

IMPORTANT ACTS/ RULES/ CIRCULARS RELATING TO FOREST DIVERSION & MINE CLOSURE

ENVIRONMENT & FOREST DEPARTMENT

MAHANADI COALFIELDS LIMITED

(A SUBSIDIARY OF COAL INDIA LIMITED)

A MINI RATNA COMPANY

BOOKLET
ON
IMPORTANTACTS/RULES/ REGULATIONS/NOTIFICATIONS/ CIRCULARS/ FOREST CLERANCE & MINE CLOSURE

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IMPORTANTACTS/RULES/ REGULATIONS/NOTIFICATIONS/CIRCULARS/ FOREST & MINE CLOSURE

Important Act/ Rules/ & Guidelines relating to Forest Clearance

a) Handbook of FC Act, Rules & Guidelines, 2019
b) ST & Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006 & Rules 2007

Forest Clearance

- Forest Clearance has to be obtained as per the provisions of Forest (Conservation) Act 1980, Forest (Conservation) Rules 2003, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.
- Guidelines & clarifications issued by MoEF&CC are compiled in the Handbook of FC Act, Rules & Guidelines, 2019.
- Important Guidelines are given below :

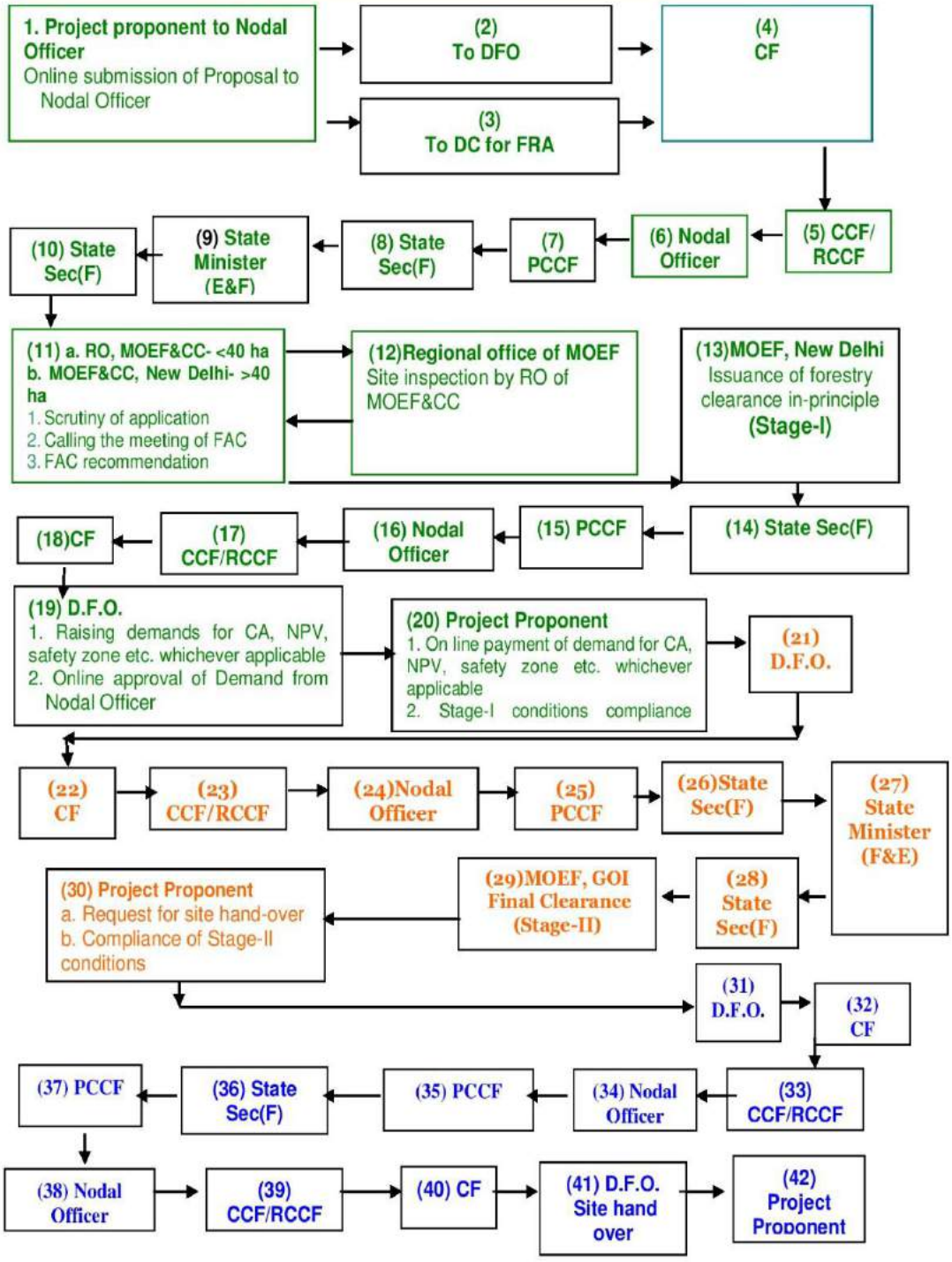
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- Procedure for obtaining FC is given below :

ACTIVITY BEFORE ONLINE SUBMISSION	
Documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency (Authorization Letter).	
Preparation of land schedule and its authentication from Tahsildar	
KML (Keyhole Markup Language) file of each Forest and mine lease boundary.	
DGPS survey of forest patches and mine lease boundary and preparation Geo-referenced map of the forest land proposed to be diverted .	
Survey of India Topo Sheet 1:50,000 scale indicating boundary of forest land proposed to be diverted	
Cost-Benefit analysis.	
Rehabilitation and Resettlement Plan, Approval of Ministry of Tribal Affairs, Govt. of India to Rehabilitation and Resettlement plan	
Identification of CA land and DGPS Survey of CA land and Geo - referenced Map of the land identified for creation of Compensatory Afforestation	
Preparation of CA scheme by DFO(T)	
Documentary evidence in support of settlement of rights under the Forest Right Act, 2006 (Conducting Gram sabha/ Word sabha for obtaining NOC from Collector) .	
Survey of India Topo sheet in 1:50,000 scale indicating location of the land identified for	

creation of Compensatory Afforestation.	
PROCEDURE OF MOVEMENT OF DIVERSION PROPOSAL	
Submission Form-A(Part-I) of forest diversion proposal through MoEF&CC portal to Nodal Office	
Nodal Officer receipt or return the proposal with the EDS-10days	
After compliance the EDS the hard copy of the proposal will be submitted to DFO(T).	
DFO(T) to RCCF(T)- (40Ha-30days), (40 to 100Ha-45days), (>100ha-60days)	
RCCF(T) to Nodal Office- (40Ha-10days), (>40ha-30days)	
PCCF(Nodal) to State Govt., F&E Dept.- (Upto 5Ha-10days), >5 to 40Ha-20days), (>40 to 100Ha)-25days, (>100Ha-30days).	
State Govt. to MoEF&CC- 30days	
MoEF&CC will request regional office to inspect the forest land in case more than 100ha forest land involved. i) Regional Office of MoEF&CC- Submission of inspection report within 45Day ii) Central Govt. shall refer the proposal to the Committee for its advice and Committee shall give its advice within 30days	
Consideration of FAC	
Stage-I FC	
Compliance of Stage-I FC conditions including additional conditions by State Govt. to be submitted by User Agency to DFO(T).	
DFO(T) to RCCF(T)-15days	
RCCF(T) to Nodal Officer- 15days	
Nodal Officer to State Govt.-15days	
State Govt to MoEF&CC- 15days	
MoEF&CC- Final approval(Stage-IIFC)-15days	

FLOW CHART OF FORESTRY CLEARANCE



NOTE: In case of any query raised by any officer in the chain at any point of time, the proposal moves backwards, in the reverse direction, up to the project proponent level and again follows the entire forward path.

STAGE-I CLEARANCE (1 to 13)

STAGE-II CLEARANCE (14 to 29)

SITE HANDOVER (30 to 42)

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)

Ministry of Environment, Forest and Climate Change

Government of India

2019

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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

PART A

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](cc) "Head of the Regional Office" means senior-most officer in the rank of Additional

[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.

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 Environment and Forests-	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 the absence of Director General of Forests

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

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

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

(iii) a non-official member may be removed from his office if he fails to attend 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 of the Regional Office;	Chairperson
(ii)	Senior most officer from amongst officers in the rank of Chief Conservator of Forests or Conservator of Forests in the Regional Office;	Member
(iii)	Three non-official members from amongst eminent persons who are experts in the forestry and allied disciplines;	Members
(iv)	Senior most officer from amongst officers in the rank of Deputy Conservator of Forests in the Regional Office.	Member- Secretary

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

(4) The terms of appointment of non-official members shall be as specified in rule 4.

5. Conduct of business of the Committee -

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

(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]**5A Conduct of 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 or decision shall be considered in the meeting of the Regional Empowered Committee:

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

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

[6]**6. Submission of proposal seeking approval of the Central Government under section 2**

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

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

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

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

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

[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, Forests and Climate Change, as the case may be;

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

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

(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 its recommendations, 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 density as per the latest India State of Forest Report published by the Forest Survey of India, shall be submitted by the User Agency in a letter form along with a 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 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-

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

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

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. –

(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

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

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

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

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, provided that 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:

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

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

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 State Government or 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 State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval, 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 State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval and obtain final approval within five years from the date of 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/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.
9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
10. Details of compensatory afforestation scheme:
    i) Details of non-forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
    ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
    iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
    iv) Total financial outlay for compensatory afforestation scheme.
    v) Certificates from competent authority regarding suitability of area identified for

compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).

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

12. Division/District profile:

    i) Geographical area of the district.

    ii) Forest area of the district.

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

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

        (a) forest land including penal compensatory afforestation,

        (b) non-forest land.

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

        (a) forest land

        (b) non-forest land.

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

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 Forests or 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 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

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

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 be utilised for pits or trenches

   (**iii**) **Drilling**

   (a) Number and diameter of boreholes or wells

   (b) Spacing of boreholes or wells

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

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

   (e) Total meterage of boreholes or wells

   (f) Number of drill core samples

   (g) Volume of drill core samples

   (**iv**) **Construction of roads or paths**

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

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

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

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

   (i) Surface sampling;

   (ii) Pitting or trenching;

   (iii) Drilling;

   (iv) Construction of roads or paths;

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

   Total:

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

   (i) Surface sampling;

   (ii) Pitting or trenching;

   (iii) Drilling;

   (iv) Construction of roads/paths;

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

   Total:

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

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 State Government not below the rank of an Under Secretary)

32. Recommendation of the State Government:
(Adverse comments made by any officer or authority in Part-II or Part –III or Part-IV above should be specially commented upon)

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 vide G.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.

PART B

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 description covers all statutorily recognized forests, whether designated 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, will not 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 the Act.*

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, 1980 would 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 FC Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest 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 clear felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.

(ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/ Working Plans to the 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 12.12.2996 have ordered that "the felling of trees 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 Plants 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 can be 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 Center and captive breeding facility

Zoo, Rescue, Rehabilitation Center and 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-forestry components. 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 by State 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 through outright 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 jhar ka 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 area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

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 or falling 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 Range is 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 zoo being submitted by central Government agency, then CA 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) by the Central Govt. up to one hectare,

(f) Diversion of forest land up-to 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 for afforestation on degraded forest land, to be selected elsewhere measuring one and a half time the area of forest land under safety zone with the State Forest Department in addition to depositing 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 para 2.4 are applicable 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 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 seedlings will be planted. The User Agency will deposit the cost of planting (including maintenance for ten years).

(ii) CA over Degraded Forest Land (DFL):CA scheme shall be prepared for minimum of 1000 saplings per hectare of identified CA land with ten-year maintenance. The plantation in the identified DFL shall be done as per the site requirement. The balance seedlings, if any, that could not be planted in the identified DFL, shall be planted in other DFL as per working plan prescriptions. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted.

(iii) 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 area for CA and that of the nearby forest area.

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

Form a to f certificate of non-availability of land for compensatory afforestation in the State/Union Territory to be issued by the Chief Secretary on official letter head

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 land s***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 here by certify that non-forest land, revenue lands, ***zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle-jhariland, 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,1980areapplicable,which as per the extant guidelines of the Central Government may be utilised 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 NPV for tunnel construction for hydroelectric power project shall be governed by norms as applicable for underground mining projects.

3.8 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 – Critical Public & Strategic Defence Infrastructure

4.1 The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, 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.

(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 land under General 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:

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 above in 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.

4.4 Public 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 up to 40 ha except for proposals up to 5 ha with less than 50 tree per ha. (For areas up to 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 of border security related:

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

a. sixteen-kilometer aerial distance from the Indo - Bhutan and Indo- Myanmar International Borders

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

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 para military 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 Highways & 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 Government shall accord approval to the proposal duly recommended by Principal Chief Conservator of Forests;

(iv) Forestland 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 Government for a specified period of time of till the information is submitted;

(vii) State Government shall realize from the user agency funds for creation of compensatory afforestation over degraded forest land equal in extent 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 Government shall be subject to the monitoring by the concerned Regional Office of this Ministry;

(xi) Forest land utilised 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:

5.1Transfer 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 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 o 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 Supreme Court of India and put to auction, the 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 & Investigations and 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, establishment of 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 corridors shall 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 provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.

(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 Forest (Conservation) Act, 1980 would be required. However, for drilling up to 25 boreholes of maximum4" 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 maximum4" dia per 10sq. km and/ or felling of trees, the following guidelines will 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 proposed for prospecting.

b. The user agency shall apply for diversion of forest area for prospecting and the proposal will be processed as per the procedure laid down in Rule 5and 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 proposed for prospecting.

d. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forest land having vegetation density between0.4 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 prospecting in the area, will be adjusted against the estimated NPV to be levied, in case the approval is obtained for diversion of the same forestland 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 prescribed in 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-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area 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 and Regulation) 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 FC Act, 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 FC Act, 1980 obtained following the procedure prescribed under the Rules made under 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.

The existing period of validity of forest clearance granted for diversion of forest landundersection-2(ii)of Forest Conservation Act 1980for mining of minor mineral in the State regulated under Rules made under section 15 of MMDR 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 MMDR 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 not realized 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 and the State Government fails to realize the same within the period of 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 deposited within 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 conditions before 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 FC Act, 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 the issue of this letter.

7.4 Mining in respect of atomic minerals regulated under MMDR Act:

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 a coal 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 the IITs or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land; and wherever feasible, the surface facilities should be planned over non-forest areas.

(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 belt and 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 27thMay 2015. However, the mining projects for which diversion of forest land have been approved before 27thMay 2015, the UA shall take approval of forest land in the safety zone by 31stMarch 2018, 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)

10.1Transmission 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 projects such 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 agency shall 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: Eco tourism has been regarded as non-forestry activity. Prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required for Ecotourism Projects

11.11 Construction of schools in hilly areas: The Central Government has conveyed approval for construction of Government schools 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, including 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 zoos or 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 center inside 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 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: Eco tourism 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 the State 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 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)

FORM –II

(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 for identification and settlement of 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-III

(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 for identification and settlement of 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)

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 respectively of 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

CONDITIONS STIPULATED BY MoEF&CC WHILE ACCORDING PRIOR APPROVAL (STAGE-I/ STAGE-II) for NON FOREST USE OF FOREST LAND UNDER FCA, 1980

A. 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 shall be transferred and mutated in favour of the State Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;
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 shall be transferred and mutated in favour of the State Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;
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 shall be transferred and mutated in favour of the State Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the StateForest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;
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 shall be transferred and mutated in favour of the State Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
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 to 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 which has been transferred and mutated in favour of the State Forest Department.
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 Protected Area/ 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/).*

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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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;

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 to 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 which has been transferred and mutated in favour of the State Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
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 shall be transferred and mutated in favour of Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;

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 to 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 which has been transferred and mutated in favour of the State Forest Department.
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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;

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 st

2. atus of the forest land shall remain unchanged.

3. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.

4. 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 which has been transferred and mutated in favour of the State Forest Department.

5. 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.

6. 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.

7. 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.

8. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.

9. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

10. The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;

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 diverted forest land shall be changed to revenue 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 shall be transferred and mutated in favour of Forest Department.

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 to 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 which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;

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 सं० डी० एल०—(एन)04/0007/2006—08 REGISTERED NO. DL—(N)04/0007/2006—08

भारत का राजपत्र
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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 2nd January, 2007/*Pausa* 12, 1928 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:—

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 OF 2007

[29*th December,* 2006]

An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

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

CHAPTER 1

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

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

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(*b*) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (*1*) and (*2*) of section 4;

(*c*) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(*d*) "forest land" means land of any description falling within any forest area and includes unclassified forests, undemarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(*e*) "forest rights" means the forest rights referred to in section 3;

(*f*) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(*g*) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(*h*) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(*i*) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(*j*) "nodal agency" means the nodal agency specified in section 11;

(*k*) "notification" means a notification published in the Official Gazette;

(*l*) "prescribed" means prescribed by rules made under this Act;

(*m*) "Scheduled Areas" means the Scheduled Areas referred to in clause (*1*) of article 244 of the Constitution;

18 of 2003. (*n*) "sustainable use" shall have the same meaning as assigned to it in clause (*o*) of section 2 of the Biological Diversity Act, 2002;

(*o*) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation.—For the purpose of this clause, "generation" means a period comprising of twenty-five years;

(*p*) "village" means—

40 of 1996. (*i*) a village referred to in clause (*b*) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(*ii*) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(*iii*) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(*iv*) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

53 of 1972. (*q*) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II

FOREST RIGHTS

Forest rights of Forest dwelling Scheduled Tribes and other tradional forest dwellers.

3. (*1*) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—

(*a*) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(*b*) community rights such as *nistar,* by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(*c*) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(*d*) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(*e*) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(*f*) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(*g*) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(*h*) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(*i*) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(*j*) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (*a*) to *(k)* but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, nemely:— 69 of 1980.

(a) schools;

(b) dispensary or hospital;

(c) anganwadis;

(d) fair price shops;

(*e*) electric and telecommunication lines;

(f) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill upgradation or vocational training centres;

(l) roads; and

(m) community centres:

Provided that such diversion of forest land shall be allowed only if,—

(i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

4. *(1)* Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in—

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:—

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

53 of 1972.

