member" means a member of the Regional Empowered Committee or Project Screening Committee and includes the chairperson of the Regional Empowered Committee or Project Screening Committee, as the case may be;

(q) "National Working Plan Code" means a code prepared by the Central Government for the preparation of Working Plans;

(r) "Nodal Officer" means any officer not below the rank of Additional Principal Chief Conservator of Forests, authorised by the State Government or Union territory Administration, as the case may be, or the senior most officer in the Forest Department of the concerned Union territory, if there is no post of Additional Principal Chief Conservator of Forests or above in the Department, for the purpose of implementation of Act and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;

(s) "Project Screening Committee" means the Project Screening Committee constituted under rule 8 to screen project proposals for use of forest land for the non-forest purpose for making recommendations to the State Government or Union territory Administration, as the case may be;

(t) "Regional Empowered Committee" means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;

(u) "Regional Officer" means head of the Integrated Regional Office appointed by the Central Government;

(v) "section" means a section of the Act;

(w) "Survey" means any activity to be taken up prior to initiating commissioning of a project or any activity undertaken for the purpose of exploring, locating or proving mineral deposits including coal, petroleum and natural gas before carrying out actual mining in the forest land, that includes survey, investigation, prospecting, exploration, including drilling therefor, etc.;

(x) "user agency" means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration making a request for dereservation, diversion or assignment of lease of forest land under the provisions of the Act or the rules made thereunder;

(y) "Working Plan" means the document prepared as per the provisions of the National Working Plan Code published by the Central Government from time to time and having prescriptions for scientific management of the forests of a particular Forest Division for a specified period;

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

3. Constitution of Advisory Committee. - (1) The Central Government may, by an Order, constitute an Advisory Committee to advise with regards to (i) grant of approval under section 2 in respect of proposals referred under sub-clause (b) of clause 5 of rule 9; and (ii) any matter connected with the conservation of forests referred to the Advisory Committee by the Central Government.

(2) The Advisory Committee shall consist of the following persons, namely: -

(1)	(2)	(3)
1.	Director General of Forests, Ministry of Environment, Forest and Climate Change	Chairperson;
2.	Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change	Member;
3.	Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change	Member;
4.	Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare	Member;
5.	Three experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics	Non-official Members;
6.	Inspector General of Forests dealing with Forest Conservation	Member-Secretary.

(3) The Chairperson may co-opt the domain experts as special invitees to a meeting of the Advisory Committee.

(4) The Chairperson shall preside over the meeting of the Advisory Committee and in his absence, the Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change shall preside over the meeting.

4. Terms and conditions of non-official Members of the Advisory Committee. – The terms and conditions of the non-official Members of the Advisory Committee shall be as follows, namely:-

(a) a non-official Member shall hold his office for a period of two years from the date of his nomination;

(b) a non-official Member shall cease to hold office if he becomes of unsound mind, or insolvent or is convicted for an offence which involves moral turpitude;

(c) a non-official Member may be removed from his office if he fails to attend three consecutive meetings of the Advisory Committee without any sufficient cause or reason;

(d) any vacancy caused by any reason mentioned in clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years; and

(e) the non-official Members of the Advisory Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post carrying the same scale of pay:

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, as the case may be.

5. Conduct of business of the Advisory Committee.- The Advisory Committee shall conduct its business as follows, namely:-

(a) the Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once a month;

(b) the meeting of the Committee shall ordinarily be held at New Delhi provided that in a case where the Chairperson is satisfied that inspection of site of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal referred to the Committee, he may direct that the meeting of the Committee to be held at a place other than New Delhi from where such inspection of site is required;

(c) 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, the Chairperson may direct those documents may be circulated and sent to the members for their opinion within the stipulated time;

(d) the quorum of the meeting of the Committee shall be five including the Chairperson; and

(e) the user agency may be allowed to remain present in the meeting of the Advisory Committee for such duration as may be necessary to furnish such information or clarify any issue which may pertain to it.

6. Constitution of Regional Empowered Committee. - (1) The Central Government may, by an Order, constitute a Regional Empowered Committee at each of the Integrated Regional Offices to examine proposals referred to under sub-clause (a) of clause 5 of rule 9 and grant approval or rejection of proposals under section 2.

(2) The Regional Empowered Committee at each of the Integrated Regional Offices shall consist of the following persons, namely: -

(1)	(2)	(3)
1.	Regional Officer	chairperson;
2.	Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines	non-official members;
3.	The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the Integrated Regional Office	member - secretary.

(3) The chairperson of the Regional Empowered Committee may co-opt the domain experts as special invitees to the meeting.

(4) One representative each from the Forest Department and Revenue Department not below the rank of Director to the Government of India, shall be invited by the Regional Empowered Committee to attend the meeting as a special invitee, in the examination of the proposals.

(5) Terms and conditions of non-official members of the Regional Empowered Committee shall be as follows: -

(a) a non-official member shall hold his office for a period of two years from the date of his nomination;

(d) a non-official member shall cease to hold office if he becomes of unsound mind, insolvent, or is convicted for an offence involving moral turpitude;

(c) 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 reason;

(d) any vacancy in the Regional Empowered Committee caused by any reason mentioned in sub-clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years; and

(e) the non-official members of the Regional Empowered Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post carrying the same scale of pay:

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, as the case may be.

7. Conduct of Business of Regional Empowered Committee. - The Advisory Committee shall conduct its business as follows, namely:-

(a) the chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than twice a month;

(b) the meetings of the Regional Empowered Committee shall be held at the headquarters of the Integrated Regional Office:

Provided that where the chairperson of the Regional Empowered Committee is satisfied that inspection of site of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal referred, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Integrated Regional Office for such inspection of site;

(c) the chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee and in his absence, the senior-most member not below the rank of the Conservator of Forests shall act as the chairperson;

(d) 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 case, the chairperson of the Regional Empowered Committee may direct that documents may be circulated and sent to the members of the Regional Empowered Committee for their opinion within the stipulated time;

(e) the quorum of the meeting of the Regional Empowered Committee shall be three; and

(f) the user agency may be allowed to remain present for such duration during a meeting as may be necessary to furnish such information or clarify any issue which may pertain to it.

8. Constitution of Project Screening Committee. - (1) The State Government and Union territory Administration may, by an Order, constitute a Project Screening Committee to examine the completeness of the proposal submitted under clauses (i), (ii) or (iii) of section 2 of the Act.

(2) The Project Screening Committee shall consist of the following persons, namely:-

(1)	(2)	(3)
1.	Nodal Officer	chairperson;
2.	Concerned Chief Conservator of Forests/ Conservator of Forests	member;
3.	Concerned Divisional Forest Officer	member;
4.	Concerned District Collector or his representative (Not below the rank of Deputy Collector)	member;
5.	Divisional Forest Officer in the office of Nodal Officer	member -secretary.

(3) The Project Screening Committee shall meet at least twice every month and the quorum of the meeting of the Project Screening Committee shall be three.

(4) The Project Screening Committee shall, after examination of the proposals, make recommendation to the State Government or Union territory Administration, as the case may be.

9. Proposals for Prior Approval of the Central Government.- (1) The approval shall be accorded by the Central Government in two stages, namely (i) 'In- Principle' approval; and (ii) 'Final' approval.

(2) The user agency shall make an application to the State Government or Union territory Administration for approval of the Central Government under section 2 of the Act for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease, in the specified online Forms, to be notified by the Central Government.

(3) The copy of the proposal shall be simultaneously forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests, Chief Conservator of Forests and the Nodal Officer of the State Government or Union territory Administration each of whom shall independently and separately undertake preliminary examination of the completeness of documentation of the proposal for the purpose of examination by the Project Screening Committee.

(4) (a) the Project Screening Committee shall examine the proposal received from the State Government or Union territory Administration, except proposals involving forest land of five hectares or less, without going into the merit of the proposal, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category for the purpose of screening and ascertaining, and the Project Screening Committee may call the user agency for clarification or additional documents, if any, during the meeting and the minutes of the meeting shall be uploaded online;

(b) the Project Screening Committee shall examine the proposal for its completeness and correctness and ensure that deficiencies in the proposal, if any, are identified and the member-secretary shall inform in this regard to the user agency;

(c the user agency shall re-submit the proposal, if returned under clause (b), and the same shall be re-examined by the Project Screening Committee; an incomplete proposal so re-submitted under this sub-clause shall stand deregistered;

(d) a Proposal Identity Number shall be generated for a proposal which is found complete in all respects by the Project Screening Committee and the Identity Number shall be used for all future references;

(e) the complete proposal with the proposal Identity Number shall be forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification;

(f) where the forest land or part thereof included in the proposal is not under the management control of the Forest Department, the District Collector shall get the land schedule and map of the forest land included in the proposal authenticated in the online form through joint verification by officers of Revenue Department and Forest Department;

(g) in addition to, every proposal verified in the field by the concerned Divisional Forest Officer, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the concerned Conservator of Forests and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer if the proposal;

(h) the proposal, except proposals involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule II, annexed to these rules, from submission of the completed proposal under clause (c) or clause (e), as the case may be, and the Project Screening Committee shall examine the feasibility of the proposal for the purpose of recommending it to the State Government or Union territory Administration along with mitigation measures to be adopted by the user agency:

Provided that the Project Screening Committee may seek from the user agency any clarification, additional detail or modification of the proposal in terms of change in forest land proposed for diversion on account of reasons such as minimising the requirement of forest land or minimising adverse impact on forest and wildlife, change in Compensatory Afforestation land proposed or change in measures proposed to be adopted by the user agency to mitigate the adverse impact of the project, and for this purpose it may ask the user agency to make a presentation:

Provided further that the proposal shall be considered after submission of the clarification or additional detail provided by the user agency online, and in case the proposal has been modified in terms of the first proviso, within the time period specified in this clause after repeating the steps in clauses (b) to (f) as applicable and in case new forest land has been proposed for diversion in the modified proposal, the steps in clause (g) shall also be repeated.