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package:

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section *(1)* shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of- kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. 69 of 1980.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

Duties of holders of forest rights.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to—

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition:

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Offences by members or officers of authorities and Committees under this Act.

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

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

Cognizance of offences.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI

MISCELLANEOUS

Members of authorities, etc., to be public servants.

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

10. *(1)* No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. 40 of 1996.

Power to make rules.

14. *(1)* The Central Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section *(1)* of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section *(2)* of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section *(8)* of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section *(9)* of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government 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.

K. N. CHATURVEDI,
Secy. to the Govt. of India.

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GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS

New Delhi, the 1st January, 2008

NOTIFICATION

G.S.R. _____(E).-- WHEREAS the draft Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R.437(E), dated the 19th June, 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS copies of the said Gazette were made available to the public on 25.06.2007;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

1. Short title, extent and commencement.- (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.

(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.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(b) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of section 3 of the Act;

(c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;

(e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

(f) "section" means the section of the Act;

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Gram Sabha.- (1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least one-third members shall be the Scheduled Tribes:

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

4. Functions of the Gram Sabha.- (1) The Gram Sabha shall -

(a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

(b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;

(c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;

(d) consider resettlement packages under clause (e) of sub section (2) of section 4 of the Act and pass appropriate resolutions; and

(e) constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the Act.

(2) The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha:

Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

5. Sub-Divisional Level Committee.- The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

(a) Sub-Divisional Officer or equivalent officer - Chairperson;

(b) Forest Officer in charge of a Sub-division or equivalent officer - member;

(c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee.- The Sub-Divisional Level Committee (SDLC) shall -

(a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected ;

(b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;

(c) collate all the resolutions of the concerned Gram Sabhas;

(d) consolidate maps and details provided by the Gram Sabhas;
(e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
(f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
(g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;
(h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims ;
(i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;
(j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;
(k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules ;
(l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules;
(m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee.- The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

(a) District Collector or Deputy Commissioner - Chairperson;
(b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;
(c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and
(d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. Functions of District Level Committee.- The District Level Committee shall –
(a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;

(b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
(c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
(d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
(e) co-ordinate with other districts regarding inter-district claims;
(f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;
(g) ensure publication of the record of forest rights as may be finalized; and
(h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively ;

9. State Level Monitoring Committee. - The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-
(a) Chief Secretary - Chairperson;
(b) Secretary, Revenue Department - member;
(c) Secretary, Tribal or Social Welfare Department - member;
(d) Secretary, Forest Department - member;
(e) Secretary, Panchayati Raj - member;
(f) Principal Chief Conservator of Forests - member;
(g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;
(h) Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

10. Functions of the State Level Monitoring Committee.- The State Level Monitoring Committee shall –

(a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
(b) monitor the process of recognition, verification and vesting of forest rights in the State;
(c) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency;
(d) on receipt of a notice as mentioned in section 8 of the Act, take appropriate actions against the concerned authorities under the Act;
(e) monitor resettlement under sub-section (2) of section 4 of the Act.

11. Procedure for filing, determination and verification of claims by the Gram Sabha.- (1) The Gram Sabhas shall -

(a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to -

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
(ii) prepare the record of claims and evidence including maps;
(iii) prepare a list of claimants on forest rights;
(iv) verify claims as provided in these rules;
(v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B as provided in Annexure I of these Rules.

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.- (1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department –

(a) visit the site and physically verify the nature and extent of the claim and evidence on the site;

(b) receive any further evidence or record from the claimant and witnesses;

(c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;

(d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and

(e) prepare a map delineating the area of each claim indicating recognizable landmarks.

(2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorised officer .

13. Evidence for determination of forest rights.- (1) The evidence for recognition and vesting of forest rights shall, inter alia, include -

(a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of

rights by whatever name called, *pattas* or leases , reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

(b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;

(c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;

(d) quasi-judicial and judicial records including court orders and judgments;

(e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;

(f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;

(g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) statement of elders other than claimants, reduced in writing.

(2) An evidence for Community Forest Rights shall, inter alia, include –

(a) community rights such as *nistar* by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.- (1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee .

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee.- (1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

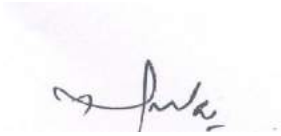
(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.



Dr. Bachittar Singh, Joint Secretary
[F. No.17014/ 02/ 2007–PC&V (Vol.VII)]

ANNEXURE - I

[See rule 6(l)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See rule 11(1)(a)]

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/ mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/ Taluka:
8. District:
9. (a) Scheduled Tribe : Yes/ No
   (Attach authenticated copy of Certificate)
   (b) Other Traditional Forest Dweller: Yes/ No
   If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:
    (including children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied
   a) for habitation
   b) for self-cultivation, if any:
   (See Section 3(1)(a) of the Act)
2. disputed lands if any:
   (See Section 3(1)(f) of the Act)
3. Pattas/ leases/ grants, if any:
   (See Section 3(1)(g) of the Act)
4. Land for *in situ* rehabilitation or alternative land, if any:
   (See Section 3(1)(m) of the Act)
5. Land from where displaced without land compensation:
   (See Section 4(8) of the Act)
6. Extent of land in forest villages, if any:
   (See Section 3(1)(h) of the Act)
7. Any other traditional right, if any:
   (See Section 3(1)(l) of the Act)
8. Evidence in support:
   (See Rule 13)
9. Any other information:

Signature/ Thumb Impression
of the Claimant(s):

FORM – B
CLAIM FORM FOR COMMUNITY RIGHTS
[See rule 11(1)(a) and (4)]

1. Name of the claimant(s):
    a. FDST community: Yes/ No
    b. OTFD community: Yes/ No

2. Village:
3. Gram Panchayat:
4. Tehsil/ Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as *nistar*, if any:
(See Section 3(1)(b) of the Act)

2. Rights over minor forest produce, if any:
(See Section 3(1)(c) of the Act)

3. Community rights
    a. uses or entitlements (fish, water bodies), if any:
    b. Grazing, if any
    c. Traditional resource access for nomadic and pastoralist, if any:
(See Section 3(1)(g) of the Act)

4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:
(See Section 3(1)(e) of the Act)

5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
(See Section 3 (1)(k) of the Act)

6. Other traditional right, if any:
(See Section 3(1)(l) of the Act)

7. Evidence in support:
(See Rule 13)

8. Any other information:

Signature/ Thumb Impression
of the Claimant (s):

ANNEXURE – II
[See rule 8(h)]
TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder (s) of forest rights (including spouse):

2. Name of the father/ mother:

3. Name of dependents:

4. Address:

5. Village/gram sabha:

6. Gram Panchayat:

7. Tehsil/ Taluka:

8. District:

9. Whether Scheduled Tribe or Other Traditional Forest Dweller

10. Area:

11. Description of boundaries by prominent landmarks including khasra/ compartment No:

This title is heritable, but not alienable or transferable under sub section (4) of section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)……affix our signatures to confirm the above forest right.

Divisional Forest Officer/ Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/ Deputy Commissioner

ANNEXURE – III

[See rule 8(h)]

TITLE TO COMMMUNITY FOREST RIGHTS

1. Name(s) of the holder (s) of community forest right:

2. Village/ Gram Sabha:

3. Gram Panchayat:

4. Tehsil/ Taluka:

5. District:

6. Scheduled Tribe/ Other Traditional Forest Dweller:

7. Nature of community rights:

8. Conditions if any:

9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/ compartment No:

Name(s) of the holder (s) of community forest right:

1.……
2……...
3……...

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)……affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/ Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/ Deputy Commissioner

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Ministry of Tribal Affairs
Government of India

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Resilient nations.

Forest Rights Act, 2006

Act, Rules and Guidelines



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रजिस्ट्री सं. डी. एल.-(एन) 04/0007/2006-08 REGISTERED NO. DL - (N)04/0007/2006-08

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II – खण्ड – I

PART II – Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2 नई दिल्ली, मंगलवार, जनवरी 2, 2007/पौष 12, 1928

No. 2 NEW DELHI, TUESDAY, JANUARY 2, 2007/PAUSA 12, 1928

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 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:-

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

[29th December, 2006]

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

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

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

Definitions

2. In this Act, unless the context otherwise requires, -

(a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) "forest rights" means the forest rights referred to in section 3;

(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) "nodal agency" means the nodal agency specified in section 11;

(k) "notification" means a notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Scheduled Areas" means the Scheduled Areas referred to in clause (l) of article 244 of the constitution;

(n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;

18 of 2003

(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation – For the purpose of this clause, "generation" means a period comprising of twenty-five years.

(p) "village" means –

40 of 1996

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

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(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II
FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

Forest rights of Forest dwelling Scheduled Tribes and

other traditional forest dwellers.

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:- 69 of 1980

(a) schools;

(b) dispensary or hospital;

(c) anganwadis;

(d) fair price shops;

(e) electric and telecommunication lines;

(f) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill up-gradation or vocational training centers;

(l) roads; and

(m) community centers:

Provided that such diversion of forest land shall be allowed only if, -

(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III
RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in – Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

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(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. 69 of 1980

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

Duties of holders of forest rights.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to -

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV
AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition.

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V
OFFENCES AND PENALTIES

Offences by members or officers of authorities and Committees under this Act.

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

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

Cognizance of offences.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI
MISCELLANEOUS

Members of authorities, etc., to be public servants.

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law.

40 to 1996.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to make rules

14 (1) The Central Government may; by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely:-

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government 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 on 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.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

Comprehensive Tribal Rules



**(TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)
OF DATED 1st JANUARY, 2008)**

With Amendments on 6th September 2012

**GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS**

New Delhi, the 1st January, 2008

NOTIFICATION[1]

G.S.R. No. 1(E) WHEREAS the draft of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437 (E), dated the 19th June 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS the copies of the said Gazette were made available to the public as on 25.06.2007.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

1. Short title, extent and commencement.-

(1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007[2].

(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.

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[1] Note: The symbol *"#" represents* the original formulation of Rules issued in 2007 and notified on January 1, 2008; and has also been reproduced for easy reference.

[2] Note that these Rules have been substantially amended by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

2. Definitions.-

(1) In these rules, unless the context otherwise requires,-

a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

b) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of Section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;'[3]

c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

'(ca) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of Section 3.[4]

d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood;

Explanation:

(1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha,

(2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,

(3) The collection of minor forest produce shall be free of all royalties or fees or any other charges'[5]

e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

f) "section" means the section of the Act

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

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[3] Substituted by Rule 2(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 2(1) (b) *"bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of Section 3 of the Act;*

[4] Inserted by Rule 2(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[5] Substituted by Rule 2(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 2(1)(d) *"disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;*

2A. Identification of hamlets or settlements and process of their consolidation.- The State Government shall ensure that, -

(a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

(b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.

(c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.[6]

3. Gram Sabha.-

(1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes.[7]

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

(4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012.[8]

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[6] *Inserted by Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)*

[7] Substituted by the words of Rule 4(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 3 (1) *"……wherein at least one-third members shall be the Scheduled Tribes"*

[8] Inserted by Rule 4 (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

4. Functions of the Gram Sabha.-

(1) The Gram Sabha shall -

(a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

(b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;

(c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;

(d) consider resettlement packages under clause (e) of sub-section (2) of Section 4 of the Act and pass appropriate resolutions; and

(e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of Section 5 of the Act.

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) Approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.[9]

(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting.[10]

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

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[9] Inserted by Rule 5(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[10] Substituted by Rule 5(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 4 (2) *The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha: Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.*

5. Sub-Divisional Level Committee.- The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

(a) Sub-Divisional Officer or equivalent officer - Chairperson;

(b) Forest Officer in charge of a Sub-division or equivalent officer - member;

(c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee.- The Sub-Divisional Level Committee (SDLC) shall -

(a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;

(b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;

(c) collate all the resolutions of the concerned Gram Sabhas;

(d) consolidate maps and details provided by the Gram Sabhas;

(e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;

(f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;

(g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;

(h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;

(i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;

(j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;

(k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;

(l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules.[11]

(m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee.- The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

(a) District Collector or Deputy Commissioner - Chairperson;

(b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;

(c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. Functions of District Level Committee.- The District Level Committee shall

(a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;

(b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;

(c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;

(d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;

(e) co-ordinate with other districts regarding inter-district claims;

(f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;

(g) ensure publication of the record of forest rights as may be finalized (**)[12]

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[11] Substituted by Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 6 (l) *"ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules".*

[12] The word "and" omitted by Rule 7(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively and[13]

(i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of Section 3.[14]

9. State Level Monitoring Committee. - The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

(a) Chief Secretary - Chairperson;

(b) Secretary, Revenue Department - member;

(c) Secretary, Tribal or Social Welfare Department - member;

(d) Secretary, Forest Department - member;

(e) Secretary, Panchayati Raj - member;

(f) Principal Chief Conservator of Forests - member;

(g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;

(h) Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

10. Functions of the State Level Monitoring Committee.- The State Level Monitoring Committee shall –

(a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;

(b) monitor the process of recognition, verification and vesting of forest rights in the State;

(c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.[15]

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[13] The word "and" inserted by Rule 7 (ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[14] Inserted by Rule 7(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[15] Substituted by Rule 8 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 10 (c). *"furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency".*

(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

(e) monitor resettlement under sub-section (2) of Section 4 of the Act.

(f) Specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of Section 3 and sub-section (8) of Section 4.[16]

11. Procedure for filing, determination and verification of claims by the Gram Sabha.-

(1) The Gram Sabhas shall :-

(a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if considers necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;

(ii) prepare the record of claims and evidence including maps;

(iii) prepare a list of claimants on forest rights;

(iv) verify claims as provided in these rules;

(v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for "community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C.[17]

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

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[16] Inserted by Rule 8(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[17] The word "community forest rights in Form B" substituted by Rule 9 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

 # Rule 11(4) *"community forest rights in Form B"*

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.-

(1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department:-

(a) visit the site and physically verify the nature and extent of the claim and evidence on the site;

(b) receive any further evidence or record from the claimant and witnesses;

(c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;

(d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and

(e) prepare a map delineating the area of each claim indicating recognizable landmarks.

(f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access

(g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources."[18]

(2) The Forest Rights Committee' shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing: Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

[18] Inserted by Rule 10 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

12 A. Process of recognition of rights.-

(1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

(2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

(4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.

(5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.

(6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

(7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

(8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of Section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

(9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.

(10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation:

1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.
2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.[19]

12 B. Process of Recognition of Community Rights.-

(1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of Section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

(2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of Section 3 before the concerned Gram Sabhas.

(3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of Section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

[19] Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

(5) The conversion of forest villages, unrecorded settlement under clause (h) of Section 3 shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.[20]

13. Evidence for determination of forest rights.-

(1) The evidence for recognition and vesting of forest rights shall, inter alia, include -

(a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

(b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;

(c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;

(d) quasi-judicial and judicial records including court orders and judgments;

(e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;

(f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;

(g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) Statement of elders other than claimants, reduced in writing.

(2) An evidence for "Community Forest Resource"[21] inter alia, include –

(a) community rights such as *nistar* by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

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[20] Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[21] Substituted by Rule 12(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 13 "community forest rights"

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(d) Government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, *nistari* forests

(e) Earlier or current practice of traditional agriculture.[22]

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.-

(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee.-

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

[22] Inserted by Rule 12 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

16. Post Claim support and handholding to holders of forest rights.-

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.[23]

Dr. Bachittar Singh, Joint Secretary
[F. No.17014/02/2007–PC&V (Vol.VII)]
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

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[F. No. 23011/32/2010-(Vol. II)]
Dr. Sadhana Rout, Joint Secretary
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012

[23] Inserted by Rule 13 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexures

Annexure I

[See Rule 6(I)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)
   (b) Other Traditional Forest Dweller: Yes/No
   (If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:
    (including children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied
   (a) for habitation
   (b) for self-cultivation, if any:
   (See Section 3(1) (a) of the Act)
2. disputed lands if any:
   (See Section 3(1)(f) of the Act)
3. Pattas/leases/grants, if any:
   (See Section 3(1)(g) of the Act)
4. Land for in situ rehabilitation or alternative land, if any:
   (See Section 3(1)(m) of the Act)
5. Land from where displaced without land compensation:
   (See Section 4(8) of the Act)

6. Extent of land in forest villages, if any:
   (See Section 3(1)(h) of the Act)
7. Any other traditional right, if any:
   (See Section 3(1)(l) of the Act)
8. Evidence in support:
   (See Rule 13)
9. Any other information:

Signature/Thumb Impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

FORM – B

CLAIM FORM FOR COMMUNITY RIGHTS

[See Rule 11(1)(a) and (4)]

1. Name of the claimant(s):
   (a) FDST community: Yes/No
   (b) OTFD community: Yes/No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as *nistar*, if any:
   (See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any:
   (See Section 3(1)(c) of the Act)
3. Community rights
   (a) Uses or entitlements (fish, water bodies), if any:
   (b) Grazing, if any
   (c) Traditional resource access for nomadic and pastoralist, if any:
   (See Section 3(1)(g) of the Act)
4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:
   (See Section 3(1)(e) of the Act)
5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
   (See Section 3(1)(k) of the Act)
6. Other traditional right, if any:
   (See Section 3(1)(l) of the Act)
7. Evidence in support:
   (See Rule 13)
8. Any other information

Signature/Thumb Impression of the Claimant(s):

FORM – C[24]

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See Section 3(1)(i) of the Act and Rule 11(1) and 4(a)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes/ Other Traditional Forest Dwellers indicated next to each member].

   Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim.

   We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under Section 3(1)(i).

   (Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)
6. Khasra/Compartment No.(s), if any and if known:
7. Bordering Villages:

   (i)

   (ii)

   (iii)

   (This may also include information regarding sharing of resources and responsibilities with any other villages.)
8. List of Evidence in Support (Please see Rule 13)

Signature/Thumb impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012
Government of India
Ministry of Tribal Affairs

[24] Inserted by Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure II

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder(s) of forest rights (including spouse):
2. Name of the father/mother:
3. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent landmarks including khasra/compartment No: This title is heritable, but not alienable or transferable under sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)……affix our signatures to confirm the above forest right.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure III

[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right:
2. Village/Gram Sabha:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe/Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/compartment No:

Name(s) of the holder(s) of community forest right:

1. ……
2 ……
3. ……

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)……affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure IV[25]

TITLE TO COMMUNITY FOREST RESOURCES

[See Rule 8(i)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Scheduled Tribe/Other Traditional Forest Dweller: Scheduled Tribes community/Other Traditional Forest Dwellers community/Both
6. Description of boundaries including customary boundary, by prominent landmarks, and by khasra/ compartment No:

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per Section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies).