(i) Where the user agency fails to submit correct information, additional detail or a modified proposal within the period as specified, the proposal shall stand rejected*:*

Provided that if the user agency satisfies the Project Screening Committee that the reason for the delay was beyond its control, the Project Screening Committee may reconsider the proposal, after the reasons to be recorded in writing and recommend it to the State Government or Union territory Administration, as the case may be;

(j) proposal involving forest land of less than five hectares, shall after examination at the level of Divisional Forest Officer be forwarded by him directly to the Nodal Officer and the Nodal Officer shall forward such proposals to the State Government or Union territory Administration along with his recommendations and a copy of the same shall also be forwarded to the Integrated Regional Office;

(k) proposal involving forest land of five hectares or more, shall be forwarded by the Nodal Officer, with the approval of the Principal Chief Conservator of Forests, to the State Government or Union territory Administration, along with the Project Screening Committee's recommendation and a copy of the same shall be forwarded to the Integrated Regional Office;

(l) where the State Government or Union territory Administration, as the case may be, decides not to dereserve, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal, the same shall be intimated to the user agency by the Nodal Officer; and

(m) where the State Government or Union territory Administration agrees 'In-Principle' to dereserve the forest land, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal shall forward its recommendation to the Central Government.

(5) 'In-Principle' approval of the proposal: -

(a) Except the proposals related to: (i) dereservation (ii) mining involving forest land of more than 5 hectares (iii) regularisation of encroachment and (iv) violation of the provisions of the Act, all other proposals related to: (i) linear projects, (ii) forest land up to forty hectares and (iii) use of forest land having canopy density up to 0.7 irrespective of their extent for the purpose of survey, shall be examined in the Integrated Regional Office and disposed off in the manner specified in clause (c);

Provided that, no approval is required for assignment of Petroleum Exploration licence or Petroleum Mining Lease where neither physical possession nor breaking of forest land is involved, however, for all activities such as the establishment of exploration or developmental wells and connected activities on the forest land, approval under clause (ii) of section 2 of the Act shall be obtained for the actual impact area as per the procedure specified under these rules, subject to provisions of guidelines issued by the Central Government.

(b) all proposals other than those referred to in sub-clause (a) above shall be examined and shall be disposed of in the manner specified under these rules;

(c) proposals received under sub-clause (a) shall be examined by the Integrated Regional Office in the following manner:-

(i) all proposals involving forest land up to five hectares, shall be examined by the Integrated Regional Office for its completeness and after enquiry as deemed necessary and giving due regard to the aspects listed under sub-clause (ii) of clause (e), 'In-Principle' may be granted by the Integrated Regional Office or may be rejected after the reasons to be recorded in writing;

(ii) all linear proposals involving forest land of more than five hectares, all proposals for use of forest land having canopy density upto 0.7 for the purpose of 'survey' irrespective of their extent and all other proposals involving the use of more than five hectares and up to forty hectares forest land, shall be referred, after examination of its completeness, by the Integrated Regional Office to the Regional Empowered Committee constituted under rule 6;

(iii) the Regional Empowered Committee shall examine all proposals referred to it under sub-clause (a) above and after further enquiry as deemed necessary and giving due regard to the aspects listed under sub-clause (ii) of clause (e), may grant 'In-Principle' or reject the same by recording reasons;

(d) site inspection report shall be prepared for proposals specified in sub-clause (b) by the Integrated Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee;

(e) proposals received by the Central Government shall be examined in the following manner:-

(i) all proposals received under clause (b) along with the site inspection report as required under clause (d), shall be referred, after examination of its completeness, to the Committee;

(ii) the Advisory Committee shall examine, all proposals referred to it in clause (b), giving due regards, but not limited to, the following, and after further enquiry, as deemed necessary, shall make recommendation to the Central Government for consideration for approval:-

(A) the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason;

(B) the State Government or the Union territory Administration, as the case may be, has certified that it has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;

(C) the State Government or the Union territory Administration, as the case may be, before making his recommendation, has considered all issues having direct and indirect impacts on the diversion of forest land on the forest, wildlife and the environment;

(D) concerned mandates under the National Forest Policy;

(E) whether adequate justification has been given and appropriate mitigation measures have been proposed by the State Government or the Union territory Administration, as the case may be, if the forest land proposed to be used for non-forest purposes forms part of a national park, wildlife sanctuary, tiger reserve, designated or identified tiger or wildlife corridor, or habitat of any endangered or threatened species of flora and fauna or of an area lying in the severely eroded catchment; and

(F) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land as per sub-rule (1) of rule 11 and afforestation thereof, for the purpose of carrying out Compensatory Afforestation;

(iii) while making recommendations as per sub-clause (ii), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact;

(iv) the Central Government shall, after considering the recommendation of the Advisory Committee, grant 'In-Principle' approval subject to fulfilment of stipulated conditions or reject and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, and to the user agency;

(f) (i) in case the proposal is found incomplete or information provided is found to be incorrect after its examination, the Central Government shall inform the State Government or Union territory Administration and user agency for furnishing the required information within a specified period;

(ii) the State Government or Union territory Administration on receipt of communication under sub-clause (i), may furnish the complete information, after which the proposal shall be considered for 'In-Principle' approval under these rules:

Provided, if the information sought pertains to the user agency, the user agency may directly furnish the requisite information to the Central Government with a copy to the State Government or Union territory Administration, and upon receipt of such information from the user agency, the Central Government, if it considers necessary, may seek comments of the concerned State Government or Union territory Administration, as the case may be, on the information furnished by the user agency or consider granting 'In-Principle' approval.

(6) 'Final' approval of the proposal:-

(a) (i) the Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the concerned Divisional Forest Officers, District Collectors and Conservator of Forests;

(ii) on receipt of a copy of the 'In-Principle' approval, the Divisional Forest Officer shall prepare a demand note containing the item-wise amount of Compensatory Levies , as applicable, to be paid by the user agency and communicate the same to the user agency, along with a list of documents, certificates and undertakings required to be submitted by them in compliance with the conditions stipulated in 'In-Principle' approval;

(iii) the user agency shall, after receipt of the communication, make payment of Compensatory Levies and hand over the land identified for Compensatory Afforestation, a compliance report along with copies of documentary evidence including undertaking and certificate in respect of the payment of Compensatory Levies and handing over of Compensatory Afforestation land to the Divisional Forest Officer;

(iv) the Divisional Forest Officer, after having received the compliance report and satisfied with the completeness, shall recommend the compliance report for final approval and forward it to the Conservator of Forests;

(v) the Conservator of Forests, after having received the compliance report as referred to in sub-clause (iv) above, shall make his recommendations on the compliance report and forward the same to the Nodal Officer;

(vi) the Nodal Officer, after having received the compliance report, ensuring its completeness and obtaining approval of the Principal Chief Conservator of Forests of the State Government or head of the Department in case of Union territory Administration, shall forward such report with his recommendations to the State Government or Union territory Administration, as the case may be.

(b) (i) the Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under section 2 of the Act and communicate such decision to the State Government or Union territory Administration and the user agency;

(ii) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

(c) (i) the final order of dereservation under clause (i) of Section 2 of the Act, wherever accorded, shall be effected through a Gazette notification by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;

(ii) the whole process of obtaining approval shall be carried out in the online portal developed for this purpose.

(d) (i) where compliance of condition imposed in the 'In-principle' approval is awaited from the State Government or Union territory Administration, as the case may be, for more than two years, the 'In-Principle' approval shall be deemed to be null and void:

Provided the Central Government may, for the reasons to be recorded in writing, in respect of proposals involving forest land of more than thousand hectares, where 'In-Principle' approval has been obtained, may consider grant of phase-wise 'Final' approval by the competent authority subject to compliance in respect of:

(1) payment of Compensatory Levies and notification of land identified and accepted for raising Compensatory Afforestation, proportional to the part area for which compliance is submitted; and

(2) any other specific condition that the Central Government may deem fit to have been complied with.

(e) after issue of final approval under sub- clause (ii) of clause (b) and Gazette notification under sub-clause (i) of clause (c), the concerned forest land may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration;

(f) the concerned Integrated Regional Office shall monitor the compliance of all conditions imposed at the time of granting 'In-Principle' approval and the State Government or Union territory Administration and the user agency shall also monitor, at least once every year, the compliance of conditions imposed during 'In-Principle' approval and upload the monitoring report in the online portal.

10. Proposal seeking prior approval of the Central Government for working plan.- (1) (a) The Nodal Officer of the State Government or Union territory Administration shall submit the draft Working Plan of a Forest Division, duly prepared in accordance with the provisions of the National Working Plan Code, along with the recommendation of the State Consultative Committee, in the online portal for prior approval of the Central Government;

(b) the draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon;

(c) the draft Working Plan submitted to the Central Government shall be examined by the concerned Integrated Regional Office for its conformity with National Working Plan Code, the National Forest Policy, 1988 and the Integrated Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord 'In-Principle' approval along with modification of the provision contained in the draft Working Plan and for a period as it deems fit, or reject the same by recording the reasons therefor;

(d) the State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the 'In-Principle' approval has been accorded by the Integrated Regional Office with respect to all or specific provision of the Working Plan and for the period for which the Working Plan has been approved;

(e) the State Government or Union territory Administration shall undertake a mid-term review of the approved Working Plan and submit the review report along with its recommendation to the Integrated Regional Office and the Integrated Regional Office may, after examination, modify the condition of 'In-Principle' approval or issue a fresh prior approval by modifying the provision of the previously approved Working Plan for the remaining period or reject the recommendations of mid-term review by recording reasons therefor; and

(f) the Integrated Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.

(2) (a) all proposals under clause (iv) of section 2, irrespective of the size of forest land involved, shall be submitted online by the State Government or Union territory Administration to the concerned Integrated Regional Office;

(b) proposals received under clause (a) of sub-rule (1) shall be examined by the Integrated Regional Office and may grant 'In-Principle' approval after enquiry or reject the same by recording the reasons thereof;

(c) proposals involving whole or part of forest land bearing a canopy density of 0.4 or more or proposals involving clear-felling of forest land of size more than twenty hectares in plains and ten hectares in hills irrespective of canopy density, shall be forwarded to the Regional Empowered Committee and the Regional Empowered Committee shall deal in the manner specified under these rules and while examining the proposal, the Integrated Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, 1988, and the National Working Plan Code;

Explanation.- For the purpose of these rules "clear-felling of forest land" means removal of all natural vegetation in whatever form occurring, by felling, uprooting or burning them and removing them from the forest land over one hectare in size or more, but other types of felling of trees of specified size or species, including their selection felling or coppice felling shall not be considered as clear felling.