(Divisional Forest Officer/
Deputy Conservator of Forests)

(District Tribal Welfare Officer)

(District Collector/Deputy Commissioner)

[25] Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure V[26]

FORMAT FOR FURNISHING QUARTERLY REPORT

[See Rule 10(c)]

1. Name of State
2. Status of Claims
   a) Individual Rights
      - Filed
      - Accepted
      - Rejected
      - Pending
      - Reasons for rejection with examples
      - Corrective measures suggested
      - Any other observations
      - Extent of forest land covered (in Ha.)
      - Status of updation of forest and revenue records under Section 3(1)(a) of the Act (in Ha.)

   b) Community Forest Rights
      - Filed
      - Accepted
      - Rejected
      - Pending
      - Extent of forest land covered
      - Status of updation of forest and revenue record under Section 3(1)(b) to 3(1)(l) of the Act (in Ha.)
      - Reasons for rejections with example
      - Corrective measures suggested
      - Any other observations

   c) Details of Community Forest Resource being managed and by whom

[26] Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

d) Good Practices (if any)

e) Area diverted under Section 3(2) of the Act (in Ha.)

f) Any other Remarks

(Chairman)
State Level Monitoring Committee

(Member Secretary)
State Level Monitoring Committee

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

[F.No. 23011/32/2010-(Vol. II)]

Dr. Sadhana Rout, Joint Secretary

Forest Rights Act, 2006: Guidelines





Government of India
Ministry of Tribal Affairs

Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations.

i. Process of Recognition of Rights:

a. The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.

b. In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

c. The Sub-Divisional Level Committee or the District Level Committee should, if deemed necessary, remand the claim to the Gram Sabha for reconsideration instead of rejecting or modifying the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

d. In cases where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.

e. On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue/Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.

f. All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/recommendation should be in the form of speaking orders.

g. The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.

h. Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.

i. The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.

j. A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of Section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to rights under Section 3(1)(a) of the Act only and not to any other right under Section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

ii. Minor Forest Produce:

a. The State Governments should ensure that the forest rights relating to MFPs under Section 3(1)(c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".

b. The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.

c. The forest right holders or their cooperatives/federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

d. The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/federations of the rights holders would also be ultra vires of the Act.

e. The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them.

iii. Community Rights:

a. The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;

b. The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha(s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.

c. In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

d. The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlements and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognizes the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion on forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right.

iv. Community Forest Resource Rights:

a. The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.

b. In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.

c. The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.

d. The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.

e. Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that prejudicially affects the wild-life, forest and bio-diversity in forest area would be dealt with under the provisions of the relevant Acts.

v. Protection against Eviction, Diversion of Forest Lands and Forced Relocation:

a. Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

b. The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/UT Governments to enclose certain evidences relating to completion of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forest's letter dated 30.07.2009, as modified on 03.08.2009.

c. There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

d. The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders recognized under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their

rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under Section 4(2) of the Act.

e. The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

vi. Awareness-Raising, Monitoring and Grievance Redressal:

a. Each State should prepare suitable communication and training material in local language for effective implementation of the Act.

b. The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives. Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.

c. In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.

d. If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, that is required. The complainant and the Gram Sabha should be informed about the outcome of the inquiry.



Ministry of Tribal Affairs
Government 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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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

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;

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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अधिसूचना

नई दिल्ली, 29 नवम्बर, 2023

सा.का.नि.869(अ)—केन्द्रीय सरकार, वन (संरक्षण एवं संवर्धन) अधिनियम 1980 (1980 का 69) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और वन (संरक्षण) नियम, 2022, को, उन बातों के सिवाय जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, अधिक्रांत करते हुए, निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम, विस्तार और प्रारंभ (1) इन नियमों का संक्षिप्त नाम वन (संरक्षण एवं संवर्धन) नियम, 2023 है।

(2) ये 1 दिसम्बर, 2023 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 की उप-धारा (1) के अधीन पूर्व अनुमोदन प्राप्त करने के लिए प्रयोग की जाने वाली सक्रिय वनीकरण की एक प्रणाली अभिप्रेत है;

(ख) ''अधिनियम'' से वन (संरक्षण एवं संवर्धन) अधिनियम,1980 (1980 का 69) अभिप्रेत है;

(ग) ''परामर्शदात्री समिति'' से अधिनियम की धारा 3 के अधीन गठित परामर्शदात्री समिति अभिप्रेत है;

(घ) ''प्रतिपूरक वनीकरण'' से अधिनियम के अधीन वनेतर प्रयोजन के लिए वन भूमि के अपवर्तन की एवज में किया गया वनीकरण अभिप्रेत है;

(ड़) ''प्रतिपूरक उद्ग्रहण'' में प्रतिपूरक वनीकरण निधि अधिनियम, 2016 (2016 का 38) की धारा 4 की उप-धारा 3 के खंड (iii) और खंड (iv) में विनिर्दिष्ट सभी धनराशियां और निधियां सम्मिलित हैं;

(च) ''वन संरक्षक'' से वन संरक्षक, मुख्य वन संरक्षक, क्षेत्रीय मुख्य वन संरक्षक या वन भूमि पर अधिकारिकता, 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 राज्य क्षेत्र प्रक्षाशन द्वारा नियुक्त वन संरक्षक के समकक्ष अधिकारी अभिप्रेत है;

(छ) ''उप-वन महानिदेशक (केन्द्रीय)'' से केन्द्रीय सरकार द्वारा नियुक्त क्षेत्रीय कार्यालय का प्रमुख अभिप्रेत है।

(ज) ''अनारक्षण'' से वन के रूप में कानूनी रूप से या अन्यथा मान्यताप्राप्त की गई भूमि की विधिक प्रास्थिति को भूमि के किसी अन्य प्रवर्ग में परिवर्तित करने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और उसके किसी प्राधिकरण द्वारा जारी किया गया कोई आदेश अभिप्रेत है;

(झ) ''अपयोजन'' से किसी वन भूमि के उपयोग को वनेतर प्रयोजन या किसी वन भूमि के पट्टे को वनेतर प्रयोजन हेतु समनुदेशन के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या उसके किसी भी प्राधिकरण द्वारा जारी किया गया कोई आदेश अभिप्रेत है;

(ञ) ''जिला कलेक्टर'' उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर अधिकारिकता रखने वाले राजस्व जिले के प्रशासन का प्रभार धारण करने के लिए उप-आयुक्त सम्मिलित हैं।

(ट) ''प्रभागीय वन अधिकारी'' से राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा नियुक्त प्रभागीय वन अधिकारी, उप-वन संरक्षक या प्रभागीय वन अधिकारी या उप-वन संरक्षक के समकक्ष कोई अधिकारी अभिप्रेत है, जिसे उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर अधिकारिकता रखने वाले वन प्रभाग का प्रभार धारण करने के लिए नियुक्त किया गया है;

(ठ) ''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;

(ड) ''संरेखीय परियोजना'' से ऐसी परियोजनाएं अभिप्रेत हैं जिनमें सड़कों, पाइप लाइनों, रेलवे, पारेषण लाइनों, गारे की पाइपलाइन, प्रहवणी बेल्ट आदि के प्रयोजन के लिए वन भूमि का संरेखीय अपयोजन सम्मिलित है;

(ढ) ''राष्ट्रीय कार्य-योजना कोड'' से कार्य योजनाएं तैयार करने के लिए केन्द्रीय सरकार द्वारा तैयार किया गया कोड अभिप्रेत है;

(ण) ''नोडल अधिकारी'' से इस अधिनियम और उसके अधीन बनाए गए नियमों को क्रियान्वित करने और वन संरक्षण के मामलों पर कार्रवाई करने वाला और केन्द्रीय सरकार से इस मामले में पत्राचार करने के प्रयोजन के लिए, यदि विभाग में मुख्य वन संरक्षक या उससे ऊपर का पद नहीं हो यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्राधिकृत ऐसा अधिकारी अभिप्रेत है, जो मुख्य वन संरक्षक से नीचे के पद का न हो, या संबंधित संघ राज्यक्षेत्र के वन विभाग में ज्येष्ठतम अधिकारी हो;

(त) ''परियोजना जांच समिति'' से नियम 8 के अधीन गठित परियोजना जांच समिति अभिप्रेत है;

'क्षेत्रीय सशक्त समिति'' से नियम 6 के उप नियम (1) के अधीन गठित की गई क्षेत्रीय सशक्त समिति अभिप्रेत है;

(थ) ''क्षेत्रीय कार्यालय'' से केन्द्रीय सरकार द्वारा स्थापित, और नियंत्रित क्षेत्रीय कार्यालय अभिप्रेत है;

(द) ''सर्वेक्षण'' से किसी परियोजना के आरंभ से पूर्व किया गया कोई कार्यकालाप या वन भूमि में वास्तविक खनन कार्य करने से पूर्व खनिज भंडारों कि खोज, अवस्थिति या भंडार जिसके अंतर्गत कोयला, पेट्रोलियम तथा प्राकृतिक गैस भी है को साबित करने के संयोजन के लिए किये गए कार्यकालाप जिसके अंतर्गत सर्वेक्षण, अन्वेषण, पूर्वेक्षण सहित ड्रिल करना भी शामिल है, अभिप्रेत है;

(ध) "प्रौद्योगिक उपकरण" से अधिनियम के अधीन पूर्व स्वीकृति की आवश्यकता वाले प्रस्ताव के संबंध में निर्णय लेने को सुगम बनाने के लिए 'निर्णय समर्थन तंत्र' (डीएसएस) जैसे भगौलीक सूचना प्रणाली आधारित डिजिटल उपकरणों से अभिप्रेत है।

(न) ''प्रयोक्ता अधिकरण'' से अभिप्राय अधिनियम की धारा 1 के अधीन प्रस्ताव प्रस्तुत करने वाले किसी व्यक्ति, संगठन या कानूनी इकाई या कंपनी या केन्द्रीय या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के विभाग है;

(प) "कार्य की अनुमति" से ब्लैक टॉपिंग, कंक्रीट बिछाने, रेलवे ट्रैक बिछाने, ट्रांसमिशन लाइनों को चार्ज करने आदि के अतिरिक्त प्रारंभिक परियोजना कार्य आरंभ करने के लिए संसाधन जुटाने हेतु अंतिम अनुमोदन देने के पूर्व रैखिक परियोजनाओं को दी गई या 'सैधांतिक' अनुमोदन में यथा-निर्दिष्ट अनुमति से अभिप्रेत है;

(फ) ''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 क्रमश: उन्हें दिया गया है।

3. परामर्शदात्री समिति का गठन—(1) केन्द्रीय सरकार, आदेश द्वारा, नियम 10 के उपनियम (5) के उप खंड (ख) के अधीन निर्दिष्ट प्रस्तावों के संबंध में धारा 2 की उप-धारा (1) के अधीन अनुमोदन प्रदान करने के लिए और वनों के संरक्षण से संबंधित कोई मामला जिसे केन्द्रीय सरकार द्वारा परामर्शदात्री समिति को निर्दिष्ट किया गया है, के संबंध में केन्द्रीय सरकार को परामर्श देने के लिए एक परामर्शदात्री समिति का गठन कर सकती है:-

(2) परामर्शदात्री समिति में निम्नलिखित सदस्य सम्मिलित होंगे, अर्थात :-

(क) वन महानिदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - अध्यक्ष;

(ख) अपर वन महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन संरक्षण से संबंधित कार्य देख रहे हैं - सदस्य;

(ग) अपर वन महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन्यजीव से संबंधित कार्य देख रहे हैं - सदस्य;

(घ) अपर आयुक्त (मृदा संरक्षण), कृषि एवं किसान कल्याण मंत्रालय - सदस्य;

(ङ) पारिस्थितिकी, इंजीनियरिंग और आर्थिक विकास अर्थशास्त्र क्षेत्रों से प्रत्येक का प्रतिनिधित्व करने वाले केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले तीन गैर शासकीय विशेषज्ञ - गैर-सरकारी सदस्य;

(च) वन संरक्षण और उसके अधिनियम 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 महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन संरक्षण से संबंधित कार्य देख रहे बैठक की अध्यक्षता करेंगे।

4. परामर्शदात्री समिति के गैर शासकीय सदस्यों के लिए निबंधन और शर्तें :—

(1) गैर-शासकीय सदस्य के अपने कार्यकाल की अवधि अपने नामनिर्देशन की तारीख से दो वर्ष तक होगी या जैसी केन्द्रीय सरकार द्वारा निर्दिष्ट की गई है;

(2) एक गैर- शासकीय सदस्य का यदि विकृत चित्त या दिवालिया या किसी अपराध, जिसमें नैतिक अधमता अन्तर्वलित है, में दोष सिद्ध होने की दशा में उसकी सदस्यता समाप्त हो जाएगी;

(3) यदि कोई गैर-शासकीय सदस्य बिना पर्याप्त कारणों से परामर्शदात्री समिति की लगातार तीन बैठकों में उपस्थित होने में असफल राहत है ता तो उसकी सदस्यता समाप्त हो जाएगी;

(4) खंड (2) और (3) में बताए गए कारणों के द्वारा यदि कोई रिक्ति होती है तो उसे केन्द्रीय सरकार द्वारा दो वर्ष की शेष अवधि के लिए भर लिया जाएगा;

(5) परामर्शदात्री समिति के गैर-शासकीय सदस्य उस यात्रा भत्ता और दैनिक भत्ता के हकदार होगा जो समूह 'क' के पद धारण करने वाले भारत सरकार के किसी अधिकारी को ग्राहय होगा ;

(6) परंतु जहां संसद के सदस्य या राज्य विधान सभा के सदस्य को परामर्शदात्री समिति के सदस्य के रूप में नियुक्त किया गया है, वहां वह यथास्थिति 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, यात्रा भत्ता और दैनिक भत्तों के लिए हकदार होगा।

5. परामर्शदात्री समिति के कार्यों का संचालन:—

(1) परामर्शदात्री समिति का अध्यक्ष जब कभी आवश्यक समझे, परामर्शदात्री समिति की बैठक माह में कम से कम एक बार बुला सकता है।

(2) परामर्शदात्री समिति की बैठक सामान्यता नई दिल्ली में होगी सिवाय इसके कि जब अध्यक्ष प्रस्तावित भूमि का निरीक्षण करना आवश्यक समझे तो वह उस स्थान पर बैठक आयोजित करने का निदेश दे सकता है जहां से प्रस्ताव का निरीक्षण किया जा सकता है।

(3) परामर्शदात्री समिति की बैठक की गणपूर्ति (कोरम) अध्यक्ष सहित पांच होगी।

(4) सदस्य सचिव बैठक की कार्य-सूची तैयार करेंगे और केन्द्रीय सरकार द्वारा परामर्शदात्री समिति को निर्दिष्ट प्रस्तावों और विषयों को प्रस्तुत करेंगे।

(5) परामर्शदात्री समिति अपनी बैठक में प्रस्ताव या विषयों की जांच करेगी और, तत्काल मामलों में, अध्यक्ष उस प्रस्ताव या विषय को सदस्यों को उनके विचारार्थ प्रेषित करने का निदेश दे सकता है, जो निर्धारित समय के भीतर समिति को उपलब्ध कराया जाएगा।

(6) प्रयोक्ता अधिकरण को ऐसी अवधि के लिए परामर्शदात्री समिति की बैठक में उपस्थित होने के लिए अनुज्ञात किया जा सकता है जो उनसे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे को स्पष्ट करने के लिए आवश्यक हो।

(7) प्रस्ताव या विषयों की जांच के पश्चात्, परामर्शदात्री समिति केन्द्रीय सरकार को अपनी सिफारिश/परामर्श देगी।

6. क्षेत्रीय सशक्त समिति का गठन - (1) केन्द्रीय सरकार, नियम 10 के उपनियम (3) के खंड (ख) के अधीन निर्दिष्ट प्रस्तावों की जांच करने तथा धारा 2 की उप-धारा (1) के अधीन प्रस्तावों को अनुमोदन प्रदान करने या अस्वीकार करने के लिए प्रत्येक क्षेत्रीय कार्यालय में आदेश द्वारा एक क्षेत्रीय सशक्त समिति का गठन कर सकेगी।

(2) प्रत्येक क्षेत्रीय कार्यालय में क्षेत्रीय सशक्त समिति में निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात् :-

(क) उप वन महानिदेशक (केन्द्रीय) या केन्द्रीय सरकार द्वारा नामनिर्दिष्ट कोई अधिकारी - अध्यक्ष;

(ख) ख्याति प्राप्त व्यक्तियों में से, जो वानिकी और सहायक विषयों के क्षेत्र में विशेषज्ञ है, तीन गैर- शासकीय सदस्य - सदस्य;

(ग) 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) राज्य या संघ राज्यक्षेत्र प्रशासन के 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-शासकीय सदस्यों के निबंधन और शर्तें :—

(1) एक गैर-शासकीय सदस्य उसके नामनिर्देशन की तारीख से दो वर्ष की अवधि के लिए पद धारण करेगा;

(2) एक गैर-शासकीय सदस्य को यदि विकृत चित्त, दिवालिया या एक ऐसे अपराध के लिए दोषी पाया गया हो, जिसमें नैतिक अधमता अंतर्विलित है, की स्थिति में उसकी सदस्यता समाप्त हो जाएगी;

(3) यदि कोई गैर- शासकीय सदस्य बिना पर्याप्त कारणों से समिति की लगातार तीन बैठकों में उपस्थित होने में असफल राहत है तो उसकी सदस्यता समाप्त हो जाएगी;

(4) उप नियम (2) और (3) में वर्णित किसी कारण के फलस्वरूप यदि क्षेत्रीय सशक्त समिति में सदस्य की कोई रिक्ति होती है तो उसे केंद्रीय सरकार उस सदस्य की शेष अवधि के लिए भर लिया जाएगा, जिसके स्थान पर रिक्ति हुई है;