11. Creation of Compensatory Afforestation.- (1) (a) An user agency shall provide land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising Compensatory Afforestation over such land and the requirement of Compensatory Afforestation land shall be as per the Schedule I annexed to these rules:

Provided that in case the non-forest land or portion thereof provided by the user agency is not fit for raising Compensatory Afforestation of a specified density, then additional Compensatory Afforestation shall be raised on a degraded notified or unclassed forest land under the management control of the Forest Department which is twice in size of such shortfall in the given Compensatory Afforestation land and the user agency shall also bear the additional cost on such account:

Provided further that if the non-forest land being made available for Compensatory Afforestation already bears vegetation of 0.4 canopy density or more, there shall not be an additional requirement of planting of trees on such land but a programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner:

Provided further that in exceptional circumstances when the suitable land required for Compensatory Afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the Compensatory Afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided further that in exceptional circumstances when the suitable land required for Compensatory Afforestation under this clause is not available, and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the Compensatory Afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of State Public Sector Undertakings for captive coal blocks on case to case basis:

Provided further that in case the user agency acquires any non-forest land for the execution of the project, the exceptions in case of Central Government agencies, Central Public Sector Undertakings and State Public Sector Undertakings as above shall not be applicable.

Explanation.- The specified density for raising Compensatory Afforestation under this clause shall be such as to develop, a forest of a minimum canopy density of 0.4 or more in the fifth year of start of Compensatory Afforestation operation, and the area has sufficient vegetation stock to enable it to mature into land with canopy density of minimum 0.7;

(b) The land specified under clause (a), shall be demarcated by concrete pillars of suitable size and handed over, free from all encumbrances to the State Forest Department or Union territory Forest Department and the same shall be notified as protected forest under Section 29 of Indian Forest Act, 1927 (Act No. 16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Act;

(c) The land identified and earmarked for Compensatory Afforestation shall be treated and afforested by the State Government or Union territory Administration or user agency as per the Compensatory Afforestation plan approved as part of the said forest diversion proposal and the work of Compensatory Afforestation shall start within one year of issue of order of diversion of the corresponding forest land and the Central Government may issue guidelines on the modalities of Compensatory Afforestation, including agencies that may undertake Compensatory Afforestation;

(d) Subject to the consent of concerned State Governments or Union territory Administrations, in case the forest land to be diverted is in a hilly or mountainous State or Union territory having forest cover of more than two-third of its geographical area or situated in any other State or Union territory having forest cover of more than one-third of its geographical area, the Compensatory Afforestation under this sub-rule may be taken up in another State or Union territory, having forest cover less than twenty per cent of its total

geographical area. Similarly, the Accredited Compensatory Afforestation or Land bank may be taken up in another State or Union territory:

Provided that, the money towards Compensatory Afforestation in such cases shall be transferred to the State Compensatory Afforestation Fund of the State or Union territory in which the Compensatory Afforestation land has been identified and the remaining money of the Compensatory Levies shall be deposited in the Compensatory Afforestation Fund Management and Planning Authority Fund of the State Government or Union territory Administration in which the forest land has been proposed to be diverted.

(2) (a) A State Government or Union territory Administration as the case may be, may for the purpose of Compensatory Afforestation create a Land bank under the administrative control of the Department of Forest;

(b) The minimum size of the Land bank shall be a single block of twenty five hectares:

Provided that in case a Land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 (16 of 1927) or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land;

(c) The lands covered under Accredited Compensatory Afforestation earned under sub-rule (3) may be included in the Land bank.

(3) (a) The Central Government may formulate an Accredited Compensatory Afforestation mechanism to be used for obtaining prior approval under section 2;

(b) Accredited Compensatory Afforestation may be earned by a person if he has established afforestation over land on which the Act is not applicable and is free from all encumbrances;

(c) an afforestation shall be counted towards Accredited Compensatory Afforestation if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old;

(d) Accredited Compensatory Afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall be no Accredited Compensatory Afforestation for developing an area below 0.4 canopy density or below one-hectare land;

(e) Accredited Compensatory Afforestation may be swapped for Compensatory Afforestation proposed under sub–rule (1):

Provided the Accredited Compensatory Afforestation cover a block of minimum of ten hectares and has been fenced as per norms specified for Compensatory Afforestation in that area:

Provided further that Accredited Compensatory Afforestation over land of any size situated in the continuity of land declared or notified as forest under any law, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, may be swapped for Compensatory Afforestation.

(f) Accredited Compensatory Afforestation earned out of vacation of non-forest lands on account of voluntary relocation of a village from a National Park, Wildlife Sanctuary or Tiger Reserve and designated or identified tiger or wildlife corridors shall qualify for Compensatory Afforestation as per Schedule –I annexed to these rules, and this provision may also be used by a user agency in lieu of Compensatory Afforestation under sub-rule (1);

(g) Accredited Compensatory Afforestation identified under this rule shall be demarcated with concrete pillars of suitable size and handed over, free from all encumbrances to Forest Department of the State Government or Union territory Administration and the same shall be notified as Protected Forest under section 29 of Indian Forest Act, 1927 or under the provision of any other law for the time being in force before the Final approval is granted under the Act;

(h) The Central Government may issue detailed guidelines on creation of Accredited Compensatory Afforestation, its stock registry and management for the purpose of its swap for Compensatory Afforestation land and cost of maintenance thereof up to a period specified by the Central Government.

12. General Instructions.-

(1) Felling of trees on forest lands approved for use for the non-forest purpose under these rules shall be restricted to a bare minimum and to an unavoidable number and shall be done under the supervision of the local Forest Department and the forest produce obtained therefrom shall be handed over to the local Forest Department for disposal in the manner specified by the State Government or Union territory Administration which shall give preference to distribution to local villagers for meeting their domestic bonafide requirement.

(2) Forest land diverted for non-forest purpose under these rules shall be appropriately surveyed jointly by the user agency and the Forest Department or the land-owning Department, demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency and handed over by the Forest Department or land-owning Department to the user agency prior to starting of any non-forest use.

(3) For the purpose of forest cover under these rules, the figures and description used in the latest India State of Forest Report published by Forest Survey of India shall be referred.

(4) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government Union territory Administration and may decide to refund the Compensatory Levies deposited, on case to case basis.

(5) The conditions imposed by Central Government for diversion of forest land for the non-forest purpose shall not be changed or modified after a period of two years from the date of grant of final approval unless some exceptional circumstances arise or the Central Government considers it necessary to impose any additional clause of compliance.

SCHEDULE I

[See rule 11 (1) and rule 11 (3)]

Provisions for the requirement of land related to Compensatory Afforestation

Sl. No.	**Description of Compensatory Afforestation Land**	**Size of Compensatory Afforestation land as compared to forest land to be diverted for non-forest purpose**
(1)	**(2)**	**(3)**
1.	Land to which provisions of the Act are not applicable.	Equivalent.
2.	Land recorded as 'forest' in Government record but does not fulfill all of the following conditions:- (a) notified as forest under any other law for the time being in force (b) managed as forest by Forest Department. (*This dispensation is allowed to proposals of Central Government and State Government or Union territory Administration only.)*	Two times.
3.	Degraded notified or unclassed forest land. (*This dispensation is in case of State Public Sector Undertakings for captive coal blocks on case to case basis and Central Government Agencies/Central Public Sector Undertakings on case to case basis)*	Two times
4.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), provided is of size of twenty-five hectares or more in one block. Compensatory Afforestation land of less than ten hectares shall not be accepted unless the requirement of Compensatory Afforestation land is less than ten hectares in which case the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five *per cent.* less for every additional block size of ten hectares or part thereof subject to a maximum of twenty-five per cent rebate.
5.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), that is less than 25 hectares size but more than 10 hectares size in one block. If the requirement of Compensatory Afforestation land is less than twenty-five hectares but more than ten hectares in size, the provision of excess land for Compensatory	Five *per cent.* more for every five hectares smaller block size or part thereof.

	Afforestation shall not be applicable but the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	
6.	Land qualifying for Compensatory Afforestation under Sl. No. (1) above and is located within the notified boundary of a protected area	Twenty-five *per cent.* less
7.	Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors.	Fifteen *per cent.* less.
8.	Land qualifying for Compensatory Afforestation under Sl. No. (1) or (2) and is located adjacent to a forest land notified as forest under Indian Forest Act, 1927 (16 of 1927) or any other law. Accredited Compensatory Afforestation land of any size may be accepted in case it is contiguous to a forest land notified under any law.	Ten *per cent.* less
9.	Compensatory Afforestation land made available from complete and voluntary relocation of a village/ habitation (situated in non-forest land) from a Wildlife Sanctuary, National Park or Tiger Reserve, to a non-forest land outside such Sanctuary, Park or Reserve or area linking protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors, as the case may be.	(a) Exemption from payment of Net Present Value of forest land equivalent to the Compensatory Afforestation land by way of vacation of village or habitation from National Park/Wildlife Sanctuary/ Tiger Reserve. **Note:** "Net Present Value" shall have the same meaning as assigned in clause (j) of section 2 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016). (b) Accredited Compensatory Afforestation in the ratio of 1:1.25 (Non-forest land: Accredited Compensatory Afforestation earned) so vacated by a village by way of voluntary relocation *(provided that the same shall be notified as part of the Wildlife Sanctuary, National Park or Tiger Reserve and also notified as Protected Forest or Reserved Forest).* (c) Additional Accredited Compensatory Afforestation at the rate of 0.5 ha per relocated family.

Note 1: The user agency or Accredited Compensatory Afforestation developer shall ensure that relocation is voluntary.