(5) 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 ग्राहय है ;

(6) परंतु जहां संसद के सदस्य या राज्य विधान सभा के सदस्य क्षेत्रीय सशक्त समिति के सदस्य के रूप में नियुक्त किया गया है, वहां वह यथास्थिति 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, यात्रा भत्ता और दैनिक भत्तों के लिए हकदार होगा।

7. क्षेत्रीय सशक्त समिति के कार्यों का संचालन:—सलाहकार समिति अपना कार्य निम्नानुसार संचालित करेगी, अर्थात्:-

(1) क्षेत्रीय सशक्त समिति का अध्यक्ष जब कभी आवश्यक समझे, समिति की बैठक आयोजित कर सकता हैं, जो माह में एक बार से कम नहीं हो;

(2) क्षेत्रीय सशक्त समिति की बैठक क्षेत्रीय कार्यालय के मुख्यालय में आयोजित की जाएगी:

परंतु क्षेत्रीय सशक्त समिति के अध्यक्ष जहां इस बात से संतुष्ट हो कि ऐसी वन भूमि के स्थान का जिनका वनेत्तर प्रयोजनों के लिए प्रयोग किया प्रस्तावित है, का निरीक्षण आवश्यक या निर्दिष्ट प्रस्ताव के संबंध में विचार शीघ्रता से किया जाना आवश्यक या समीचीन है तो स्थल के ऐसे निरीक्षण के लिए यह क्षेत्रीय सशक्त समिति की बैठक क्षेत्रीय कार्यालय के मुख्यालय में न करके अन्य स्थान पर करने के निदेश दे सकते हैं;

(3) अध्यक्ष क्षेत्रीय सशक्त समिति की बैठक की अध्यक्षता करेगा और उसकी अनुपस्थिति में, अन्य क्षेत्रीय कार्यालय का प्रभार संभालने वाला उप वन महानिदेशक या अधिनियम से संबंधित मामलों पर कार्य करने वाला वन महानिरीक्षक, जैसा कि केन्द्रीय सरकार द्वारा प्राधिकृत किया जाए, क्षेत्रीय सशक्त समिति की बैठक की अध्यक्षता कर सकता है।

(4) क्षेत्रीय सशक्त समिति को सलाह या विनिश्चय के लिए निर्दिष्ट 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 दस्तावेजों को परिचालित किया जाए और क्षेत्रीय सशक्त समिति के सदस्यों को अनुबद्ध समय के भीतर उनकी राय के लिए भेजा जाए।

(5) क्षेत्रीय सशक्त समिति की बैठक में गणपूर्ति (कोरम) तीन होगी;

(6) प्रयोक्ता अभिकरण को बैठक के दौरान ऐसी अवधि के लिए उपस्थित रहने के लिए अनुज्ञात किया जा सकेगा जो इससे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे को स्पष्ट करने के लिए आवश्यक हो।

(7) सदस्य सचिव बैठक की कार्यसूची तैयार करेंगे और अधिनियम से जुड़े प्रस्तावों और विषयों को समिति के समक्ष प्रस्तुत करेंगे तत्पश्चात उचित सिफारिशें तथा निर्णय लिए जा सकें।

8. परियोजना जांच समिति का गठन:—(1) राज्य सरकार और संघ राज्यक्षेत्र प्रशासन, एक आदेश द्वारा, अधिनियम की धारा 2 की उप-धारा (1) के खंड (i), खंड (ii) या खंड (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 व्यक्ति सम्मिलित होंगे, अर्थात्: -

(क) नोडल अधिकारी- अध्यक्ष;

(ख) संबंधित मुख्य वन संरक्षक/वनसंरक्षक - सदस्य;

(ग) संबंधित प्रभागीय वन अधिकारी - सदस्य;

(घ) संबंधित जिला क्लेक्टर और उनके प्रतिनिधि, (डिप्टी कलेक्टर के पद से नीचे का नहीं) - सदस्य;

(ङ) नोडल अधिकारी के कार्यालय में प्रभागीय वन अधिकारी - सदस्य - सचिव

(3) परियोजना जांच समिति की बैठक प्रत्येक मास 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, यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगी।

9. केन्द्रीय सरकार के पूर्व अनुमोदन के लिये प्रस्ताव:—(1) केन्द्रीय सरकार अपना अनुमोदन दो चरणों में दिया करेगी, अर्थात (i) 'सैद्धांतिक' अनुमोदन; और (ii) 'अंतिम' अनुमोदन।

(2) प्रयोक्ता अभिकरण राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को अधिनियम की धारा 2 की उपधारा (1) के अधीन वन भूमि के अनारक्षण, वनेतर प्रयोजनों के लिए वन भूमि के उपयोग या पट्टे के लिए केन्द्रीय सरकार के वेब पोर्टल के माध्यम से ऑनलाइन समनुदेशन केन्द्रीय सरकार के अनुमोदन हेतु आवेदन प्रस्तुत करेगी।

(3) प्रयोक्ता अभिकरण द्वारा प्रस्तुत किये जाने वाले प्रस्ताव के लिए एक प्रस्ताव पहचान संख्या को ऑनलाइन 'जेनरेट' किया जाएगा और उक्त पहचान संख्या का उपयोग भविष्य के सभी संदर्भों के लिए किया जाएगा।

(4) प्रस्ताव की एक प्रति, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के संबंधित वनमंडल अधिकारी, जिला कलेक्टर, वन संरक्षक, मुख्य वन संरक्षक और नोडल अधिकारी को भी साथ-साथ अग्रेषित की जाएगी और उनमें से प्रत्येक प्रस्ताव के प्रलेखन की पूर्णता की प्रारंभिक जांच स्वतंत्र रूप से करेगा।

(5) परियोजना जांच समिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से प्राप्त पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों के सिवाय, जांच करेगी कि प्रस्ताव सभी तरह से पूर्ण है और प्रस्तावित कार्यकलाप किसी प्रतिबंधित क्षेत्र या प्रवर्ग में नहीं है।

(6) परियोजना जांच समिति, स्पष्टीकरण या अतिरिक्त दस्तावेज, यदि कोई हो, के लिए प्रयोक्ता अभिकरण को बुला सकती है।

(7) 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 जाए और सदस्य-सचिव इस संबंध में प्रयोक्ता अभिकरण को सूचित करेगा।

(8) प्रयोक्ता अभिकरण को लौटाए गए प्रस्तावों को नब्बे दिनों की अवधि के भीतर उपरोक्त उप नियम (7) के अधीन अभिज्ञात कमी को दूर करने के पश्चात फिर से प्रस्तुत किया जा सकेगा, ऐसा न हो पाने पर प्रस्ताव को सूची से हटा दिया जाएगा।

(9) यदि प्रयोक्ता अभिकरण दिए गए समय के भीतर जानकारी प्रस्तुत करती है, तो परियोजना जांच समिति द्वारा प्रस्ताव की फिर से जांच की जाएगी और यदि प्रस्ताव सभी दृष्टि से पूरा नहीं पाया जाता है, तो कारणो को लेखबद्ध कर उसे सूची से हटा दिया जाएगा:

परंतु यह कि परियोजना जांच समिति द्वारा प्रस्ताव को सूची से हटाने के पश्चात, प्रयोक्ता अभिकरण, कमियों को संबोधित करने के बाद, उपरोक्त उपनियम (2) के अधीन उत्पन्न उसी प्रस्ताव पहचान संख्या का उपयोग करके केवल एक बार प्रस्ताव को फिर से सूचीबद्ध कर सकती है, जो फिर उपरोक्त उपनियम (5) से (2) में दी गई प्रक्रिया के अनुसार परियोजना जांच समिति द्वारा जांच की जाएगी और यदि प्रस्ताव अभी भी अपूर्ण पाया जाता है, तो इसे अस्वीकार किया जाएगा और इसका पोर्टल से स्थायी रूप से लोप किया जाएगा।

(10) परियोजना पहचान संख्या के साथ पूर्ण प्रस्ताव संबंधित प्रभागीय वन अधिकारियों, जिला कलेक्टरों, वन संरक्षक या मुख्य वन संरक्षक को क्षेत्र सत्यापन के लिए अग्रेषित किया जाएगा।

(11) जहां प्रस्ताव में सम्मिलित वन भूमि या उसका कोई भाग वन विभाग के प्रबंधन नियंत्रण के अधीन नहीं है, वहां जिला कलेक्टर राजस्व विभाग और वन विभाग के अधिकारियों द्वारा संयुक्त सत्यापन के माध्यम से ऑनलाइन प्रमाणीकृत प्रस्ताव में प्रमाणित सम्मिलित वन भूमि की भूमि अनुसूची और नक्शा प्राप्त करेंगे।

(12) इसके अतिरिक्त, संबंधित प्रभागीय वन अधिकारी द्वारा क्षेत्र में सत्यापित प्रत्येक प्रस्ताव, 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।

(13) पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों के सिवाय, उप नियम (8) या (9) के अधीन पूर्ण प्रस्ताव प्रस्तुत करने से, इन नियमों से संलग्न अनुसूची-1 में विनिर्दिष्ट अवधि के भीतर परियोजना जांच समिति के विचार के लिए प्रस्तुत किया जाएगा और परियोजना जांच समिति प्रयोक्ता अभिकरण द्वारा अंगीकृत किए जाने वाले उपशमन उपायों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश करने के प्रयोजन 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 अभिकरण द्वारा अंगीकार किए गए जाने वाले प्रस्तावित उपायों में परिवर्तन, जैसे कारणों से अपयोजन के लिए प्रस्तावित वन भूमि में परिवर्तन के संदर्भ में प्रयोक्ता अभिकरण से कोई स्पष्टीकरण, अतिरिक्त विवरण या उपांतरण की मांग कर सकती है, और इस प्रयोजन लिए यह प्रयोक्ता अभिकरण को एक प्रस्तुति देने के लिए कह सकती है:

परंतु यह और कि प्रयोक्ता अभिकरण द्वारा समय पर पूरी जानकारी और स्पष्टीकरण तथा अतिरिक्त विवरण ऑनलाइन प्रस्तुत करने की स्थिति में परियोजना संचालन समिति द्वारा प्रस्ताव पर पुनर्विचार किया जाएगा और यदि प्रयोक्ता अभिकरण मूल प्रस्ताव को पर्याप्त रूप से संशोधित करती है और वन भूमि या भूमि उपयोग योजना में परिवर्तन जैसे बड़े बदलाव करती है, तो परियोजना संचालन समिति उप नियम (7) से उपनियम (11) में दिए गए चरणों को पूरा करने के लिए प्रस्ताव को वापस कर सकती है और इसलिए ऐसे मामलों में इस उप नियम के चरणों को भी दोहराया जाएगा।

(14) जहां प्रयोक्ता अभिकरण यथानिर्दिष्ट अवधि के भीतर सही सूचना, अतिरिक्त विवरण या उपांतरित प्रस्ताव प्रस्तुत करने में असफल रहती है, प्रस्ताव अस्वीकृत माना जाएगा:

परंतु यदि प्रयोक्ता अभिकरण परियोजना जांच समिति को संतुष्ट करती है कि देरी का कारण उसके नियंत्रण से बाहर था, तो परियोजना जांच समिति लेखबद्ध कारणों के पश्चात उस प्रस्ताव पर पुनः विचार कर सकती है और यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश कर सकती है;

(15) पांच हेक्टेयर तक की वन भूमि वाले प्रस्ताव को प्रभागीय वन अधिकारी के स्तर पर उसकी 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:

बशर्ते कि प्रभागीय वन अधिकारी, प्रयोक्ता अभिकरण से प्रस्ताव प्राप्त करने के पश्चात, उनकी पूर्णता का आकलन करेगा और अपूर्ण प्रस्तावों को पूर्ण रूप से पुनः प्रस्तुत करने के लिए प्रयोक्ता अभिकरण को वापिस किया जाएगा।

(16) 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 क्षेत्रीय कार्यालय को भेजी जाएगी;

(17) जहां यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन गैर-वन उद्देश्यों के लिए वन भूमि को अनारक्षित, अपयोजन या प्रस्ताव में उपदर्शित अनुसार वन भूमि को पट्टे पर न देने का निर्णय लेते हैं, तो इसकी सूचना प्रयोक्ता अभिकरण को नोडल अधिकारी द्वारा दी जाएगी ।

(18) जहां राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, वन भूमि को अनारक्षित करने के लिए, गैर-वन प्रयोजनों के लिए अपयोजन या पट्टे पर वन भूमि आवंटित करने के लिए जैसा कि प्रस्ताव में उपदर्शित है, सैद्धांतिक रूप से सहमत होने पर अपनी सिफारिश केन्द्रीय सरकार को अग्रेषित करेगी।

(10) प्रस्ताव का सैद्धांतिक रूप अनुमोदन:—

(1) उप नियम (2) में निर्दिष्ट प्रस्तावों के सिवाय, निम्नलिखित से संबंधित अन्य सभी प्रस्तावों:-

(i) रैखिक परियोजनाएं;

(ii) चालीस हेक्टेयर तक वन भूमि; और

(iii) 25 मेगावाट से तक क्षमता की जलविद्युत परियोजनाएं, चाहे उनकी नदी बेसिन में प्रस्तावित स्थापित क्षमता कुछ भी हो, जहां नदी बेसिन की वहन क्षमता का निर्धारण करने के लिए संचयी प्रभाव मूल्यांकन अध्ययन किया गया है;

(iii) 0.7 तक वितान घनत्व वाली वन भूमि का उपयोग, चाहे सर्वेक्षण की दृष्टि से इसका विस्तार कुछ भी हो, और जिन्हें अधिनियम की धारा 2 की उपधारा (1) के खंड (iii) और इसके तदधीन जारी दिशानिर्देशों के अधीन छुट नहीं दी गई हो,

के बारे में क्षेत्रीय कार्यालय में जांच पड़ताल की जाएगी और इनका उपनियम (3) में विनिर्दिष्ट रीति से निपटारा किया जाएगा;

(2) उप-नियम (1) में निर्दिष्ट से भिन्न, सभी प्रस्ताव और निम्नलिखित प्रस्तावों, अर्थात् :-

(i) अनारक्षण;

(ii) खनन;

(iii) 25 मेगावाट से अधिक क्षमता की जलविद्युत परियोजनाएं, चाहे उनकी नदी बेसिन में प्रस्तावित स्थापित क्षमता कुछ भी हो, जहां नदी बेसिन की वहन क्षमता का आकलन करने के लिए संचयी प्रभाव मूल्यांकन अध्ययन नहीं किया गया है या किसी नदी बेसिन में परियोजनाओं की अनुमति देने पर केंद्रीय सरकार द्वारा नीतिगत निर्णय नहीं लिया गया है;

(iv) अतिक्रमण का नियमितीकरण;

(v) अधिनियम के उपबंधों के उल्लंघन से संबंधित कार्योत्तर अनुमोदन,

की जांच और निपटारा इन नियमों के अधीन विनिर्दिष्ट रीति से केंद्रीय सरकार द्वारा किया जाएगा।

परंतु पेट्रोलियम अन्वेषण अनुज्ञप्ति या पेट्रोलियम खनन पट्टे, जिसमें वन भूमि पर भौतिक कब्जा और उसे खंडित करना अंतर्वलित नहीं है, समुनदेशित करने के लिए कोई अनुमोदन अपेक्षित नहीं है।

(3) उप नियम (1)के अधीन प्राप्त प्रस्तावों की क्षेत्रीय कार्यालय द्वारा निम्नलिखित रीति में जांच की जाएगी, अर्थात्:

(i) 5 हेक्टेयर तक की वन भूमि वाले सभी प्रस्तावों की क्षेत्रीय कार्यालय द्वारा इसकी पूर्णता के संबंध में जांच की जाएगी, और जांच या निरीक्षण रिपोर्ट, जो भी आवश्यक समझी जाए, के पश्चात और उप नियम (5) के खंड (ii) के अधीन सूचीबद्ध पक्षों पर सम्यक ध्यान देते हुए, क्षेत्रीय कार्यालय द्वारा कारणों को लेखबद्ध करते हुए 'सैद्धांतिक' अनुमोदन प्रदान 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 पाँच हेक्टेयर से अधिक और चालीस हेक्टेयर तक वन भूमि के उपयोग वाले अन्य सभी प्रस्तावों की क्षेत्रीय कार्यालय द्वारा उनकी पूर्णता की जांच के पश्चात क्षेत्रीय सशक्त समिति को निर्दिष्ट किया जाएगा।

(iii) क्षेत्रीय सशक्त समिति, खण्ड (ii) के अधीन इसे निर्दिष्ट सभी प्रस्तावों की जांच करेगी और आगे की जांच या स्थल का निरीक्षण, जो भी आवश्यक समझी जाए, के पश्चात और नियम (5) के खण्ड (ii) के अधीन सूचीबद्ध पक्षों पर सम्यक ध्यान देते हुए, पूर्व अनुमोदन प्रदान करेगी या कारण लेखबद्ध करके उसे निरस्त करेगी।

(iv) इस नियम के अधीन प्रत्यायोजित शक्ति के अनुसार क्षेत्रीय सशक्त समिति या वन उप महानिदेशक द्वारा किसी प्रस्ताव को 'सैद्धांतिक' मंजूरी देने या अस्वीकार करने के लिए लिए गए विनिश्चयों का, जब भी आवश्यक हो या अपेक्षित हो, का पुनर्विलोकन किया जा सकता है, ऐसे विषयों में केंद्रीय सरकार द्वारा लिया गया निर्णय अंतिम होगा।

(4) क्षेत्रीय कार्यालय द्वारा उप-नियम (2) में विनिर्दिष्ट प्रस्तावों के संबंध में एक स्थल निरीक्षण रिपोर्ट तैयार की जाएगी और उसे केन्द्रीय सरकार को परामर्शदात्री समिति द्वारा विचार करने के लिए प्रस्तुत किया जाएगा।

(5) केन्द्रीय सरकार द्वारा प्राप्त प्रस्तावों की निम्नलिखित रीति में जांच की जाएगी अर्थात्:-