Note 2: No compensation under relevant schemes of the Central Government or State Government would be payable to relocatees or user agency or Accredited Compensatory Afforestation developer.

Note 3: The State Government can also use this provision, provided no central assistance on such scheme is availed.

SCHEDULE-II

[See rule 8 (2) and rule 9(4)]

Time Period of examination of proposals for use of forest land for non-forest purpose by the Project Screening Committee

Sl. No	Size of forest land proposed for de-reservation/diversion for non-forest purpose (in hectares)	Nature of non-forest use	Time Period (Maximum Working Days prescribed)
(1)	(2)	(3)	(4)
1.	More than 5 and upto 40	All usage (except mining)	60
2.	More than 5 and upto 40	Mining	75
3.	More than 40 and upto 100	All usage (except mining)	75
4.	More than 40 and upto 100	Mining	90
5.	More than 100	All usage (except mining)	120
6.	More than 100	Mining	150

Note-1: Time period (working days) counted from the date of final submission of proposal as accepted by the Project Screening Committee [see rule 9(4) (e)].

Note-2: Project Screening Committee or the Divisional Forest Officer shall examine a proposal only after an approved special plan, such as Wildlife Management Plan, Catchment Area Treatment Plan Stream/River Protection Plan, etc. , if specified at the time of screening of proposal under clause (h) of sub-rule (4) of rule 9, has been submitted to the concerned authorities.

Note-3: All proposals related to mining and proposals other than mining involving forest area upto 5 ha specified under sub clause (j) of clause (4) of rule 9, shall be processed within maximum working days of 45 and 30, respectively.

[F. No. FC- 11/118/2021-FC]

RAMESH KUMAR PANDEY, Inspector General of Forests

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By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. RDM-LRGEA-POLICY-0003-2018- 7311 /R&DM Dated 24.2.18

From
Dr. C.S. Kumar, IAS,
Principal Secretary to Government

To
All Collectors

Sub: Identification of land for compensatory afforestation in lieu of the forest land being diverted for non- forest use

Madam/ Sir,

I am directed to say that the Ministry of Environment, Forest and Climate Change, Government of India vide letter No. F.No.11-423/2011/FC dated 08/11/2017 have issued certain guidelines on the categories of land which can be considered for compensatory afforestation purpose in lieu of the forest land being diverted for non-forest use under the provisions of the Forest (Conservation) Act, 1980. The Forest & Environment Department vide their Memo No. 23908/F&E dated 20/11/2017 have already sent copy of the said guidelines of the Central Government to all Collectors. However, a copy of the same is enclosed for ready reference.

2. In this context, you are requested to take appropriate steps to identify suitable land of the categories as specified in the aforesaid guidelines issued by Central Government in consultation with concerned DFOs for compensatory afforestation purpose while processing proposals for forest diversion.

Yours faithfully,

24.2.18

Principal Secretary to Government

Memo No 7312 / R&DM Dated 24-2-18

Copy with copy of the enclosure forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

24.2

Principal secretary to Government

Memo No 7313 / R&DM Dated 24.2.18

Copy forwarded to Forest & Environment Department for information and necessary action with reference to their Memo No. 23908/F&E dated 20/11/2017.

Principal secretary to Government

Memo No. 7314 /RDM Dated 24.2.18

Copy with copy of the enclosure forwarded to Joint Secretary (In charge of IMU Cell), Revenue & DM Department with a request to upload the letter in the Department website.

24.02.18

Under Secretary to Government

By No. 3958/CON
24/11/17 [Most urgent /By fax/e-mail

Government of Odisha
Forest and Environment Department
-0-

No. 16F(Con) 8/2014 23907 F&E dated 20/11/17

From

Sri Debidutta Biswal, IFS
Special Secretary to Govt.

To

The PCCF, Odisha

Sub- Guidelines of MoEF&CC, GoI on identification of suitable land for the purpose of raising compensatory afforestation against the projects requiring forest land for non-forest use

Sir,

I am directed to enclose herewith the copy of letter F.No. 11-423/2011-FC dt. 8.11.2017 of Government of India, MoEF&CC and to say that vide the letter under reference, the MoEF&CC have prescribed further guidelines/explanation for the purpose of identifying land for the purpose of compensatory afforestation against the projects requiring forest land for non-forest use and further processing of such identified land to be brought under the control of administrative control of State Forest Department/Working Plan prescriptions.

Necessary instructions/guidance in this respect may also be imparted to the RCCFs/Divisional Forest Officers(T&WL) and user agencies for their compliance in this context while processing/filing the relevant forest diversion proposals for consideration under Section 2 of Forest Conservation Act, 1980.

Yours faithfully,

18/11/17
Special Secretary to Government

Memo No. 23908 /F&E, Dated: 20.11.17

Copy with copy of MoEF&CC guidelines forwarded to Revenue & DM Department/ all Collectors for information and immediate necessary compliance.

18/11/17
Special Secretary to Government

Memo No. 23909 /F&E, Dated: 20.11.17

Copy with copy of MoEF&CC guidelines forwarded to all Regional Chief Conservator of Forests /all Divisional Forest Officers(T&WL) for information and immediate necessary compliance.

18/11/17
Special Secretary to Government

Memo No. 23910 /Dated. 20.11.17

Copy with copy of MoEF&CC guidelines forwarded to the Planning & Convergence Department/ Steel & Mines Department/ Water Resources Department/Energy Department/Rural Development Department/Works Department/ Commerce & Transport Department/FS&CW Department /Industries Department/ Electronics & IT Department / Housing & Urban Development Department for information and necessary follow action.

18/11/17
Special Secretary to Government

Memo No. 23911 /Dated. 20.11.17

Copy with copy of MoEF&CC guidelines forwarded to CGM(Tech.)&RO, National Highway Authority of India, Ministry of Road Transport & Highways, 301-A, 3rd Floor, Pal Heights, Plot No. J/7, Jaydev Vihar, Bhubaneswar-751013 / Managing Director, Odisha Power Generation Corporation Ltd. , Zone-A, 7th floor, Fortune Tower, Bhubaneswar-23/ Chief Manager(Civil), Power Grid Corporation of India Limited, POWER GRID, ER-II, 27,Sahid Nagar, Bhubaneswar /General Manager, Indian Oil Corporation Ltd. , Nandankanan Road, Kanan Vihar, Chandrasekharpur, Bhubaneswar-16/ Chairman-cum-Managing Director, Odisha Power Transmission Corporation Ltd, OPTCL Corporate Building, Gricco Colony, Bhoi Nagar, Bhubaneswar-22/ Chairman-cum-Managing Director, NALCO, Nalco Bhawan, P/1, Nayapalli, Bhubaneswar-13/ General Manager, HPPC Ltd, 3rd Floor, OCHC Building, Janpath, Bhubaneswar-1/Chairman-cum-Managing Director, Mahanadi Coalfields Ltd, PO- Jagruti Vihar, Burla. Dist. Sambalpur-768020/Managing Director, Odisha Mining Corporation Ltd, OMC House, Bhubaneswar/Managing Director, IDCO, Bhubaneswar for information and immediate necessary action.

18/11
Special Secretary to Government

F.No. 11-42/2011 FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)
****

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003.
Dated: 8th November, 2017

The Principal Secretary (Forests)
All States/UT Governments.

Sub: Identification and suitability of Non-forest land for Compensatory Afforestation under Forest Conservation Act 1980 - regarding Identification of Land Bank for Compensatory Afforestation (CA)

I am directed to invite your kind attention to the chapter III of guidelines issued in 2003 by MoEF to implement the Forest Conservation Act 1980 which deals with compensatory afforestation. The para 3.2 of the said guidelines provides for identification of land for compensatory afforestation.

In 3.2 (i) it has been clarified that Compensatory afforestation shall be done over equivalent area of **non-forest land (NFL).**

As an explanation to 3.2(i) it has been mentioned that:

As a matter of pragmatism, the revenue lands/zudpi jungle/ Chhote/ Bade jhar ka jungle/ jungle-jhari land/civil – soyam lands and all other such categories of land, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided that lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.

The application of the GIS based Decision support system (DSS) by the ministry suggests that in many cases a substantial portion of the land identified for compensatory afforestation already contain vegetation of varying density. Creation of compensatory afforestation on such land will not fully compensate the loss of trees, as there will not be enough space for the requisite number of plants to be planted. Outright rejection of such NFL for compensatory afforestation is not desirable. However, once such NFL are selected for compensatory afforestation, these NFL are required to be transferred to State Forest Department and brought under the regular management control of the SFD.

The issue of identification of suitable land for Compensatory afforestation and land bank consisting of both Degraded Forest Land (DFL) and Non Forest Land (NFL) to be made available to user agencies for compensatory afforestation has been considered in the Ministry and following guidelines are issued for identification of suitable land for Compensatory Afforestation and creation of Land Bank under Forest Conservation Act 1980:

The following amendment is made in 3.2(i) and explanation 2 is added a under :

i. The purpose of compensatory afforestation (CA) is to compensate the loss of land by land' and loss of 'trees by trees'.

ii. For compensatory afforestation the number of plants to be planted over compensatory afforestation land shall be at least 1000 plants per hectare of forest land diverted.

iii. If the requisite number of plants @ 1000/ha can not be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as per the provisions of working plans. The State Government will intimate to the MOEF&CC the names of the R.F./P.F. in which the balance seedling will be planted. The User Agency will deposit the cost of planting these seedlings.

iv. If the compensatory afforestation has to be done on degraded forest land (DFL) identified for CA for as provided in para 3.2 (vi), 3.2(vii) and 3.2 (ix) then normally, 1000 saplings will be planted per ha of the diverted land. In case 1000 saplings can not be accommodated per ha in the DFL identified for CA, the balance seedlings will be planted in any RF/PF as per prescription of working plan. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted. The user agency will deposit the cost of plantation of the same.

v. The compensatory afforestation may also include several activities like soil & moisture conservation, regeneration cleaning, silvicultural activities in addition to plantation as prescribed in the working plan as applicable. Compensatory afforestation schemes under Assisted Natural Regeneration modes as applicable to the identified non forest land (NFL) as well as degraded forest land (DFL) may be considered as per the site requirement.

vi. State Government will formulate compensatory afforestation scheme including activities like soil & moisture conservation, regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantations for a period of seven to ten years as per requirement.

vii. The non forest land over which compensatory afforestation wil be taken up shall be notified as RF/PF and shall remain under the administrative control of State Forest Department. If the DFL over which CA will be taken up is not a notified forest under IFA or State Forest Act the same shall be notified as RF/PF under this act.