(i) उपनियम (2) के अधीन सभी प्रस्तावों, को इनकी पूर्णता की जांच के पश्चात, उप नियम (5) के अधीन अपेक्षित स्थल निरीक्षण रिपोर्ट के साथ या/यथा केंद्रीय सरकार द्वारा पूछे जाने पर, परामर्शदात्री समिति को निर्दिष्ट किया जाएगा।

(ii) परामर्शदात्री समिति, खंड (i) में निर्दिष्ट 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 विनिर्दिष्ट प्रयोजन जैसे कि कृषीय प्रयोजनों, कार्यालय या आवासीय प्रयोजनों से या अपने आवासों से विस्थापित हुए व्यक्तियों के पुनर्वास के लिए नहीं है।

(ख) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, यथास्थिति, 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, यथास्थिति, 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 अभिहित 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 राज्य क्षेत्र प्रशासन, यथास्थिति, द्वारा पर्याप्त औचित्य दिया गया है और समुचित उपशमन उपाय प्रस्तावित किए गए हैं; और

(च) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, यथास्थिति, प्रतिपूरक वनीकरण करने के प्रयोजन से नियम 13 के अनुसार अपनी लागत या प्रयोक्ता अभिकरण की लागत पर समुचित भूमि के अपेक्षित विस्तार करने का उपबंध करता है।

(6) उप नियम (5) के अनुसार, सिफारिश करते समय समिति, शर्तों या निर्बधनों और ऐसे उपशमन उपायों, जो उसके विचार से प्रस्ताव के अधीन वन भूमि के अपयोजन के प्रतिकूल पर्यावरणीय प्रभाव को कम करेंगे, को भी लागू कर सकती है।

(7) केंद्रीय सरकार, परामर्शदात्री समिति की सिफारिश पर विचार करने के पश्चात निर्धारित शर्तों को पूरा करने के अध्यधीन, यथास्थिति सैद्धांतिक अनुमोदन प्रदान करेगी या अस्वीकृत करेगी और इस बारे में राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता अभिकरण को संसूचित करेगी।

(8) यदि इसकी जांच करने के पश्चात प्रस्ताव अपूर्ण या उपलब्ध कराई गई सूचना असत्य पाई जाती है तो केन्द्रीय सरकार राज्य सरकार/संघ राज्य क्षेत्र प्रशासन और प्रयोक्ता अभिकरण को एक विनिर्दिष्ट अवधि के भीतर अपेक्षित सूचना प्रस्तुत करने के लिए सूचित करेगी;

(9) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपनियम 8 के अधीन संसूचना प्राप्त होने पर पूरी सूचना प्रस्तुत कर सकती है, जिसके पश्चात इन नियमों के अधीन 'सैद्धांतिक' अनुमोदन के लिए प्रस्ताव पर विचार किया जाएगा :

परंतु, यदि वांछित सूचना, प्रयोक्ता अभिकरण से संबंधित है तो प्रयोक्ता अभिकरण , केन्द्रीय सरकार को अपेक्षित सूचना प्रत्यक्ष रूप से प्रस्तुत करेगी जिसकी एक प्रति राज्य सरकार/संघ राज्य क्षेत्र प्रशासन को भेजी जाएगी और प्रयोक्ता अभिकरण से ऐसी सूचना की प्राप्ति पर, केन्द्रीय सरकार, यदि आवश्यक समझे, तो प्रयोक्ता अभिकरण द्वारा प्रस्तुत की गई सूचना पर 'सैद्धांतिक' अनुमोदन की मंजूरी प्रदान करने पर विचार करने के लिए यथा स्थिति संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन की टिप्पणियां की मांग कर सकती है।

(10) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, यदि ऐसा चाहे, रेखीय प्रस्ताव का 'सिद्धांतत:' अनुमोदन प्राप्त करने और प्रतिपूरक वनीकरण एवं शुद्ध वर्तमान मूल्य जैसे प्रतिपूरक उपग्रहणों तथा वन्यजीवन प्रबंधन योजना एवं मृदा और आर्द्रता संरक्षण योजना जैसी उपशमन योजना की लागत, यथा लागू, अधीन, भारतीय वन अधिनियम,

1927 (1927 का 16) या स्थानीय वन अधिनियम के तहत संरक्षित वन के रूप में प्रतिपूरक वनीकरण करने हेतु अभिज्ञात भूमि की अधिसूचना तथा अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) के अनुपालन में 'अंतिम' अनुमोदन प्रदान करने से पूर्व परियोजना कार्य प्रारम्भ करने हेतु 'कार्य अनुमति' प्रदान कर सकता है।

11. प्रस्ताव का अंतिम अनुमोदन :—

(1) 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;

(2) '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 अभिकरण द्वारा भुगतान किया जाएगा और साथ ही 'सैद्धांतिक' अनुमोदन में नियत शर्तों के अनुपालन में उनके द्वारा प्रस्तुत किए जाने वाले दस्तावेजों, प्रमाणपत्रों और वचनबंधों की एक सूची के साथ प्रयोक्ता अभिकरण को सूचित करेगा;

(3) प्रयोक्ता अभिकरण 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 वचनबंध और प्रमाण-पत्र सहित दस्तावेजी साक्ष्य की प्रतियों के साथ एक अनुपालन रिपोर्ट और प्रतिपूरक वनीकरण भूमि प्रभागीय वन अधिकारी को सौंप देगा;

(4) प्रभागीय वन अधिकारी, उप नियम (3) में निर्दिष्ट अनुसार अनुपालनरिपोर्ट प्राप्त करने के पश्चात् और इसकी पूर्णता की जांच करेगा और अनुपालन रिपोर्ट पर अपनी सिफारिश करेगा और इसे नोडल अधिकारी को अग्रेषित करेगा;

(5) 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, यथास्थिति ऐसी रिपोर्ट को अपनी सिफारिशों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को, अग्रेषित करेगा।

(6) केन्द्रीय सरकार, अनुपालन रिपोर्ट प्राप्त कर लेने और इसकी पूर्णता सुनिश्चित करने के पश्चात, अधिनियम की धारा 2 की उप-धारा (1) के अधीन 'अंतिम' अनुमोदन प्रदान करेगी और ऐसे विनिश्चय के बारे में राज्य सरकार या संघ राज्य क्षेत्र प्रशासन और प्रयोक्ता अभिकरण को सूचित करेगी।

(7) यथास्थिति राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, अधिनियम की धारा 2 की उप-धारा (1) 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 बंदोबस्त को सुनिश्चित करने सहित यथा लागू, अन्य सभी अधिनियमों और उसके अधीन बनाए गए नियमों के उपबंधों की पूर्ति और अनुपालना करने के पश्चात, यथास्थिति अपयोजन, पट्टा समनुदेशित करने या अनारक्षण करने के आदेश जारी करेंगे।

(8) अधिनियम की धारा 2 की उपधारा (1) के खंड (i) के अधीन अनारक्षण का अंतिम आदेश, जहां भी दिया गया है, वन भूमि के अनारक्षण की सूचना यथा स्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा, राजपत्र में प्रकाशित की जाएगी ।

(9) अनुमोदन प्राप्त करने की पूरी प्रक्रिया इस प्रयोजन के लिए विकसित ऑनलाइन पोर्टल में की जाएगी।

(10) जहां सैद्धांतिक अनुमोदन में अधिरोपित की गई शर्त का अनुपालन यथा स्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, 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 अंतर्वलित है, जिनमें सैद्धांतिक रूप से अनुमोदन प्राप्त कर लिया गया है, सक्षम प्राधिकारी द्वारा चरणवार (अंतिम) अनुमोदन निम्न अनुपालना के अध्यधीन प्रदान कर सकता है :

(क) प्रतिपूरक उदग्रहण का संदाय और प्रतिपूरक वनीकरण करने के लिए चिन्हित और स्वीकृत भूमि की अधिसूचना क्षेत्र के भाग के अनुपात में अनुपालन के लिए प्रस्तुत की गई; और

(ख) अन्यकोई विनिर्दिष्ट शर्त जिसे अनुपालन के लिए केन्द्रीय सरकार उचित समझे के संबंध में अनुपालन की गई।

(11) उप नियम (7) के अधीन अंतिम अनुमोदन जारी करने और उप नियम (8) के अधीन राजपत्र में अधिसूचना जारी होने के पश्चात, यथास्थिति संबंधित वन भूमि को राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्रयोक्ता अभिकरण को सौंपा या समनिदेशित किया जा सकता है;

(12) क्षेत्रीय कार्यालय,'सैद्धांतिक' अनुमोदन प्रदान करते समय लागू की गई सभी शर्तों के अनुपालन की मॉनीटरी करेगा और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता अभिकरण वर्ष में कम से कम एक बार, सैद्धांतिक अनुमोदन के दौरान अधिरोपित की गई शर्तों के अनुपालन को मॉनीटर करेगी और मॉनीटरी रिपोर्ट को ऑनलाइन पोर्टल पर अपलोड करेगा।

(13) प्रस्तावों पर कार्रवाई करने की संपूर्ण प्रक्रिया राज्य के विभिन्न प्राधिकरणों द्वारा इन नियमों से संलग्न **अनुसूची -।** में विनिर्दिष्ट समय सीमा के भीतर पूरी की जाएगी।

12. कार्य योजना के लिए केन्द्रीय सरकार का पूर्व अनुमोदन प्राप्त करने हेतु प्रस्ताव—

(1) 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;

(2) प्रारूप कार्ययोजना में अन्य बातों के साथ-साथ अपयोजित वन भूमि तत्स्थानी प्रतिपूरक वनीकरण भूमियां और उस पर वनीकरण की प्रास्थिति के विवरण सम्मिलित होंगे;

(3) केन्द्रीय सरकार को प्रस्तुत की गई प्रारूप कार्य योजना की राष्ट्रीय कार्य योजना कोड, राष्ट्रीय वन नीति, के साथ और वनों के संरक्षण तथा संवर्धन के लिए अधिनियम की प्रस्तावना के साथ इसकी अनुरूपता की जांच संबंधित क्षेत्रीय कार्यालय द्वारा की जाएगी। 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 अंतर्विष्ट उपबंधों में उपांतरण के साथ उस अवधि के लिए, जैसा कि उचित समझा जाए, अनुमोदन दे सकता है या कारण बताते हुए उसे अस्वीकार कर सकता है;

(4) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या इसके अभिहित अधिकारी कार्य योजना के सभी या विनिर्दिष्ट उपबंध और उस अवधि जिसके लिए कार्य योजना अनुमोदित की गई है, के संबंध में क्षेत्रीय कार्यालय द्वारा प्रदान किए गए अनुमोदन में कार्य योजना के निर्देशों का कार्यान्वयन करेंगे;

(5) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन अनुमोदित कार्यकारी योजना की मध्य-अवधि पुनर्विलोकन करेगा और अपनी सिफारिशों के साथ समीक्षा रिपोर्ट क्षेत्रीय कार्यालय को प्रस्तुत करेगा और क्षेत्रीय कार्यालय जांच करने के पश्चात अनुमोदन की शर्त में उपांतरण कर सकता है, या शेष अवधि के लिए पूर्व अनुमोदित कार्य योजना के उपबंधों में उपांतरण करते हुए एक नया पूर्व अनुमोदन जारी करेगा या इसके कारण लेखबद्ध करके मध्य-अवधि पुनर्विलोकन की सिफारिशों को अस्वीकार करेगा; और

(6) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा प्रस्तुत पात्र वार्षिक कार्य योजना की दशा में क्षेत्रीय कार्यालय द्वारा भी विचार एवं अनुमोदन किया जा सकता है।

(7) धारा 2 की उप-धारा (1) के खंड (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;

(8) उप-नियम (1) के अधीन प्राप्त प्रस्तावों की जांच क्षेत्रीय कार्यालय द्वारा की जाएगी जो जांच के पश्चात, अनुमोदन दे सकता है या कारण लेखबद्ध करके उसे अस्वीकार कर सकता है;

(9) 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 इनसे निपटेगी और जबकि प्रस्ताव की जांच करते समय,

क्षेत्रीय कार्यालय यह सुनिश्चित करेगी कि अंतिम निर्णय राष्ट्रीय कार्य योजना कोड, राष्ट्रीय वन नीतिऔर वनों के संरक्षण और संवर्द्धन संबंधी अधिनियम की प्रस्तावना के अनुरूप है;

(10) 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।

13. प्रतिपूरक वनीकरण का सृजन—(1) प्रयोक्ता अभिकरण 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 उपाबद्ध अनुसूची-II के अनुसार होगी :

परंतु यह कि यदि प्रयोक्ता अभिकरण द्वारा प्रदान की गई गैर-वन भूमि या उसका कोई हिस्सा विनिर्दिष्ट सघनता के प्रतिपूरक 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 अभिकरण ऐसे लेखों पर आई अतिरिक्त लागत को भी वहन करेगी:

परंतु यह भी कि यदि प्रतिपूरकवनीकरण के लिए उपलब्ध कराई जा रही गैर-वन भूमि में पहले से ही 0.4 वितान सघनता या उससे अधिक की वनस्पतिपैदा 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 भी कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध नहीं है और, यथास्थिति इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्य क्षेत्र, द्वारा दिया जाता है,तो अवक्रमितवन 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 भी कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध न हो, और यथास्थिति इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्यक्षेत्र, द्वारा दिया गया हो, तो अवक्रमितवन 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 अभिकरण 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।

(2) इस उप-नियम के अधीन प्रतिपूरक वनीकरण को बढ़ाने के विनिर्दिष्ट सघनता ऐसी 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;

(3) वनेतर भूमि के उपलब्ध न होने की दशा में प्रतिपूरक वनीकरण निम्नलिखित भूमियों पर भी किया जा सकता है, यथास्थिति जो कि ऐसे अपयोजित भू-क्षेत्र के कम से कम दो गुना या जो वन भूमि अपयोजन की जा रही हो और उपलब्ध वनेतर भूमि के बीच के अंतर के बराबर, उपलब्ध कराई जाएगी और इनको भारतीय वन अधिनियम, 1927 या स्थानीय अधिनियमों के अधीन 'अंतिम' अनुमोदन से पूर्व संरक्षित वन (पीएफ) के रूप में अधिसूचित किया गया है:

(क) राजस्व वन भूमि अर्थात जो सरकारी अभिलेख में वन के रूप में दर्ज भूमि है लेकिन किसी भी कानून के तहत वन के रूप में अधिसूचित नहीं है और वन विभाग द्वारा प्रबंधित नहीं है जैसे राजस्व भूमि या जुड़पी जंगल या छोटे या बड़े झाड़ का जंगल याजंगल-झाड़ी भूमि यासिविल-सोयम याओरेन्ज वन भूमि और वन भूमि की अन्य सभी श्रेणियां, परंतु यह है की इन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल -खारिज किया जाय;

(ख) अरुणाचल प्रदेश के अवक्रमित अवर्गीकृत वनों का प्रतिपूरक वनीकरण के लिए प्रयोग किये जाने हेतु विचार किया जाएगा परंतु यह कि उन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल-खारिज किया जाए;

(ग) हिमाचल प्रदेश राज्य की बंजर भूमि, जो संरक्षित वनों की श्रेणी में आती है, लेकिन न तो ऐसी जमीन पर सीमांकन किया गया है और न ही राजस्व अभिलेख में वन विभाग के नाम पर हस्तांतरित या दाखिल-खारिज किया गया है, परंतु उन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल - खारिज किया जाए;

(घ) पंजाब, भूमि संरक्षण अधिनियम, 1900 की धारा (4) और धारा(5) के अधीन हरियाणा, पंजाब और हिमाचल प्रदेश राज्यों में, आने वाली भूमि, जो राज्य वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण में नहीं हैं:

परंतु यह कि ऐसी भूमि तब तक राज्य वन विभाग के नाम पर अंतरित तथा दाखिल खारिज की जाएगी, जब तक कि मामले दर मामले के आधार पर उसे राज्य वन विभाग को अंतरित किए बिना, भारतीय वन अधिनियम, 1927 (1927 का 16) के अधीन उन्हें केंद्रीय सरकार द्वारा उन्हें अधिसूचित करने क लिए यथाविनिर्दिष्ट और सहमति न दी जाए;

(4) निम्नलिखित प्रस्तावों के संबंध में अवक्रमित वन भूमि पर न्यूनतम दोगुनी सीमा तक प्रतिपूरक वनीकरण बढ़ाने के लिए विशेष व्यवस्था पर विचार किया जा सकेगा, अर्थात.-

(क) जिन राज्यों/संघ राज्य क्षेत्र प्रशासनों के पास कुल भौगोलिक क्षेत्र का 33% से अधिक वन क्षेत्र है और प्रतिपूरक वनीकरण के लिए उपयुक्त वनेतर भूमि की अनुपलब्धता का प्रमाण-पत्र राज्य सरकार/संघ राज्य क्षेत्र प्रशासन द्वारा (**अनुसूची-III**)के अधीन विनिर्दिष्ट प्रारूप में प्रस्तुत किया गया है, इन नियमों से संलग्न है।

(ख) पारेषण लाइन परियोजनाएं, जिसमें वनेतर भूमि का अधिग्रहण नहीं किया गया है। वन भूमि के अपवर्तन के लिए आवेदन करते समय उपयोगकर्ता एजेंसी द्वारा पारेषण लाइन परियोजना में आने वाली वनेतर भूमि का कोई अधिग्रहण नहीं करने का अंडरटेकिंग प्रस्तुत किया जाएगा;

(ग) टेलीफोन/ऑप्टिकल फाइबर लाइनें बिछाना;

(घ) रेशम कीट पालन के लिए शहतूत का वृक्षारोपण किया जाना ;

(ड) नदी के तल से गौण सामग्री का निष्कर्षण,

(च) संपर्क मार्गों, लघु जल कार्यों, लघु सिंचाई कार्यों, स्कूल भवन, औषधालयों, अस्पताल, सरकार के छोटे ग्रामीण औद्योगिक शेडों का निर्माण या खनन और अतिक्रमण के मामलों को छोड़कर इसी तरह के किसी अन्य कार्य, जो पहाड़ी जिलों में क्षेत्र के लोगों को सीधे लाभान्वित करते हैं और अन्य जिलों में जहां वन क्षेत्र कुल भौगोलिक क्षेत्र का 50% से अधिक है, परंतु वन क्षेत्र का अपयोजन 5 हेक्टेयर से अधिक न हो।