In para 3.2 (ix) the following sub para is added after (f) for identification of Land bank for compensatory afforestation

(g) The States and UTs shall create land bank for Compensatory Afforestation for speedy disposal of the FC proposals under FC Act 1980. The degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA for Central Government projects and Central Public Sector Units (CPSU). The *revenue lands/zudpi jungle/ Chote/ Bade jhar ka jungle/ jungle-jhari land/civil – soyam lands* and all other such categories of land, on which the provisions of Forest (Conservation) Act, 1980 are applicable and other

waste lands and non-forest lands may also be identified as land bank for the purpose of Compensatory Afforestation. Accordingly, it was decided that to expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following areas as land bank on priority for inclusion in the land Bank in addition to the blank area and plantation blank referred in para 3.2 (ix)(c) :

(i) Degraded forest land with crown density upto 40% under the administrative control of forest department

(ii) Areas falling in wildlife corridors to improve connectivity between habitats.

(iii) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas under direct administrative control of the SFDs to ensure consolidation of such areas.

(iv) Habitat of rare, threatened and endangered species of flora and fauna located in the areas not under direct administrative and management control of the SFD to ensure long term conservation of such habitats.

(v) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.

(h) To monitor the progress of creation of land bank for compensatory afforestation, the Ministry will constitute committees under chairmanship of Head of each Regional Office of the Ministry. Among others, representatives of the National Tiger Conservation Authority (NTCA) and the FSI will also be included as member of these committees. These committees will review the progress in creation of land bank for compensatory afforestation in the States/UTs falling under jurisdiction of the Regional Offices and submit a quarterly report to the Ministry.

This issues with the approval of competent authority

(Nisheeth Saxena)
Assistant Inspector General of Forests (FC)

Copy to:

1. All PCCFs States/UTs
2. All Regional Office, MOEF&CC
3. Nodal Officers (FCA) O/o the PCCFs All States/UT
4. DIGF(FC)/Dir(ROHQ)/All AIGFs(FC), MOEF&CC New Delhi
5. PPS to Secretary, MOEF&CC New Delhi
6. PPS to DGF&SS, MOEF&CC New Delhi
7. PPS to IGF(FC)
8. Guard File

(Nisheeth Saxena)
Assistant Inspector General of Forests (FC)

BY FAX/ e-mail

GOVERNMENT OF ODISHA
REVENUE & D.M. DEPARTMENT

***

No. 29089 /R&DM, Bhubaneswar, dated the 29th September, 2014.
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,
Additional Chief Secretary to Government.

To

The Collector, Keonjhar.

Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – clarifications.

Sir,

I am directed to invite reference to your Letter No.1745/Rev., dated 06.09.2014 on the aforementioned subject and to say that you have raised the following issues on alienation of Government land for compensatory afforestation in lieu of forest land to be diverted for non-forest use.

(a) Whether Government land recorded as Abada-Ajogya Anabadi Khata can be alienated/leased out for raising compensatory afforestation?

(b) What is surplus unobjectionable land?

(c) Whether Government land recorded as 'forest' available in the land bank can be provided for raising compensatory afforestation on realisation of land cost?

(d) What is the method of fixation of the cost of non-forest land/revenue forest land available in the land bank?

(e) Whether land recorded as Abada Ajogya Anabadi Khata provided for raising compensatory afforestation can be taken to Abadajogya Anabadi Khata after Stage-1 clearance of the Central Government?

2. After careful consideration of the aforesaid issues, it has been clarified as follows:

(a) Lands covered by rivers, nalas, hills, hillocks, stoneflats, sand hills, lake, sea or other natural collections of water etc. which are not ordinarily fit for occupation for any non-agricultural or agricultural purposes and over which there is

no communal right will be recorded in a separate khatian to be known as Abada-Ajogya Anabadi. Lands recorded in the Abada-Ajogya Anabadi khatian can be used only for a public purpose. If it is intended to be used for any other purpose and if such use will not cause any inconvenience to anybody it has first to be transferred to the Abadajogya Anabadi khatian under the orders of the competent authority. Hence, if any Abada-Ajogya Anabadi land is fit for raising compensatory afforestation, then the same is required to be transferred to Abadajogya Anabadi khatian and to be alienated/leased out.

(b) Government land classified as 'Gochara', 'Rakhit' or 'Sarbasadharana' and used as burial ground, Government premises, tanks, roads, public place of worship and lands prohibited to be alienated by any Central or State Acts are coming under objectionable category and the remaining Government lands are to be treated as unobjectionable land. The lands coming under objectionable and unobjectionable category are enumerated vide Government Letter No. 4898-R, dated28.1.1966 and in the Odisha Prevention of Land Encroachment Act, 1972. In view of the scarcity of Government land, the Revenue & D.M. Department vide their Letter No.2258/R&DM, dated 4.8.2014 in paragraph-2 have clarified that for the purpose of sustainable development of the State, the housing, transport and other developmental needs and rights of the populace has to be met first and thereafter Government land kept under Abada Jogya Anabadi Khata may be alienated for raising compensatory afforestation.

(c) Government of India, Ministry of Environment & Forest and Climate Change in their F. No.11-306/2014-FC, dtd. 8th August, 2014 have advised all the State Governments to set up a land bank of non-forest land or revenue forest land for the purpose of creation of compensatory afforestation in lieu of forest land to be diverted for non-forest work which will help to minimise the delay in clearance of forest diversion proposal. Hence, the land recorded as non-forest or revenue forest such as chhota jungle, bada jungle etc. (having no forest growth) available in the land bank can be

provided for raising compensatory afforestation on realisation of premium.

(d) The land cost of the non-forest land/revenue forest land available in the land bank can be determined on the basis of the market value of land as determined in case of acquisition of private land. The bench mark valuation available for the private land situated in the close vicinity having similar advantages may also be taken into account. The valuation of the land which is higher may be taken as premium for the land.

(e) This point has already been clarified at **"(a)"** above. However, in the instant case since in-principle approval of the Central Government has already been obtained, there is no necessity to change the status of the land at this stage. The Abada Ajogya Anabadi land set apart for raising compensatory afforestation is mutated in favour of the Forest & Environment Department, the same shall be declared as reserved/protected forests as the case may be under the Indian Forest Act, 1927.

Yours faithfully,

29-9-14

Additional Chief Secretary

Memo No. 29090 **/R&DM, Date. 29.09.2014.**

Copy forwarded to all Collectors (except Collector, Keonjhar) for information and necessary action.

29-9-14

Additional Chief Secretary

Memo No. 29091 **/R&DM, Date. 29.09.2014.**

Copy forwarded to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.

29-9-14

Additional Chief Secretary

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

No.RDM-LRGE-CLRFIC-0011-2025- 26810 /R&DM, Dated 24 JUN 2026

From

Dr. Arabinda Kumar Padhee, IAS,

Additional Chief Secretary to Government

To

Secretary, Board of Revenue, Odisha, Kataka

All RDCs

All Collectors

Sub: Guidelines for recording of Diverted Forest Land in Revenue Records in respect of which Stage-II approval has been accorded under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Ministry of Environment, Forest & Climate Change for non-forest use

Madam/Sir,

In inviting a reference to the subject cited above, I am to say that the Collector, Sambalpur has sought clarification on the following points pertaining to forest land for which Stage-II approval has been accorded under Section-2 of the Forest (Conservation) Act, 1980 by the Ministry of Environment, Forest & Climate Change, Government of India for non-forest use by M/s Aditya Aluminium for establishment of an Aluminium Smelter Plant with Captive Power Plant and Ash Pond, subject to fulfillment of certain conditions;

i. Whether the diverted forest land shall be settled either in favour of the IDCO, Bhubaneswar, for subsequent sub-lease in favour of Aditya Aluminium by IDCO (As IDCO has filed requisition for sanction of lease of the land) or the land has to be settled in favour of the User Agency i.e. M/s Aditya Aluminium, directly, and the procedure to be followed thereof.

ii. Whether the classification of land could be changed prior to leasing out the land in favour of IDCO, Bhubaneswar/ M/s Aditya Aluminium, in view of clause 2(1) of the order of the Ministry of Environment and Forest (F.C. Division), Government of India.

iii. Whether illegal possession note (Be. Da note)/ Note of "Reserved for Odisha Jawan") etc. mentioned in the Remarks column of plots (diverted forest land) could be deleted prior to leasing out of the land in view of clause 2 (i) of the order of Ministry of Environment and Forest (F.C. Division), Government of India.

iv. Whether the land shall be recorded in favour of IDCO, Bhubaneswar/ User Agency, after sanction of lease and the procedure to be followed for recording the diverted forest land.

v. Whether the land value i.e. premium or any other Govt. dues are to be levied upon the IDCO, Bhubaneswar/ the User Agency, i.e. M/s Aditya Aluminium, for the diverted forest land or not.

2. It may be noted that the final approval order has been issued under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Ministry of Environment, Forest & Climate Change, Government of India for diversion of forest land for non-forest use, subject to fulfillment of several conditions. The conditions mentioned in the order, which are relevant for demarcating and recording of the diverted forest land, are as follows;

i. The legal status of the diverted forest land shall remain unchanged.

ii. The User Agency shall demarcate on ground the forest area proposed to be diverted by erecting, at project cost, four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.

iii. The forest land shall not be used for any purpose other than that specified in the proposal.

3. Thus, the permission accorded by the Ministry of Environment, Forest & Climate Change is only a permission to use the forest land for the specified non-forest purpose, subject to the condition that the legal status of the diverted forest land shall remain unchanged. Accordingly, the forest kisam of the land and its ownership status as Government land shall continue to remain the same. Further, forest land is not leaseable under the provisions of the Odisha Government Land Settlement Act, 1962 and the Rules made thereunder and therefore the said land cannot be settled on lease basis in favour of any entity. Besides, the diverted forest land shall not be used for any purpose other than that specified in the proposal, namely, establishment of an Aluminium Smelter Plant with Captive Power Plant and Ash Pond by M/s Aditya Aluminium in the instant case.

4. In view of the above facts and legal position, the queries raised by the Collector, Sambalpur are as clarified given below,-

Sl. No.	Query	Clarification
i	Whether the diverted forest land shall be settled either in favour of the IDCO, Bhubaneswar for subsequent sub-lease in favour of Aditya Aluminium	As explained in Para-3 above, the diverted forest land shall not be settled or leased out either in favour of IDCO for subsequent sub-lease or in favour of the user agency. The approval accorded by the Ministry of

	by IDCO (As IDCO has filed requisition for sanction of lease of the land) or the land has to be settled in favour of the User Agency i.e. Aditya Aluminium, directly, and the procedure to be followed thereof.		Environment, Forest & Climate Change permits only user rights over the diverted forest land in favour of the user agency, i.e. M/s Aditya Aluminium for the approved non-forest purpose. IDCO has no role in settlement or leasing of the said forest land in the instant case and, therefore, its requisition for lease cannot be entertained. However, the user right over the diverted forest land for non-forest purpose may be appropriately recognized in the revenue records.
ii	Whether the classification of land could be changed prior to leasing out the land in favour of IDCO, Bhubaneswar/ Aditya Aluminium in view of the clause 2(1) of the order of Ministry of Environment and Forest (F.C. Division) Government of India.		The question does not arise. As per Clause 2 (i) of the order of the Ministry of Environment & Forests (F.C. Division), Government of India, the legal status of the diverted forest land shall remain unchanged. Accordingly, the classification (kisam) of the land cannot be changed either before or after its use for the approved non-forest purpose.
iii	Whether illegal possession note (Be. Da note)/ Note of "Reserved for Odisha Jawan") etc. mentioned in the Remarks column of plots (diverted forest land) could be deleted prior to leasing of the land in view of clause 2(i) of the order Ministry of Environment and Forest (F.C. Division) Government of India.		Illegal possession notes on forest land are ordinarily not expected. Further, forest land cannot be reserved for Jawans. If illegal possession notes are still there and the land or any portion thereof are occupied by forest dwellers, these could have been settled, where admissible, under the provisions of the Forest Rights Act, 2006 in favour of eligible forest dwellers prior to grant of Stage-II approval. Since Stage-II approval presupposes completion of all statutory compliances, entries such as illegal possession notes or notes like "Reserved for Odisha Jawan" do not represent the actual and lawful position on the ground.

		Accordingly, such entries in the Remarks column should be deleted.
iv	Whether the land shall be recorded in favour of IDCO, Bhubaneswar/ User Agency, after sanction of lease and the procedure to be followed for recording the diverted forest land.	The land shall not be recorded in favour of IDCO, Bhubaneswar or the user agency, as no lease is to be sanctioned in respect of the diverted forest land. However, the user right permitted by the Ministry of Environment, Forest & Climate Change under Section 2 of the Forest (Conservation) Act, 1980 may be recorded in the Remarks column of the concerned plots in the Record of Rights, as a token of recognition of such user right for the approved non-forest purpose.
v	Whether the land value i.e. premium or any other Govt. dues are to be levied upon the IDCO, Bhubaneswar/ the User Agency i.e. Aditya Aluminium for the diverted forest land or not.	The principle laid down in this Department G.O. No.10894 dated.31.03.2017 **(Copy enclosed)** may be followed.

5. Procedure for recording of diverted forest land in revenue records:

Forest land is diverted under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Ministry of Environment, Forest & Climate Change, Government of India, for specified non-forest use in favour of the User Agency, subject to the condition that the legal status of the diverted forest land shall remain unchanged; that is, the kissam/classification of the forest land remains unchanged.

Accordingly, after careful consideration of the legal provisions relating to diversion of forest land for non-forest use, the Government have been pleased to issue the following guidelines for handing over and recording of diverted forest land in revenue records:

i. After Stage-II (Final) Approval, the Forest, Environment & Climate Change Department of the State Government issues a "Reasoned Order" authorising the District Collector/ Divisional Forest Officer, as the case may be, to hand over possession of the revenue forest land/notified forest land for the approved non-forest use, subject to fulfilment of the stipulations mandated by the Ministry of Environment, Forest & Climate Change, Government of India,

and the Forest, Environment & Climate Change Department of the State Government, after which such diverted forest land is handed over to the User Agency. (*The details of the diverted land, as reflected in the Stage-II order of MoEF&CC, Government of India, and the Reasoned Order of Government of Odisha, shall be recorded in the remarks column of the revenue records instead of mutating the land in favour of the User Agency*).

ii. On receipt of the Reasoned Order from the Forest, Environment & Climate Change Department of the State Government along with the copy of the Stage-II approval granted by the GoI, MoEF&CC, the Tahasildar shall initiate a Revenue (Mutation) Misc. case to incorporate the details thereof in the Remarks column.

iii. The Tahasildar shall conduct a joint field enquiry along with the representative of DFO, User Agency and the concerned Amin & R.I of the area to ascertain and demarcate the boundary of the diverted forest land and prepare the map of the diverted area.

iv. The Tahasildar shall hand over the possession of the diverted forest land to the User Agency strictly as per the demarcated boundary, on proper acknowledgement with instructions to comply with to the condition laid down in the orders issued by the MoEF&CC, Government of India from time to time, which stipulates that "*the User Agency shall demarcate on ground the forest area proposed to be diverted by erecting, four feet high reinforced concrete pillars serial numbers, forward and back bearings and distance from pillar to pillar at project cost*".

v. The joint enquiry report shall form a part of the case record and Tahasildar shall pass appropriate order for recording of the user right in revenue records.

vi. If **any illegal possession note** exists in the remark columns of any of the plots for which forest diversion has been allowed, then such note of possession shall be deleted.

vii. In the remarks column **against the full plots** in respect of which forest diversion has been allowed, it shall be mentioned that "As per the Order No. _____ dated _____ of GoI, MoEFCC granting Stage- II approval and the Reasoned Order No._____ dated_____ of Forest, Environment & Climate Change Department, Government of Odisha, this Plot has been handed over to _____ for use for the specified non- forest purpose i.e. for establishment of _____. (MoEF&CC ଙ୍କର ତା _____ର ପତ୍ର ସଂଖ୍ୟା _____ରେ ପ୍ରଦାନ କରିଥିବା Stage-II ଅନୁମୋଦନ ତଥା ଓଡିଶା ସରକାରଙ୍କ ଜଙ୍ଗଲ, ପରିବେଶ ଓ ଜଳବାୟୁ ପରିବର୍ତ୍ତନ ବିଭାଗଙ୍କ ତା _____ ର ଆଦେଶ ସଂଖ୍ୟା _____ଅନୁଯାୟୀ ଏହି ଜମିକୁ ଅଣ ଜଙ୍ଗଲ ଉଦ୍ଦେଶ୍ୟରେ ବ୍ୟବହାର ନିମନ୍ତେ ଅର୍ଥାତ ଏକ _____ ସ୍ଥାପନ ନିମନ୍ତେ _____ କୁ ହସ୍ତାନ୍ତର କରାଯାଇଛି ।".

viii. If it is seen that **a part of the plot has been diverted**, a bata plot will be created in respect of the diverted forest land and recorded in the same khata without changing the Kisam of land. The bata plot shall be numbered as a sub-plot of the original plot. For example, if the original forest kisam plot No. is 2250 with area of Ac.100.00 and diverted forest land is Ac.20.00, then the Bata plot numbers will be 2250/1 for Ac.20.00.

ix. After creation of the bata plot, the area of the original plot will be accordingly reduced. For example, after creation of bata plot in respect of the above example, the area in respect of plot No.2250 will be Ac.80.00. However, the bata plot so created will be recorded in the same Government khata and in the remarks column of the bata plot No., it will be mentioned that "As per the Order No. _____ dated _____ of GoI, MoEF&CC granting Stage- II approval and the Reasoned Order No._____ dated_____ of Forest, Environment & Climate Change Department, Government of Odisha, this Plot has been handed over to _____ for use for the specified non-forest purpose i.e. for establishment of _____. (MoEF&CC ତାଙ୍କର ତା _____ର ପତ୍ର ସଂଖ୍ୟା _____ରେ ପ୍ରଦାନ କରିଥିବା Stage-II ଅନୁମୋଦନ ତଥା ଓଡିଶା ସରକାରଙ୍କ ଜଙ୍ଗଲ, ପରିବେଶ ଓ ଜଳବାୟୁ ପରିବର୍ତ୍ତନ ବିଭାଗଙ୍କ ତା _____ର ଆଦେଶ ସଂଖ୍ୟା _____ ଅନୁଯାୟୀ ଏହି ଜମିକୁ ଅଣ ଜଙ୍ଗଲ ଉଦ୍ଦେଶ୍ୟରେ ବ୍ୟବହାର ନିମନ୍ତେ ଅର୍ଥାତ ଏକ _____ ସ୍ଥାପନ ନିମନ୍ତେ _____ କୁ ହସ୍ତାନ୍ତର କରାଯାଇଛି ।"

x. Nothing shall be recorded in the remarks column of the original forest plot, which has not been diverted.

xi. No separate khata shall be prepared in favour of the User Agency.

xii. The Tahasildar shall correct the RoR in Bhulekh and Bhunaksha portals accordingly. For the purpose, he shall initiate suo-motu mutation case in LRMS Portal.

6. This has the concurrence of Forest, Environment and Climate Change Department, Government of Odisha and is being issued with Government approval.

Yours faithfully,

Additional Chief Secretary to Government

24.06.2024

Memo No. 26811 /R&DM, Dated 24 JUN 2026

Copy forwarded to the Principal Secretary to Government, Forest, Environment and Climate Change Department for kind information with a request to intimate all DFOs accordingly.