(छ) फील्ड फायरिंग रेंज (एफएफआर) के वास्तविक प्रभाव क्षेत्र को अधिनियम के अधीन अपयोजन के लिए विचार किया जाता है या कुल वन क्षेत्र का 10% अपयोजित किया जाता है यदि फील्ड फायरिंग रेंज के पूरे क्षेत्र को अपवर्तित करने के लिए प्रस्तावित किया जाता है।

(ज) इस उप-नियम के अधीन, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा प्रतिपूरक वनीकरण के प्रयोजन से चयनित किसी अवक्रमित वन भूमि को केन्द्र सरकार द्वारा स्वीकार किया जाएगा, जब ऐसे अवक्रमित वन का वितान घनत्व 40 प्रतिशत से कम है और एसे क्षेत्र वन्यजीवों के प्रबंधन और, संरक्षण के लिए प्रयोग की जा रही प्राकृतिक या प्रबंधित घास भूमि नही है।

(5) निम्नलिखित श्रेणियों के प्रस्तावों के मामले में प्रयोक्ता अभिकरण से काटे जाने वाले संभावित पेड़ों की संख्या के दस गुना अधिक वृक्षारोपण पर आने वाले खर्च या वनभूमि के अपयोजन के लिए आए आदेश में विनिर्दिष्ट संख्या

(न्यूनतम 100 पौधों की संख्या के अधीन) के रोपण पर आने वाले खर्च को प्रतिपूरक वनरोपण के शुल्क के रूप में प्रयोक्ता अभिकरण से वसूला जाएगा:

(क) पुनर्वनरोपण के लिए उपयोग करने के उद्देश्य से वन भूमि या उसके हिस्से में प्राकृतिक रूप से उगे पेड़ों को साफ़ करना;

(ख) एक हेक्टेयर तक वन भूमि का अपयोजन;

(ग) भू-तल पर अधिकार के बिना वन भूमि में भूमिगत खनन;

(6) वन क्षेत्र के लिए खनन पट्टे के नवीकरण के संबंध में कोई प्रतिपूरक वनीकरण शुल्क नहीं लिया जाएगा, जिसके लिए प्रतिपूरक वनीकरण के लिए भूमि और वृक्षारोपण की लागत का संदाय पहले ही किया जा चुका है;

(7) खान की आंतरिक सीमा के साथ सुरक्षा क्षेत्र के अनुरक्षण के लिए नियतवन भूमि के अपयोजन के संबंध में, प्रतिपूरक वनीकरण बढ़ाने के उपबंध, जैसा कि अपयोजन के लिए प्रस्तावित संपूर्ण वन क्षेत्र में लागू है, सुरक्षा क्षेत्र में स्थित वन भूमि के बदले में भी लागू होंगे।

(8) इन नियमों से संलग्न अनुसूची-II में उपबंधित उपबंधो के अनुसार वन्यजीव गलियारों और संरक्षित क्षेत्रों में अवस्थित वन भूमि के समीप प्रतिपूरक वनीकरण हेतु अभिज्ञात वनेतर भूमि को प्रोत्साहन दिया जाएगा।

14. प्रतिपूरक वनीकरण का प्रबंधन—

(1) नियम 13 के उप-नियम 1 के के अधीन विनिर्दिष्ट की गई भूमि को उपयुक्त आकार के कंक्रीट के खंभों द्वारा सीमांकित किया जाएगा और सभी विल्लंगमों से मुक्त करके, राज्यवन विभाग या संघ राज्य क्षेत्र 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 अधीनया तत्समय प्रवृत्त किसी अन्य विधि के अधीन, संरक्षित वन के रूप में अधिसूचित किया जाएगा;

(2) उक्त वन अपयोजन प्रस्ताव के भाग के रूप में अनुमोदित प्रतिपूरक वनीकरण योजना के अनुसार राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या प्रयोक्ता अभिकरण 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 प्रतिपूरकवनीकरण का कार्य प्रारंभ हो जाएगा और केन्द्रीय सरकार प्रतिपूरकवनीकरण के तौर तरीकों पर मागदर्शक सिद्धांत जारी कर सकती है, जिसमें वे अभिकरण भी सम्मिलित होंगे जो प्रतिपूरकवनीकरण कर सकते हैं;

(3) यदि वन भूमि, जिसका अपयोजन किया जाना है, ऐसे किसी पहाड़ी या पर्वतीय राज्य/संघ राज्य क्षेत्र में है जिसके भौगोलिक क्षेत्र का दो तिहाई से अधिक वन क्षेत्र हैया वह ऐसे किसी दूसरे राज्य/संघ राज्य क्षेत्र में स्थित है जिसका भौगोलिक क्षेत्र का एक तिहाई से अधिक वन क्षेत्र है तो संबंधित राज्य सरकार या संघ राज्य क्षेत्र की सरकार की सहमति के अधीन रहते हुए उस दूसरे राज्य या संघ राज्य क्षेत्र में प्रतिपूरक वनीकरण, मान्यता प्राप्त प्रतिपूरक वनीकरण और भूमि बैकों का सृजन किया जा सकता है।

परंतु, ऐसे मामलों में प्रतिपूरकवनीकरण के लिए धनराशि उस राज्य/संघ राज्यक्षेत्र के राज्यप्रतिपूरकवनीकरणनिधि में स्थानांतरित की जाएगी जिसमें प्रतिपूरकवनीकरण हेतु भूमि की पहचान की गई है, और प्रतिपूरक उदग्रहण की गई बची हुई धनराशि उस राज्य सरकार यासंघ राज्यक्षेत्र के प्रतिपूरकवनीकरण निधि प्रबंधन और योजना प्राधिकरण में जमा की जाएंगी जिनमें वन भूमि को अपयोजितकरने का प्रस्ताव रखा गया है।

परन्तु यह और कि ऐसे मामलों में, जहां उप-नियम में विनिर्दिष्ट शर्तों जैसे कि भौगोलिक क्षेत्र की वन भूमि की प्रतिशत्ता को पूरा न किए जाने के कारण उसी राज्य/संघ राज्य क्षेत्र में प्रतिपूरक वनीकरण करना संभव नहीं है, जहां वन भूमि का अपयोजन प्रस्तावित है या अन्य राज्य/संघ राज्य क्षेत्र में, केंद्रीय सरकार जनहित में मामला-दर-मामला आधार पर अन्य राज्यों/संघ राज्य क्षेत्रों में प्रतिपूरक वनीकरण की अनुमति दे सकता है;

(4) (क) कोई राज्य सरकार या संघ राज्यक्षेत्र प्रशासनयथास्थिति,प्रतिपूरक वनीकरण के प्रयोजन के लिए वन विभाग के प्रशासनिक नियंत्रण के अधीन एक भूमि बैंक बना सकता है;

(ख) भूमि बैंक का न्यूनतम आकार 25 हेक्टेयर का एकल ब्लॉक होगा:

परंतु, भारतीय वन अधिनियम, 1927 (1927 का 16) या तत्समय प्रवृत्तकिसी अन्य विधि के अधीनवन के रूप में घोषित या अधिसूचित भूमि में निरंतर भूमि बैंक होने की दशा में,संरक्षित क्षेत्र, टाइगर रिजर्व या अभिहित या अभिज्ञात बाघ या वन्यजीव कॉरिडोर के भीतर जमीन के आकार पर कोई प्रतिबंध नहीं होगा।

(ग) उप नियम (5) के अधीन अर्जित प्रत्यायित प्रतिपूरक वनीकरण के अधीन आने वाली भूमि को भूमि बैंक में सम्मिलित किया जा सकता है।

(5) (क) केंद्रीय सरकार, धारा 2 के उप-धारा(1) अधीन पूर्व अनुमोदन अभिप्राप्त करने के लिए उपयोग किए जाने वाले एक प्रत्यायित प्रतिपूरक वनीकरण तंत्र का निर्माण कर सकती है;

(ख) किसी व्यक्ति द्वारा प्रत्यायितप्रतिपूरक वनीकरण अर्जित किया जा सकता है यदि उसने ऐसी भूमि पर वनीकरण किया हो जिसपर अधिनियम लागू नहीं होता है और वह भूमि सभी विल्लंगमों 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 (13) के अधीन प्रतिपूरक वनीकरण की प्रत्यायित प्रतिपूरक वनीकरण से 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 सन्नियमों के अनुसार बाड़ लगाई गई हो।

परंतु यह और कि किसी विधि के अधीन वन के रूप में घोषित या अधिसूचित भूमि में स्थित किसी भी आकार के प्रत्यायित प्रतिपूरक वनीकरण, संरक्षित क्षेत्र, बाघ रिजर्व या अभिहित अभिज्ञात बाघ या वन्यजीव कॉरिडोर के साथ प्रतिपूरक वनीकरण के लिए बदला जा सकता है।

(च) राष्ट्रीय उद्यान, वन्यजीव अभयारण्य या बाघ रिजर्व और अभिहित या अभिज्ञात बाघ या वन्यजीव कॉरिडोर से किसी गांव को स्वैच्छिक रूप से पुन:स्थापन करने के कारण वनेत्तर भूमि खाली करने से अर्जित प्रत्यायित प्रतिपूरक वनीकरण इन नियमों से उपाबद्ध अनुसूची-II के अनुसार प्रतिपूरक वनीकरण के लिए अर्हता प्राप्त करेगा और प्रयोक्ता द्वारा अभिकरण नियम (13) के अधीन प्रतिपूरक वनीकरण के बदले उसका इस्तेमाल भी किया जा सकता 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 विल्लंगमों से मुक्त करते हुए, राज्य सरकार वन विभाग या संघ राज्य क्षेत्र प्रशासन के वन विभाग को सौंप दिया जाएगा और इसे इस अधिनियम के अधीन अंतिम अनुमोदन प्रदान करने से पहले भारतीय वन अधिनियम, 1927 (1927 का 16) यातत्समय प्रवृत्त किसी अन्य विधि के अधीन संरक्षित वन के रूप में अधिसूचित किया जाएगा।

(ज) केन्द्रीय सरकार समय-समय पर प्रत्यायित प्रतिपूरक वनीकरण के सृजन और प्रतिपूरक वनीकरण भूमि के लिए इसकी अदला-बदली के प्रयोजन से उसके स्टॉक रजिस्ट्री तथा प्रबंधन और केन्द्रीय सरकार द्वारा विनिर्दिष्ट अवधि तक उसके रखरखाव की लागत के बारे में एक विस्तृत मार्गदर्शक सिंद्धांत जारी कर सकती है।

(झ) प्रत्यायित प्रतिपूरक वनीकरण हेतु पंजीकृत सभी अस्तित्व ग्रीन क्रेडिट नीति कार्यान्वयन नियम, 2023 के अधीन ग्रीन क्रेडिट रजिस्ट्री का रजिस्ट्रीकरण करेंगे और वन भूमि के अपयोजन के बदले में प्रतिपूरक वनीकरण की उनकी पात्रता के अतिरिक्त ग्रीन क्रेडिट नीति कार्यान्वयन नियम, 2023के अधीन प्रत्यायित प्रतिपूर्ति वनीकरण के लिए भी ग्रीन क्रेडिटों का आवंटन किया जा सकेगा।

15. इस अधिनियम के अधीन अपराध के दोषी व्यक्तियों के विरुद्ध कार्यवाही—

(1) केंद्रीय सरकार, अधिसूचना जारी करके संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के प्रभागीय वन-अधिकारी उप-वन-संरक्षक के दर्जे के या उससे ऊपर के किसी ऐसे अधिकारी को जिसके अधिकारकारिता में वह

वन भूमि आती है जिसके संबंध में इस अधिनियम के अंतर्गत कोई अपराध किया गया है या इस अधिनियम के किसी भी उपबंध का उल्लंघन हुआ है, किसी ऐसे न्यायालय में जिसकी अधिकारकारिता में यह मामला आता हो, ऐसे किसी व्यक्ति या प्रधिकारी या संगठन के खिलाफ शिकायत दर्ज करने के लिए प्राधिकृत कर सकती है जो कि प्रथम दृष्टया इस अधिनियम के अधीन किसी अपराध को करने का या इसके अधीन बनाए गए किसी नियम के उल्लंघन करने का दोषी पाया गया हो।

(2) केंद्रीय सरकार, किए गए अपराध या उल्लंघन के संबंध में या तो राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या प्राधिकारणों या अन्य कोई स्रोत के माध्यम से या स्वतः जानकारी प्राप्त करने के पश्चात, इसकी जांच के पश्चात् उस संबंधित राज्य सरकार या संघ राज्य क्षेत्र और संबंधित प्राधिकारणों को, जिसके अधिकारकारिता के अंतर्गत इस अधिनियम के अधीन ऐसा अपराध किया गया है या उक्त अधिनियम के किसी उपबंध का उल्लंघन किया गया है, अधिकारकारिता रखने वाले किसी न्यायालय के समक्ष ऐसे अपराधी के विरुद्ध शिकायत दर्ज करने के लिए जानकारी देगी, और ऐसा किया जाना ऐसी शिकायत को इस प्रकार की सूचना की प्राप्ति से पैंतालीस दिनों की अवधि के भीतर दायर किए जाने के पहले ऐसे प्राधिकृत अधिकारी के लिए पूर्वाधार होगा राज्य सरकार और संबंधित प्राधिकरण समय-समय पर शिकायतें दर्ज करने के संबंध में एक आवधिक रिपोर्ट क्षेत्रीय कार्यालय प्रस्तुत करेंगे।

(3) सहायक महानिरीक्षक की श्रेणी या उससे उच्च पद वाले अधिकारी को केंद्रीय सरकार द्वारा, अधिसूचना के द्वारा,इस अधिनियम के अधीन किए गए अपराधों के विरुद्ध धारा कानूनी कार्यवाही शुरू करने और शिकायत दर्ज करने के किए प्राधिकृत किया जा सकता है।

(4) उप-नियम (1) और उप-नियम (3) के अंतर्गत केंद्रीय सरकार द्वारा प्राधिकृत अधिकारी यथास्थिति, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, के किसी अधिकारी या किसी व्यक्ति या किसी अन्य प्राधिकारी को विनिर्दिष्ट अवधि के भीतर अधिनियमित तथा तदधीन बनाए गए नियम के उल्लंघन से संबंधित ऐसी किसी रिपोर्ट, दस्तावेज़ या अन्य कोई जानकारी प्रस्तुत करने के लिए कह सकता है, जिसे किसी अधिकारकारिता वाले न्यायालय में शिकायत दर्ज करने के लिए आवश्यक समझा जाए, और ऐसी राज्य सरकार या ऐसा व्यक्ति या प्राधिकारी ऐसा करने के लिए बाध्य होगा।

16. प्रकीर्ण:—(1) अधिनियम की धारा 1 (क) की उप धारा (1) के अधीन उपबंधित सरकारी अभिलेखों के स्पष्टीकरण के प्रयोजन के लिए, सभी राज्य सरकारें और संघ राज्य क्षेत्र प्रशासन, एक वर्ष की अवधि के भीतर,एसी वन भूमियों, जिसके अंतर्गत प्रयोजनार्थ गठित विशेषज्ञ समिति द्वारा अभिज्ञात वन क्षेत्र, अवर्गीकृत वनभूमियों या सामुदायिक वन भूमि, सम्मिलित हो, जिन पर अधिनियम के उपबंध लागू होंगे।

(2) वन भूमियों पर वृक्षों की कटाई जिसे इन नियमों के अधीन वनेत्तर 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 ग्राम वासियों को उनकी घरेलू वास्तविक आवश्यकताओं को पूरा करने के लिए वितरण करने को प्राथमिकता देगा।

(3) इन नियमों के अधीन प्रयोक्ता अभिकरण की लागत पर समुचित स्थायी सीमा चिन्हों के माध्यम से जमीन पर सीमांकित जो वन-भूमि वनेत्तर प्रयोजन उपयोग के लिए अपयोजित की गई है उसका प्रयोक्ता अभिकरण तथा वन विभाग या भूमि स्वामित्व विभाग द्वारा संयुक्त रूप से उपयुक्त सर्वेक्षण किया जाएगा तथा किसी गैर-वन उपयोग के प्रारंभ से पूर्वउसे वन-विभाग या भू-स्वामित्व विभाग द्वारा प्रयोक्ता अभिकरण को सौंप दिया जाएगा।

(4) इन नियमों के अधीन वन-आवरण के प्रयोजन के लिए भारत वन सर्वेक्षण द्वारा प्रकाशित नवीनतम भारतीय वन स्थिति रिपोर्ट में प्रयुक्त आंकड़ों और विवरण को निर्दिष्ट किया जाएगा।

(5) केन्द्रीय सरकार, राज्य सरकार या 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।

(6) वन भूमि के वनेत्तर उपयोग के अपयोजन में केन्द्रीय सरकार द्वारा अधिरोपित की गई शर्तों को अंतिम अनुमोदन की तारीख से दो वर्ष की अवधि के पश्चात तब तक परिवर्तित या उपांतरित 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।

(7) भारतीय वन अधिनियम, 1927 (1927 का 16) स्थानीय वन अधिनियम या अधिनियम से संबन्धित मुद्दे के कारण मुकदमें के अधीन या विचारधीन वन भूमि के प्रस्तावो पर ऐसे मामलों में न्यायालयों/अधिकरणों द्वारा दिए गए आदेशों के अनुसार कार्य किया जाएगा और ऐसी भूमियों पर यह अधिनियम उस तिथि से लागू होगा जो न्यायालयों या अधिकरणों द्वारा पारित निदेश, यदि कोई हो, के अनुसार निर्धारित की गई हो।

(8) ऐसे कोई प्रस्ताव जो वन (संरक्षण) नियमावली, 2003 या वन (संरक्षण) नियमावली, 2022 के उपबंधों के अधीन पहले से ही प्रस्तुत कर दिए गए हैं और वर्तमान में सैद्धांतिक या अंतिम अनुमोदन प्रदान किए जाने के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केंद्रीय सरकार के विभिन्न प्राधिकरणों में विचाराधीन हैं, पर निम्न प्रकार से कार्य किया जाएगा, अर्थात:

(i) सैद्धांतिक अनुमोदन प्रदान किए गए किन्हीं प्रस्तावों को मौजूदा नियमों के उपबंधों के तहत लिया जाएगा और उन पर कार्यवाही की जाएगी तथा उनको सैद्धांतिक अनुमोदन में निर्धारित शर्तो में उपांतरण किए बिना अंतिम अनुमोदन प्रदान करने योग्य समझा जाएगा।

(ii) वर्तमान नियमों का कोई उपबंध उन प्रस्तावों पर प्रयोज्य होगा जिन्हे अधिनियम के अधीन अभी तक सैद्धांतिक अनुमोदन मिलना बाकी है।

अनुसूची-I

केंद्र सरकार की पूर्व मंजूरी हेतु प्रस्तुत प्रस्तावों पर कार्रवाई के लिए समय सीमा

[नियम 8(1), नियम 9, नियम 10 और नियम 11 देखें]

कार्रवाई करने वाले प्राधिकरण/प्राधिकारी		**क्षेत्रफल (हेक्टेयर)/कार्य दिवस**			
		5*तक	5 से 40*	40 से 100*	100*से अधिक
क.राज्य स्तर	परियोजना जांच समिति	0	30	30	30
	डीसीएफ/जिला कलेक्टर	10	10	10	20
	डीसीएफ/सीएफ/नोडल अधिकारी द्वारा स्थल का निरीक्षण	5	5	20	20
	नोडल अधिकारी/पीसीसीएफ द्वारा कार्रवाई	5	10	15	15
	राज्य सरकार	10	15	15	15
	उप-योग	30	70	70	100
ख. क्षेत्रीय कार्यालय	पूर्णता की जांच करने के लिए परीक्षण	3	3	3	3
	क्षेत्रीय कार्यालय द्वारा प्रस्ताव का परीक्षण एवं कार्रवाई	5	5	5	5
	क्षेत्रीय कार्यालय द्वारा स्थल निरीक्षण	0	0	15	15
	क्षेत्रीय अधिकार प्राप्त समिति द्वारा परीक्षण एवं अनुमोदन	0	20	20	20
	सक्षम प्राधिकारी (सीए) द्वारा कार्रवाई और अनुमोदन	5	5	5	5
	सीए के अनुमोदन की संसूचना	2	2	2	2
	कुल	15	35	50	50
	कुल (क+ख)	45	105	120	150
ग. पर्यावरण, वन	पूर्णता की जांच करने के लिए परीक्षण	3	3	4	4

और जलवायु परिवर्तन मंत्रालय	प्रस्ताव का परीक्षण एवं कार्रवाई	6	6	5	5
	क्षेत्रीय कार्यालय द्वारा स्थल निरीक्षण	10	10	20	20
	परामर्शदात्री समिति	20	20	20	20
	सक्षम प्राधिकारी (सीए) द्वारा अनुमोदन	10	10	10	10
	सीए के अनुमोदन की संसूचना	1	1	1	1
	कुल	50	50	60	60
	कुल (क+ग)	85	120	160	160

*उन प्रस्तावों के लिए समय-सीमा विहित की गई है जो राज्य/संघ राज्य क्षेत्र या प्रयोक्ता अभिकरण से अतिरिक्त विवरण मांगने में लगे समय के अलावा सभी प्रकार से पूर्ण हैं।

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'अंतिम' अनुमोदन प्रदान करने के लिए प्रस्तावित समय-सीमा

स्तर	**गतिविधि**	**समय (दिन)**
राज्य स्तर	प्रयोक्ता अभिकरण द्वारा प्रतिपूरक शुल्क के संदाय के लिए मांग पत्र जारी करना	2
	नोडल अधिकारी द्वारा मांग पत्र का अनुमोदन	3
	प्रयोक्ता अभिकरण द्वारा प्रतिपूरक शुल्क का संदाय और दस्तावेज़/प्रमाणपत्र जमा करना	5
	डीएफओ द्वारा अनुपालन रिपोर्ट की जांच किया जाना और डीएफओ द्वारा सीएफ/सीसीएफ को सूचित करते हुए वन संरक्षण अधिनियम, 1980 के नोडल कार्यालय को पूर्ण अनुपालन रिपोर्ट अग्रेषित किया जाना।	5
	नोडल अधिकारी द्वारा अनुपालन रिपोर्ट की जांच किया जाना और कमियों, यदि कोई हो, को अनुपालन के लिए डीएफओ को जारी किया जाना, या पूर्ण अनुपालन रिपोर्ट को एमओईएफसीसी/क्षेत्रीय कार्यालय को अग्रेषित करना।	10
	उप-योग	25
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, नई दिल्ली/क्षेत्रीय कार्यालय	अनुपालन रिपोर्ट की जांच, प्रयोक्ता अभिकरण से काम्पाखाते में प्राप्त प्रतिपूरक उद्ग्रहण की अदायगी की पुष्टि करना और कमियों का मुद्दा, यदि कोई हो, या स्तर-II अनुमोदन को जारी करना	20
	उप-योग	20
	कुल योग	45

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अनुसूची- II

[नियम 13 (1) और नियम 14 (4) देखें]

प्रतिपूरक वनीकरण से संबंधित भूमि आवश्यकता के लिए उपबंध

क्र.सं.	**प्रतिपूरक वनीकरण (सीए) भूमि का विवरण**	**वनेत्तर 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	दो गुणा

	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 अनुज्ञात है)।	
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 अभिकरण 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। यह प्रतिशत केवल पच्चीस हेक्टेयर के न्यूनतम आकार से अधिक अधिगृहीत अतिरिक्त ब्लॉक आकार पर प्रयोज्य होगा।
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 अभिकरण 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 संरक्षित क्षेत्र और अनिहित या अभिज्ञात बाघ या वन्यजीव गलियारों को जोड़ने वाला क्षेत्र, की अधिसूचित सीमा की निरंतरता में स्थित है।	पन्द्रह प्रतिशत कम
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 (वनेत्तर भूमि में स्थित), के संपूर्ण तथा स्वैच्छिक पुन:स्थापन/आवास सेऐसे 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 वनेत्तर 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) की धारा 2 के खंड (ञ) में समनुदेशित अर्थ वही होगा। (ख) स्वैच्छिक पुन:स्थापन के माध्यम से एक गांव द्वारा खाली किए गए स्थान पर (वनेत्तर 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 अभिकरण 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 अभिकरण 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—III

राज्य सरकार द्वारा जारी किया जाने वाला राज्य/संघ राज्य क्षेत्र में प्रतिपूरक वनरोपण के लिए भूमि की अनुपलब्धता का प्रमाण पत्र ।

[नियम 13 देखें]

सं..... दिनांक.....

मैं....., पदनाम..... (राज्य/संघ राज्य क्षेत्र का नाम) यह प्रमाणित करता हूं कि:

i. (राज्य/संघ राज्य क्षेत्र का नाम) ..... के प्रत्येक जिले में उपलब्ध वनेत्तर भूमि, राजस्व भूमि, जुडपी जंगल, छोटे झाड़ का जंगल, बड़े झाड़ का जंगल, जंगली झाड़ी भूमि, सिविल-सोयम भूमि और वन भूमि की अन्य ऐसी सभी श्रेणियों (वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण के अधीन वन भूमि को छोड़कर), जिन पर वन (संरक्षण एवं संवर्द्धन) अधिनियम, 1980 के उपबंध लागू होते हैं,से संबंधित प्रासंगिक रिकॉर्ड की जांच की गई है; और

ii. मैंने इस प्रमाणपत्र को जारी करने के लिए स्वयं की संतुष्टी हेतु आगे की आवश्यक जांच भी की है। इस प्रमाणपत्र को जारी करने के लिए आवश्यक प्रासंगिक अभिलेखों की जांच और इस प्रकार की आगे की जांच के आधार पर, मैं प्रमाणित करता हूं कि संपूर्ण (राज्य/संघ राज्य क्षेत्र का नाम) मेंवन (संरक्षण एवं संवर्धन) अधिनियम, 1980 के उपबंध लागू होने वाली और केंद्रीय सरकार के मौजूदा दिशा-निर्देशों के अनुसार

वनेत्तर प्रयोजन के लिए अपवर्तित वन भूमि के बदले में प्रतिपूरक वनीकरण के लिए उपयोग की जा सकने वाली वनेत्तर भूमि, राजस्व भूमि, ज़ुडपी जंगल, छोटे झाड़ का जंगल, बड़े झाड़ का जंगल, जंगली झाड़ी भूमि, सिविल-सोयम भूमि और वन भूमि की अन्य श्रेणियों, (वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण के अधीन वन भूमि के अलावा) में आने वाली भूमि उपलब्ध नहीं है।

मेरे हस्ताक्षर और मुहर से आज.....दिन .....को जारी किया गया।

हस्ताक्षर और आधिकारिक मुहर

[फा.सं. एफसी-11/118/2021-एफसी]

रमेश कुमार पाण्डेय, वन महानिरीक्षक

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th November, 2023

G.S.R. 869(E).—In exercise of the powers conferred by sub-section (1) of section 4 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2022, 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 Van (Sanrakshan Evam Samvardhan) Rules, 2023.

(2) They shall come into force on the 1st Day of December 2023.

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 sub-section (1) of section 2 of the Adhiniyam.

(b) "Adhiniyam" means the Van (Sankashan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980);

(c) "Advisory Committee" means the Advisory Committee constituted under section 3 of the Adhiniyam;

(d) "compensatory afforestation" means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Adhiniyam;

(e) "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);

(f) "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;

(g) "Deputy Director General of Forests (Central)" means head of the Regional Office appointed by the Central Government;

(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" includes 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 Adhiniyam 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 Adhiniyam is required;

(l) "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 Adhiniyam;

(m) "linear project" means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, slurry pipeline, conveyor belt etc.;

(n) "National Working Plan Code" means a code prepared by the Central Government for the preparation of Working Plans;

(o) "Nodal Officer" means any officer not below the rank of 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 Chief Conservator of Forests or above in the Department, for the purpose of implementation of the Adhiniyam and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;

(p) "Project Screening Committee" means the Project Screening Committee constituted under rule 8;

(q) "Regional Empowered Committee" means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;

(r) "Regional Office" means a Regional Office established by, and controlled by the Central Government for the purpose of these rules;

(s) "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.;

(t) "technological tool" means Geographical Information System based digital tools such as Decision Support System facilitating the decision making process of proposal seeking prior approval under the Adhiniyam;

(u) "user agency" means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration submitting a proposal under section 1 of the Adhiniyam;

(v) "working permission" means permission granted to linear projects before final approval to mobilise the resources to commence the preliminary project work other than black topping, concretisation, laying of railway tracks, charging of transmission lines, etc. or as specified in the in-principle approval;

(w) "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 Adhiniyam shall have the same meaning as respectively assigned to them in the Adhiniyam.

3. Constitution of Advisory Committee. - (1) The Central Government may, by an order, constitute an Advisory Committee to advise the Central Government with regards to the grant of approval under sub-section (1) of section 2 in respect of proposals referred under sub-rule (2) of rule 10; and 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: -

(a) Director General of Forests, Ministry of Environment, Forest and Climate Change – Chairperson;

(b) Additional Director General of Forests, dealing with the forest conservation in the Ministry of Environment, Forest and Climate Change – Member;

(c) Additional Director General of Forests, dealing with wildlife in the Ministry of Environment, Forest and Climate Change – Member;

(d) Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare – Member;

(e) Three non-official experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics – members;

(f) Inspector General of Forests dealing with forest conservation and Adhiniyam thereof – 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, dealing with forest conservation, in the Ministry of Environment, Forest and Climate Change shall preside over the meeting.

4. Terms and conditions of non-official Members of Advisory Committee. –

(1) A non-official Member shall hold his office for a period of up to two years from the date of his nomination or as specified by the Central Government.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances 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.—(1) The Chairperson of the Advisory Committee shall call the meeting of the Committee at least once a month, whenever considered necessary;

(2) the meeting of the Advisory Committee shall ordinarily be held at New Delhi except when the Chairperson considers it necessary to inspect the proposed land, then the Chairperson may direct the meeting to be held at a place from where the proposal can be inspected.

(3) the quorum of the meeting of the Advisory Committee shall be five including the Chairperson.

(4) The Member-Secretary shall prepare an agenda of the meeting and present the proposals and matters referred to the Advisory Committee by the Central Government.

(5) The Advisory Committee shall examine in its meeting the proposal or the matter and, in urgent cases, the Chairperson may direct the proposal or the matter to be sent to the members for the their opinion, which shall be furnished to the Committee within the stipulated time.

(6) the user agency may be allowed to attend 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.

(7) After the examination of the proposal or the matter, the Advisory Committee shall make its recommendation/advise to the Central Government.

6. Constitution of Regional Empowered Committee.—(1) The Central Government may, by an order, constitute a Regional Empowered Committee at each of the Regional Offices to examine proposals referred to it under sub-rule (3) of rule 10 and grant approval or rejection of proposals under sub-section (1) of section 2.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following persons, namely: -

(a) Deputy Director General of Forests (Central) or an officer nominated by the Central Government – chairperson;

(b) Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines – members;

(c) The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the 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 of the State or the Union territory Administration, 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 Regional Empowered Committee.—

(1) A non-official member shall hold his office for a period of up to two years from the date of his nomination.

(2) 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.

(3) 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.

(4) Any vacancy of a member in the Regional Empowered Committee caused by any reason mentioned in sub-rules (2) and (3) shall be filled by the Central Government for the remaining term of the member in whose place vacancy has arisen.

(5) 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.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances 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 Regional Empowered Committee shall conduct its business as follows, namely:—

(1) The chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than once 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 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 Regional Office for such inspection of site;

(3) The chairperson of the Regional Empowered Committee shall preside over the meeting of the Regional Empowered Committee and in his absence, Deputy Director General of Forests holding the charge of other Regional Office or Inspector General of Forests dealing with the matter related to the Adhiniyam, as may be authorised by the Central Government, may chair the meeting of the Regional Empowered Committee.

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

Provided that in urgent 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.

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

(6) 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.

(7) The member-secretary shall prepare agenda of the meeting and present the proposals and matters connected with the Adhiniyam before the committee for making appropriate recommendations and decisions thereafter.

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 sub-section **(1)** of section 2 of the Adhiniyam.

(2) The Project Screening Committee shall consist of the following persons, namely:-

a. Nodal Officer – chairperson;

b. Concerned Chief Conservator of Forests/ Conservator of Forests – member;

c. Concerned Divisional Forest Officer- member;

d. Concerned District Collector or his representative (Not below the rank of Deputy Collector) –member;

e. 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 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 submit an application to the State Government or Union territory Administration for approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease online, through the web portal of the Central Government.

(3) A proposal identity number shall be generated online for the proposal submitted by the user agency and the said identity number shall be used for all future references;

(4) 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 undertake preliminary examination of the completeness of documentation of the proposal.

(5) 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, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category.

(6) The Project Screening Committee, for the purpose of screening, may call the user agency for clarification or additional documents, if any.

(7) 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.

(8) The proposals returned to the user agency shall be re-submitted after addressing the deficiency, as identified under sub-rule (7) above, within a period of ninety days, failing which the proposal shall stand de-listed.

(9) In case the user agency submits the information within the given time the proposal will be re-examined by the Project Screening Committee and in case the proposal is not complete in all respect then the same will be de-listed for the reasons to be recorded in writing:

Provided that the after de-listing of the proposal by the Project Screening Committee, the user agency, after addressing the deficiencies, can re-list the proposal only once using the same proposal identity number, as generated under sub-rule (2) above, which will again be examined by the PSC as per procedure given in sub-rule (5) to (7) above and in case the proposal is found still incomplete, it will be rejected and deleted permanently from the portal.

(10) The complete proposal with the proposal identity number shall be forwarded to concerned Divisional Forest Officer concerned, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification.

(11) 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 online through joint verification by officers of the Revenue Department and Forest Department.

(12) In addition to every proposal verified in the field by the Divisional Forest Officer concerned, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the Conservator of Forests concerned and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer.

(13) The proposal, except involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule I, annexed to these rules, from

submission of the completed proposal under sub-rule (8), or (9), 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 reconsidered by the Project Steering Committee in case of timely submission of complete information and clarification and additional detail by the user agency online and in case the user agency modifies the original proposal substantially and makes major changes such as change in the forest land or land use plan, the Project Steering Committee may return the proposal to complete the steps given in sub-rule (7) to (11) and therefore the steps in this sub-rule shall also be repeated in such cases.

(14) 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;

(15) The proposal involving forest land of up to five hectares, shall after their 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:

Provided that Division Forest Officer, after receiving the proposals from the user agency, shall assess their completeness and incomplete proposal shall be returned to the user agency for re-submitting it with complete information.

(16) The proposal involving forest land of more than five hectares, 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 the same shall also be forwarded to the Regional Office.

(17) 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.

(18) 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.

10. In-Principle approval of the proposal.—

(1) Except the proposals referred to in sub-rule (2), all proposals related to.-

(i) linear projects;

(ii) hydro electric power projects of upto 25 MW capacity proposed in the river basin where cumulative impact assessment to assess the carrying capacity of the river basing has been done

(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 which are not covered under the exemptions provided under clause (iii) of sub-section (1) of section 2 of the Adhiniyam and Guidelines issued thereunder;

shall be examined in the Regional Office and disposed off in the manner specified in sub-rule (3).

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;

(ii) mining;

(iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;

(iv) regularisation of encroachment;

(v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

Provided that, no approval is required for assignment of petroleum exploration licence or petroleum mining lease where the physical possession or breaking of forest land is not involved:

(3) The proposals received under sub-rule (1) shall be examined by the Regional Office in the following manner, namely:-

(i) all proposals involving forest land up to five hectares, shall be examined by the Regional Office for its completeness and after further enquiry or site inspection, as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), 'In-Principle' approval or rejection may be granted by the Regional Office by recording the reasons.

(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 Regional Office to the Regional Empowered Committee.

(iii) the Regional Empowered Committee shall examine all proposals referred to it under clause (ii) and after further enquiry or site inspection as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), may grant 'In-Principle' approval or reject the same by recording reasons.

(iv) The decisions taken by the Regional Empowered Committee or the Deputy Director General of Forests to grant 'In-principle' approval or to reject a proposal, in accordance with the power delegated under this rule, as and when necessary or required, may be reviewed by Central Government and decision taken by the Central Government in such matters shall be the final.