Additional Secretary to Government

Memo No. 26812 /R&DM, Dated 24 JUN 2026 24/06/26

Copy forwarded to All Sub-Collectors/ All Tahasildars/ All Land Acquisition Officers/ All Special Land Acquisition Officers for information and necessary action.

Additional Secretary to Government

Memo No. 26813 /R&DM, Dated 24 JUN 2026 24/06/26

Copy forwarded to the Director, ROTI, Gothapatna, Bhubaneswar and all Branch Officers of Revenue & DM Department for kind information and reference .

Additional Secretary to Government

Memo No. 26814 /R&DM, Dated 24 JUN 2026

Copy forwarded to the Director (Technical), NIC, Bhubaneswar with a request to extend necessary technical support to the field officers in case of any issues arising in the software.

Additional Secretary to Government

Memo No. 26815 /R&DM, Dated 24 JUN 2026

Copy forwarded to OSD, e-Governance Branch with a request to upload the guidelines on the official website of the Revenue & DM Department.

Additional Secretary to Government

By Fax/ e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

No. GE (GL) –S- 10/2017- 10894 **/ R&D.M Dated** 31.3.2017

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors

Sub- Clarification regarding realization of premium from the user agencies for use of forest land for mining, industrial and other purposes

Madam/ Sir,

I am directed to say that the erstwhile Revenue & Excise Department vide G.O No. 18758/R dated 07.04.1998 had communicated the decision of Government that the user agencies have to pay the premium for the forest land used for mining, industries or other purposes. The principle regarding determination of quantum of premium for different purposes was also laid down in the aforesaid G.O.

2. Subsequently, this Department vide G.O No. 34969/R&DM dated 31.08.2007, while reiterating the same position, further communicated the decision of Government that the premium shall be collected by the Collector of the concerned district irrespective of the category of the forest land, whether it is of revenue forest, reserved forest, protected forest etc. The said G.O also specified that in all such cases, the user agency need not pay any premium for the non-forest lands alienated in favour of Forest & Environment Department for compensatory afforestation.

3. However, the aforesaid two G.Os of this Department have been quashed by Hon'ble High Court of Orissa in separate judgments passed in different writ petitions and also by the Hon'ble Supreme Court in SLP filed by the State Government against the judgments of Hon'ble High Court in the meantime. Now, the State Government is contemplating to file a fresh Inter Locutory Application before the Hon'ble Apex Court praying for allowing the Government to collect the premium/ user charges of the forest land used by user agencies.

4. Under these circumstances, doubts are being raised in several quarters as to whether the user agencies are liable to pay the premium of the forest land being

1

diverted for non-forest use or not. It has also come to the notice of Government that handing over the forest land to user agencies, for which final approval of Central Government have already been accorded, are getting delayed due to absence of clear-cut guidelines issued from Government.

5. Keeping the above position in view, the Government, after careful consideration, have been pleased to decide that the forest land in respect of which Central Government has accorded final approval for diversion under section 2 of the Forest (Conservation) Act, 1980 may be handed over to the user agency following due procedure of law subject to the condition that the user agency shall furnish an undertaking through an affidavit to the effect that the agency shall pay such amount to the State Government as would be decided in accordance with the final judgment of the Hon'ble Supreme Court in respect of the forest land diverted for non-forest use.

6. Government have further been pleased to decide that in respect of the non-forest government land being alienated in favour of State Forest & Environment Department for compensatory afforestation purpose, the project proponents/ user agencies other than Government projects shall have to pay the cost of such land as per the principles laid down in this Department G.O No. 22958/R&DM dated 04.08.2014 read with G.O No. 31312/R&DM dated 24.10.2014.

Appropriate action may be taken in the matter accordingly.

Yours faithfully,

31/3

Principal Secretary to Government

Memo No. 10895 / RDM Dated 31.3.2017

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10896 / RDM Dated 31.3.2017

Copy forwarded to Forest & Environment Department/ Industries Department/ Steel & Mines Department for information and necessary action.

31/3/17

Joint Secretary to Government

Memo No. 10897 / RDM Dated 31.3.2017

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

31/3/17

Joint Secretary to Government

GOVERNMENT OF ODISHA

FOREST & ENVIRONMENT DEPARTMENT

*****

No. FE-DIV-FLD-0008-2021-787/F&E, Bhubaneswar, dated the 12-01-2021

10F (Cons) 293/2016

ORDER

Sub: Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and carthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

WHEREAS, the Project Director, National Highway Authority of India, Project Implementation Unit, Badadera, Mandua, Keonjhar, Odisha had applied for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

And whereas, the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC), Government of India, Eastern Regional Office, Bhubaneswar had accorded 'Stage-I/ in-principle' approval for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha vide its letter No.5-ORA357/2018-BHU dtd.05.12.2018 (**Annexure-I**).

And whereas, the MoEF&CC, Government of India, Integrated Regional Office, Bhubaneswar in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded Stage-II/ final approval under Section 2 of the Forest (Conservation) Act,1980 for diversion of diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and

earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha vide its letter No.5-ORA357/2018-BHU dtd.03.12.2020 **(Annexure-II)** subject to fulfillment of conditions as stipulated therein.

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 176.231 ha. of forest land in favour of user agency as per approved land use pattern subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, Integrated Regional Office, Bhubaneswar.

The Collector, Dhenkanal, Collector, Jajpur, Collector, Angul, Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are hereby authorized to handover the forest land coming within their jurisdiction, as has been finally diverted following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value of forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/Wildlife clearance order and to report violations, if any, to the Nodal Officer, O/o PCCF, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Acts/Rules for this project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor
(Lingaraj Otta)

Special Secretary to Government

Memo No. 788 /F&E, Date 12-01-2021

Copy along with the copy of Annexure-I and Annexure-II as above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division, Divisional Forest Officer, Angul Forest Division and User Agency may be imparted for required follow up action at their end. It may be ensured by the Divisional Forest Officers that Net Present Value of the forest land involved in this project of User Agency as well as for any other projects of the same User Agency, is deposited by them in appropriate head of account in State CAMPA in full, at applicable rates. The User Agency may also be instructed to furnish compliance to the conditions of forest clearance pertaining to the project in every quarter to the Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division

and Divisional Forest Officer, Angul Forest Division for facilitating monitoring of compliances.

Special Secretary to Government

Memo No. 789 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC (FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/ Deputy Director General of Forests (Central), MoEF&CC, Government of India, Integrated Regional Office, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dtd.24.7.2013.

Special Secretary to Government

Memo No. 790 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha/ Director, Environment, Forest & Environment Department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

Special Secretary to Government

Memo No. 791 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Regional Chief Conservator of Forests, Angul Circle / Collector, Dhenkanal / Collector, Cuttack/ Collector, Angul/ Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division/ Divisional Forest Officer, Angul Forest Division for information and immediate necessary compliance.

It may be ensured by the Divisional Forest Officers that Net Present Value of the forest land involved in this project of User Agency as well as for any other projects of the same User Agency, shall be deposited by them in full at applicable rates in appropriate head of account in State CAMPA before handing over of the forest land to the user agency. Besides, funds, if any, due to be deposited by the user agency in this project shall also be deposited by the project proponent before the forest land is handed over to them. The User Agency may also be instructed to furnish compliance to the conditions of forest/ wildlife clearance pertaining to the project in every quarter to the Divisional Forest Officers concerned for facilitating monitoring of compliances by them.

The Divisional Forest Officer, Dhenkanal Forest Division, Divisional Forest Officer, Cuttack Forest Division and Divisional Forest Officer, Angul Forest Division are also instructed to ensure that the direction given to the user agency are executed immediately.

Special Secretary to Government

Memo No. 792 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Works Department/ Revenue & Disaster Management Department for information and necessary follow up action.

Special Secretary to Government

Memo No. 793 /F&E, Date 12-01-2021

Copy along with the copy of Annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.

Special Secretary to Government

Memo No. 794 /F&E, Date 12-01-2021

Copy along with the copy of the Annexures forwarded to Project Director, National Highway Authority of India, Project Implementation Unit, Badadera, Mandua, Keonjhar, Pin-758014, Odisha/ Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768, Near Kalinga Eye Hospital, Dakkhinakali Road, Dhenkanal-759001, Odisha for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government of India vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

i. ***They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.***

ii. ***They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies, Panchayats and Municipal bodies in addition to the relevant offices of the Government, who in turn, has to display the same for 30 days from date of receipt.***

iii. ***Detailed action taken in compliance to the above order of State Government shall be intimated to the Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division / Divisional Forest Officer, Angul Forest Division / Regional Chief Conservator of Forests, Angul Circle / Principal Chief Conservator of Forests, Odisha/Forest & Environment Department for reference.***

Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates. Also requisite funds due for deposit by the user agency on account of this project shall also be deposited in State CAMPA Account.

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer, Dhenkanal Forest Division/ Divisional Forest Officer, Cuttack Forest Division /Divisional Forest Officer, Angul Forest Division in every quarter, for the purpose of monitoring by them.

12.1.2024

Special Secretary to Government

Memo No. 795 /F&E, Date 12-01-2024

Copy with copy of Annexures forwarded to the Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar for information and necessary action. He is requested to upload this order along with its enclosures in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012. Hence this may be donc unfailingly.**

12.1.2024

Special Secretary to Government

Memo No. 796 /F&E, Date 12-01-2024

Copy with copy of Annexures forwarded to the Under Secretary to Government, Office Establishment Section, Forest &Environment Department for information and necessary action with reference to their letter No.12939/F&E dtd.16.07.2016.

12.1.2024

Special Secretary to Government

ANNEXURE-1

Government of India/ भारत सरकार
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
A/3, Chandrasekharpur/ ए/३, चन्द्रशेखरपुर
Bhubaneswar - 751 023/ भुवनेश्वर - ७५१ ०२३
Telephone: 0674-2301213, 2301248, 2302452, 2302453. Fax: 0674-2302432. E-mail: roez.bsr-mef@nic.in

No. 8-ORA357/2018-BHU

5th December, 2018

ADDITIONAL CHIEF SECRETARY TO GOVT. FOREST & ENV. DEPARTMENT
11 DEC 2018

To
The Addl. Chief Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Stage-I approval order

Sub: Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)293/2016-14118/F&E dated 27.06.2018, No.18540/F&E dated 25.08.2018 and APCCF (Nodal), Odisha's Memo No.23152 dated 14.11.2018 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 27.11.2018, the Ministry of Environment, Forest & Climate Change hereby conveys ***'Stage-I/in-principle'*** approval for diversion of of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No.NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha, subject to the fulfillment of the following conditions.

(i) Legal status of forest land proposed for diversion shall remain unchanged.

(ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.

(iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.

(iv) Compensatory afforestation shall be raised with local tree species of at least 6 feet tall sapling over degraded forest land identified in Madhi RF (266.03 ha) and Anantapur RF (86.432 ha & 267.229 ha) under Khamakhyanagar West Range of Dhenkanal Forest Division against the area of forest land proposed to be diverted at the cost of the user agency.

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(v) State Govt. will implement compensatory afforestation scheme with focused soil & moisture conservation, along with regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantation for a period of seven to ten years as per requirement.

(vi) A total of 200 meter wide elephant passage should be left without fencing along the elephant corridor and no barbed wire fencing around the rest of the said CA land shall be installed.

(vii) The existing river flowing adjacent to the C.A. land and the Juang hamlet may also be excluded from the proposed C.A. land, as recommended by the State Forest Department.

(viii) The C.A. Scheme has been modified with inclusion of live hedge fencing in place of barbed wire fencing of the C.A. land. Hence, excess fund, earlier earmarked for barbed wire fencing may be adjusted towards site specific wildlife conservation plan of the project.

(ix) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the State CAF, Odisha through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

(x) The State Govt./Forest Department shall recast its CA Scheme on three sites selected within the fund already calculated without demanding excess fund, with special focus on creation of water bodies, impounding nullas within or adjacent to CA plots for creating water bodies. Accordingly, upto 10% of CA funds should be spent on Research, innovations & monitoring, involving reputed organization like IBRAD, Kolkata to redesign CA Scheme with local species, shrub & grass plantation to involve JFM for better success of CA along with annual monitoring and evaluation plans for assessment of CA's impacts on local environment & ecology.

(xi) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, humepipe passages, bridges etc. in addition to the already existing ones for earlier 2 lane road and new constructions proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.

(xii) While constructing new and reconstructing/widening the existing culverts, passages etc. the user agency/NHAI authority shall focus on the enhancement of the natural ambience inside and around such passages for adaptability of the structures by the wildlife.

(xiii) The designing of new culverts/bridges and redesigning the existing ones over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, so that it does not hamper movement of wild animals including migration of fishes & amphibians.

(xiv) State Govt. shall take up plantation of locally regenerating fruit and flower bearing trees at least 6 feet height sapling, double the number of trees to be felled from non-forest land of the project alignment at the cost of user agency as proposed by State Govt., on degraded forest land on both sides of this road near site of diversion, if available, otherwise on degraded forest land elsewhere. The details of the same are to be intimated to the Regional Office. The scheme may be recast and cost may also be accordingly revised since it is yet to be implemented.

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(xv) As proposed by the State Govt., the site specific wildlife conservation plan shall be prepared taking note of suggestion/observation of CWLW, Odisha for protection and conservation of wildlife in the area. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. The plan shall be approved by the CWLW, Odisha in consultation with Regional Office and implemented at project cost.

(xvi) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. The cost of expenditure like RCC/ stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally as per directions of Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016.

(xvii) The State Forest Department/UA shall submit the surveyed sketch of degraded forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.

(xviii) The user agency shall use fly ash for the road construction and for filling up of void created due to soil burrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.

(xix) The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.

(xx) No additional or new path will be constructed inside the forest area for any activity related to the project work.

(xxi) No labour camp shall be allowed in the forest area.

(xxii) The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.

(xxiii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.

(xxiv) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.

(xxv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.

(xxvi) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof. The user agency shall submit original FRA certificates before issue of Stage-II approval.

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(xxvii) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

(xxviii) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per guideline issued vide Ministry letter No. 11-306/2014-FC dated 28.08.2015.

Yours faithfully,

(S. Mohapatra)
Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Addl. Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
4. The Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768,Near Kalinga Eye Hospital, Dakkhinkali Road, Dhenkanal-759001, Keonjhar-758014, Odisha
5. Guard file.

Conservator of Forests (Central)

ANNEXURE-II

भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha

F4/8105/2020
21-12-2020

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No. 5-ORA357/2018-BHU

3rd December, 2020

To

The Addl. Chief Secretary,
Forest & Environment Deptt.
Govt. of Odisha,
Bhubaneswar.

ADDITIONAL PRINCIPAL SECRETARY
17 DEC 2020
FOREST & ENV. DEPARTMENT

Sub:- Diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha.

Madam,

I am to refer to State Govt. letter No. 10F(Cons)293/2016-14118/F&E dated 27.06.2018, No.18540/F&E dated 25.08.2018 and APCCF (Nodal), Odisha's Memo No.23152 dated 14.11.201810F(Cons)77/2018-9207/F&E dated 20.04.2018 and No.13724/F&E dated 21.06.2018, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change and on the basis of the decision of the Regional Empowered Committee meeting held on 27.11.2018, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 05.12.2018, subject to fulfillment of certain conditions. The Nodal Officer of the State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the PCCF (Nodal), Odisha vide their letter No. 16082/9F(Road)-330/2018 dated 11.09.2020 and uploading of the Stage-I compliance report in *Parivesh* web portal on 02.12.2020, ***Stage-II/final*** approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 176.231 ha of forest land for rehabilitation and up-gradation of Talcher-Duburi-Chandikhole Section of NH-23/200 in Odisha under NHDP-III (Group "C") on BOT basis (Package No. NHDP III/DL 5/09-BOT-"C") in favour of National Highway Authority of India from the existing two-lane, intermediate lane and single lane to two/four lane carriage way with paved shoulder and earthen shoulder in Cuttack and Dhenkanal Forest Divisions coming within the jurisdiction of Angul, Jajpur and Dhenkanal districts in the State of Odisha, subject to the fulfillment of the following conditions:-

Forest V-2
Diversion
18/12/2020

i) Legal status of the diverted forest land shall remain unchanged.

ii) Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.

iii) Compensatory afforestation shall be raised with local tree species of at least 6 feet tall sapling over degraded forest land identified in Madhi RF (266.03 ha) and Anantapur RF (86.432 ha & 267.229 ha) under Khamakhyanagar West Range of Dhenkanal Forest Division against the area of forest land proposed to be diverted as per approved plan/scheme at the cost of user agency within a period of three years with effect from the date of issue of approval and maintained thereafter in accordance with the approved plan. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

iv) The user agency shall deposit the differential cost of Compensatory Afforestation & Addi. Compensatory Afforestation amount of Rs. 58,54,900/- (Rs. 31,67,500/- +Rs. 26,87,400/-) in CAMPA Account before handed over to the user agency. The user agency should be careful for any future reference and may deposit the differential amount, if any to the State Govt.

v) The user agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the user agency with the State Forest Department.

vi) For this proposed 4 lane road, the user agency shall try to increase the number of culverts, hume pipe passages, bridges etc. in addition to the already existing ones for earlier 2 lane road and new constructions proposed by the user agency in the diversion proposal to facilitate wildlife movement including amphibians and reptiles.

vii) While constructing new and reconstructing/widening the existing culverts, passages etc. the user agency/NHAI authority shall focus on the enhancement of the natural ambience inside and around such passages for adaptability of the structures by the wildlife.

viii) The designing of new culverts/bridges and redesigning the existing ones over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging. so that it does not hamper movement of wild animals including migration of fishes & amphibians.

ix) State Govt. shall take up plantation of locally regenerating fruit and flower bearing trees at least 6 feet height sapling, double the number of trees to be felled from non-forest land of the project alignment at the cost of user agency as proposed by State Govt., on degraded forest land on both sides of this road near site of diversion, if available, otherwise on degraded forest land elsewhere. The details of the same are to be intimated to the Regional Office. The scheme may be recast and cost may also be accordingly revised since it is yet to be implemented.

x) The State Govt. shall implement the Site Specific Wildlife Conservation Plan duly approved by CWLW, Odisha at the project cost. Additional mitigative measures, as would be required for ensuring smooth movement of wild elephants in the area shall also be included in the SSWLCP. A copy of the Site Specific Wildlife Conservation Plan to be submitted to Eastern Regional Office, MoEF&CC for record.

xi) In case the widening of the road is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.

xii) The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.

xiii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificates from the concerned District Collector.

xiv) The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.

xv) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.

xvi) The user agency shall provide suitable under/ over pass in Protected Area/ Forest Area as per recommendations of CWLW/ NBWL/ FAC/ REC.

xvii) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.

xviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

xix) No labour camp shall be established on the forest land.

xx) Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.

xxi) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of the concerned DFO.

xxii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

xxiii) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

xxiv) The forest land shall not be used for any purpose other than that specified in the project proposal.

xxv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

xxvi) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.

xxvii) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

xxviii) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Govt. shall ensure compliance of all the above conditions.

xxix) Violation of any of these conditions will be dealt as per Para 1.21 (iii) of Chapter-1 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

Yours faithfully,

3.12.20

(Subrat Mohapatra)
Dy. Director General of Forests (C)

Copy to:-

1. The Principal Chief Conservator of Forests & Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Divisional Forest Officer, Cuttack/ Dhenkanal Forest Division, Cuttack/ Dhenkanal, Odisha.
3. The Project Director, National Highway Authority of India, Project Implementation Unit, Dhenkanal, Plot No.1768,Near Kalinga Eye Hospital, Dakkhinkali Road, Dhenkanal-759001, Keonjhar-758014, Odisha
4. Guard file.

3.12.20.

Dy. Director General of Forests (C)