(4) Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee.

(5) The proposals received by the Central Government shall be examined in the following manner, namely:-

(i) all proposals under sub-rule (2) along with the site inspection report as required under sub-rule (4) or as asked by the Central Government, shall be referred, after examination of its completeness, to the Advisory Committee.

(ii) the Advisory Committee shall examine all proposals referred to it in clause (i), 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 rule 13, for the purpose of carrying out compensatory afforestation.

(6) While making recommendations under sub-rule (5), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact of diversion of forest land under the proposal.

(7) 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 State Government or the Union territory Administration, as the case may be, and to the user agency.

(8) 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.

(9) The State Government or Union territory Administration on receipt of communication under sub-rule (8), 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.

(10) The State Government or the Union territory Administration, if so desire, after obtaining the 'In-principle' approval of linear proposal and deposition of compensatory levies such as compensatory afforestation and Net Present Value and cost of mitigation plans such as of the Wildlife Management Plan and Soil and Moisture Conservation Plan, as applicable, notification of the land identified for raising compensatory afforestation as Protected Forest under Indian Forest Act, 1927 (16 of 1927) or local forest Act and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), may grant 'working permission' for the commencement of project work before grant of 'Final' approval.

11. Final approval of the proposal.—

(1) The Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the Divisional Forest Officers, District Collectors and Conservator of Forests.

(2) 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.

(3) 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.

(**4**) The Divisional Forest Officer, after having received the compliance report as referred to in sub-rule (3), shall examine its completeness and make his recommendations on the compliance report and forward the same to the Nodal Officer.

(5) 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.

(6) The Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under sub-section (1) of section 2 of the Adhiniyam and communicate such decision to the State Government or Union territory Administration and the user agency.

(7) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam, 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 (2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

(8) The final order of dereservation under clause (i) of sub-section (1) of section 2 of the Adhiniyam, wherever accorded, shall be published in the official Gazette by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;

(9) The whole process of obtaining approval shall be carried out in the online portal developed for this purpose.

(10) 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-

(a) 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

(b) any other specific condition that the Central Government may deem fit to have been complied with.

(11) After issue of final approval under sub- rule (7) and Gazette notification under sub-rule (8) the forest land concerned may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration.

(12) The 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.

(13) The entire process for processing the proposals by the various authorities in the State shall be completed within the time limit specified in **Schedule-I** appended to these rules.

12. Proposal seeking prior approval of Central Government for working plan.—

(1) 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.

(2) The draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon.

(3) the draft Working Plan submitted to the Central Government shall be examined by the Regional Office concerned for its conformity with National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests and the Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord 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.

(4) The State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the 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.

(5) 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 Regional Office and the Regional Office may, after examination, modify the condition of 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.

(6) The Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.

(7) All proposals under clause (iv) of sub-section (1) 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 Regional Office.

(8) The proposals received under sub-rule (1) shall be examined by the Regional Office and after enquiry, the Regional Office may grant approval or reject the same by recording the reasons thereof;

(9) The 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 Regional Office shall ensure that the final decision is in conformity with the National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests.

(10) 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.

13. Creation of Compensatory Afforestation.— (1) The 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-II** 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 also 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 the Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided also 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 also 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.

(2) The specified density for raising compensatory afforestation under this sub-rule 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.

(3) In case of non-availability of the non-forest land, the compensatory afforestation can also be raised over the following lands, which will be provided minimum double in extent of the area being diverted or difference between the forest land being diverted and the available non-forest land, as the case may be, is made available and they are notified as Protected Forests under the Indian Forest Act, 1927 (16 of 1927) or local Acts prior to 'Final' approval:

(a) revenue forest lands i.e. land recorded as forest in the Government records but not notified as forest under any law and not managed by the Forest Department viz. revenue lands or zudpi jungle or chhote-bade jhar ka jungle or jungle-jhari land or civil-soyam or orange forest lands and all other such categories of forest lands, provided they are transferred and mutated in the name of State Forest Department;

(b) the degraded Unclassed State Forests in the State of Arunachal Pradesh, shall be considered for compensatory afforestation provided they are transferred and mutated in the name of State Forest Department;

(c) the waste lands in the State of Himachal Pradesh, falling under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, provided they are transferred and mutated in the name of State Forest Department;

(d) lands falling under section 4 and 5 of the Punjab Land Preservation Act, 1900 in the States of Haryana, Punjab and Himachal Pradesh, which are not under the management and administrative control of the State Forest Department, provided that such lands will be transferred and mutated in the name of State Forest Department, unless as specified and agreed to by the Central Government to notify them under Indian Forest Act 1927 (16 of 1927), without transferring them to the State Forest Department, on case to case basis;

(4) Special dispensation for raising compensatory afforestation over degraded forest land, minimum double in extent, may be considered in respect of following proposals, namely.—

(a) in the States or Union territory Administrations, having forest area more than 33% of their total geographical area and a certificate on non-availability of suitable non-forest land for raising compensatory afforestation has been furnished by the State Government /Union territory Administration in the format specified under **Schedule-III,** appended to these rules;

(b) transmission line projects;

(c) laying of telephone or optical fibre lines;

(d) mulberry plantation undertaken for silkworm rearing;

(e) extraction of minor materials from the river beds;

(f) construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 5 hectares;

(g) actual impact zone of the field firing range considered for diversion under the Adhiniyam or 10% of the total forest area diverted in case entire area of the field firing range is proposed for diversion;

(h) any degraded forest land for the purpose of compensatory afforestation, selected by the State Government or the Union territory Administration, under this sub-rule, may be accepted by the Central Government when the crown density of such degraded forest is below 40 percent and such areas is not a natural or managed grassland being used for the management and conservation of wildlife; and

(5) In the following categories of proposals, cost of plantation 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; and

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

(6) No compensatory afforestation shall be charged in respect of renewal of mining lease for the forest area for which land for compensatory afforestation and cost of plantation has already been paid.

(7) In respect of diversion of forest land earmarked for the maintenance of safety zone along the inner boundary of a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, shall be applicable in lieu of forest land located in the safety zone.

(8) Non-forest land identified for raising compensatory, contiguous to forest land, located in the wildlife corridors and protected areas shall be incentivised as per the provisions provided in the **Schedule-II** appended to these rules;

14. Management of compensatory afforestation.—(1) The land specified under sub-rule (1) of rule 13, 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 (16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Adhiniyam.

(2) 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 two years 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.

(3) Subject to the consent of the 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, creation of compensatory afforestation, accredited compensatory afforestation and land banks may be taken up in another State or Union territory Administration:

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:

Provided further that in cases, where due to unfulfilment of the conditions specified in this sub-rule such as percentage of forest land of the geographical area, it is not possible to raise compensatory afforestation in the same State or Union territory Administration where diversion of forest land is proposed or in other States or Union territory Administration, the Central Government, in public interest, may allow, on case to case basis, compensatory afforestation in other State or Union territory Administration.

(4) (a) A State Government or Union territory Administration as the case may be, for the purpose of compensatory afforestation, may 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; and

(c) The lands covered under accredited compensatory afforestation earned under sub-rule (5) may be included in the land bank.

(5) (a) The Central Government may formulate an accredited compensatory afforestation mechanism to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.

(b) the accredited compensatory afforestation may be earned by a person if he has established afforestation over land on which the Ahiniyam 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) the 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) the accredited compensatory afforestation may be swapped for compensatory afforestation proposed under rule (13):

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) the 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 –II** annexed to these rules, and may be used by a user agency in lieu of compensatory afforestation under rule (13);

(g) the 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 (16 of 1927) or under the provision of any other law for the time being in force before the Final approval is granted under the Adhiniyam;

(h) The Central Government, from time to time, 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.

(i) All entities registered for accredited compensatory afforestation shall register with the Green Credit Registry under the Green Credit Policy Implementation Rules, 2023 and besides their eligibility for compensatory afforestation in lieu of diversion of forest land, the accredited compensatory afforestation will also be eligible for allocation of green credits under the Green Credit Policy Implementation Rules, 2023.

15. Proceedings against persons guilty of offences under the Adhiniyam.-—

(1) The Central Government may, by notification in official gazette, authorise an officer of the rank of Divisional Forest Officer or Deputy Conservator of Forests and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Adhiniyam is committed or violation of the provisions of the said Adhiniyam has been made, to file complaints against such person or authority or organization, prima-facie found guilty of offence under the Adhiniyam or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

(2) The Central Government, after receiving the information with respect to offence committed or violations made either through State Government or Union territory Administration or authorities or any other source or *suo moto*, shall, after examination, communicate the same to the State Government or Union territory and the authorities concerned under whose jurisdiction the offence under the Adhiniyam has been committed or any provision of the said Adhiniyam has been violated, for filing the complaint against the offenders before the court having jurisdiction and it shall act as a prerequisite for the authorised officer before such complaints are filed within a period of forty five days from the receipt of such communication.The State Government and authorities concerned shall submit a periodic report to Regional Office, from time to time, regarding filing of the complaints.

(3) An Officer of the rank of Assistant Inspector General and above, may be authorized by the Central Government, by notification, to initiate legal proceedings and file complaints, against the offences committed under the Adhiniyam.

(4) The officer authorized by the Central Government in sub-rule (1) and (3) may require any officer or any person or any other authority of the State Government or the Union territory Administration, as the case may be, to furnish to it within a specified period any reports, documents, and any other information related to contravention of the Adhiniyam 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.

16. Miscellaneous.—(1) For the purpose of explanation of government records provided under subsection (1) of section 1A of the Adhiniyam, the State Governments and Union territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

(2) The 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.

(3) The 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.

(4) 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.

(5) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government or Union territory Administration and may decide to refund the compensatory levies deposited, on case to case basis.

(6) 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.

(7) The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), local forest Act or Adhiniyam will be dealt as per the orders of the Courts or Tribunals passed in such cases and the date of applicability of the Adhiniyam in such lands shall be in accordance with the direction, if any, passed by the Courts or Tribunals.

(8) Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-

(i) Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and

(ii) Any provision of the extant rules will be applicable on the proposals which are yet to be granted 'In-principle approval under the Adhiniyam.

Schedule-I

TIME LINE FOR PROCESSING OF PROPOSALS SEEKING PRIOR APPROVAL OF CENTRAL GOVERNMENT

[See rule 8 (1), rule 9, rule 10 and rule 11]

Processing Authorities		**Area (Ha)/working days**			
		Up to 5*	**5 to 40***	**40 to 100***	**More than 100***
A. State Level	Project Screening Committee	0	30	30	30
	DCF/District Collector	10	10	10	20
	Site inspections by DCF/CF/Nodal Officer	5	5	20	20
	Processing by Nodal Officer/ PCCF	5	10	15	15
	State Govt.	10	15	15	15
	Sub-Total	**30**	**70**	**70**	**100**
B. Regional Office	Scrutiny to examine completeness	3	3	3	3
	Examination and processing of the proposal by the Regional Office	5	5	5	5
	Site inspection by Regional Office	0	0	15	15
	Examination and approval by the Regional Empowered Committee	0	20	20	20

	Processing and approval by competent authority (CA)	5	5	5	5
	Communication of approval of CA	2	2	2	2
	Total	**15**	**35**	**50**	**50**
	Total (A+B)	**45**	**105**	**120**	**150**
C. MoEFCC	Scrutiny to examine completeness	3	3	4	4
	Examination and processing of the proposal	6	6	5	5
	Site inspection by Regional Office	10	10	20	20
	Advisory Committee	20	20	20	20
	Approval by competent authority (CA)	10	10	10	10
	Communication of approval of CA	1	1	1	1
	Total	**50**	**50**	**60**	**60**
	Total (A+C)	**85**	**120**	**160**	**160**

*****Time line is prescribed for the proposals which are complete in all respects excluding the time consumed in seeking additional details from the State/UT or User agency.

****

PROPOSED TIME LINE FOR GRANT OF 'FINAL' APPROVAL

Level	Activity	Time (days)
State Level	Issue of demand note for payment of compensatory levies by the user agency	2
	Approval of demand note by the Nodal Officer	3
	Payment of compensatory levies and submission of documents/ certificate by the user agency	5
	Examination of the compliance report by the DFO and forwarding of complete compliance report by DFO to the Nodal Office FC Act, 1980 with intimation to the CF/CCF	5
	Examination of compliance report by the Nodal Officer and issue of shortcomings, if any, to the DFO for compliance, or forwarding of the completed compliance report to the MoEFCC / Regional Office	10
	Sub-Total	**25**
MoEFCC, New Delhi/ Regional Office	Examination of the compliance report, confirmation of remittance of compensatory levies realised from the user agency in to the CAMPA account and issue of shortcomings, if any, or State-II approval	20
	Sub-Total	**20**
	Grand Total	**45**

****

Schedule II

[See rule 13 and rule 14]

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 Adhiniyam 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 certain 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 involving no acquisition of non-forest land)*	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. This percentage will be applicable only on the additional block size acquired beyond the minimum size of twenty five hectares.
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 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.	Five *per cent.* more for every five hectares smaller block size or part thereof.
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 such 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-III

CERTIFICATE OF NON-AVAILABILITY OF LAND FOR COMPENSATORY AFFORESTATION IN THE STATE/UNION TERRITORY TO BE ISSUED BY THE STATE GOVERNMENT//UNION TERRITORY ADMINISTRATION

[See rule 13(4)]

No…… Dated…….

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

i.

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 the management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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……

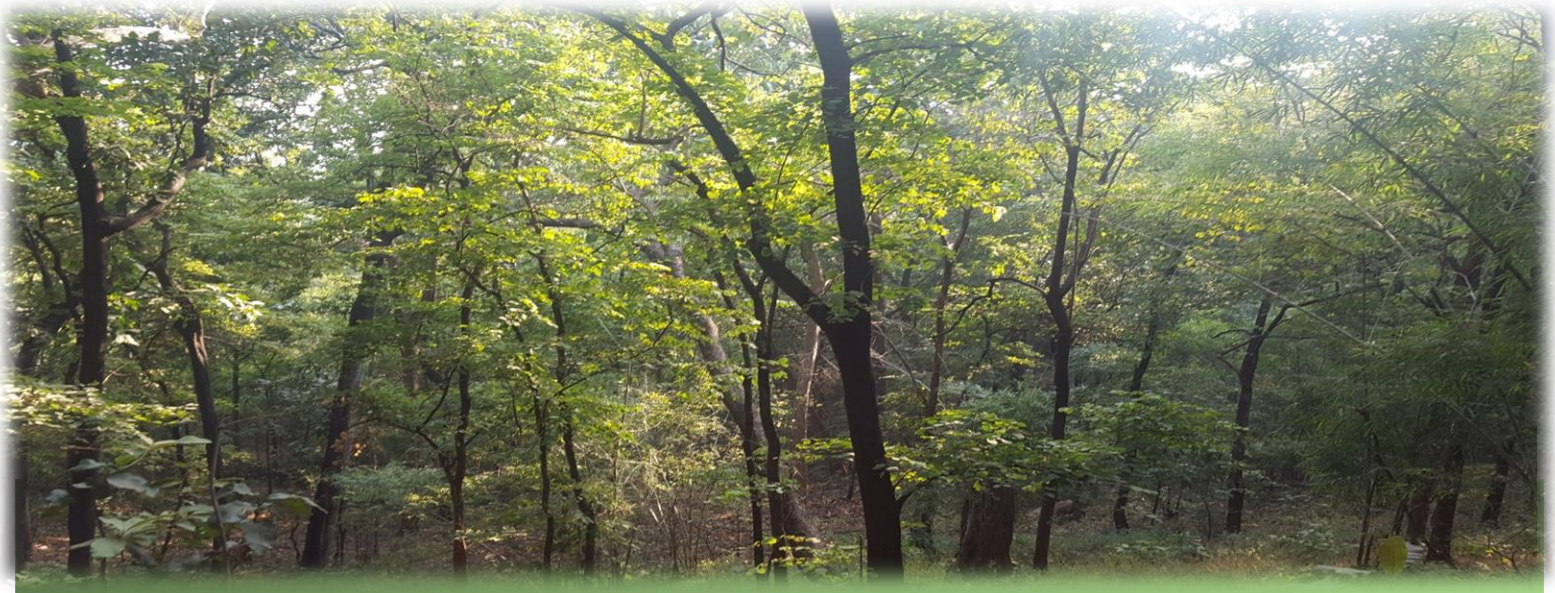
Signature & Official Seal

[F. No. FC-11/118/2021-FC]

RAMESH KUMAR PANDEY, Inspect General of Forests

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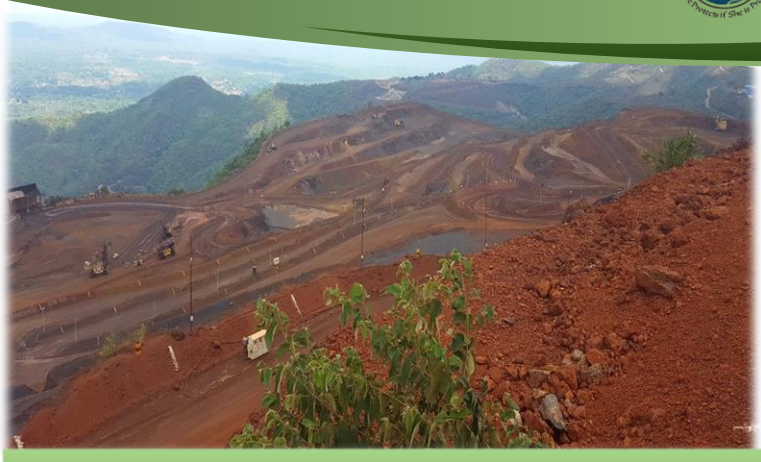
CONSOLIDATED GUIDELINES AND CLARIFICATIONS

issued under

VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980

and

VAN (SANRAKSHAN EVAM SAMVARDHAN) RULES, 2023





Government of India
Ministry of Environment, Forest and Climate Change

Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

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

Dated: 29th December, 2023

ORDER

In exercise of the powers conferred under section 3 C of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Central Government, in suppression to all previous guidelines, hereby issue a Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Van (Sanrakshan Evam Samvardhan) Rules, 2023, including the guidelines issued under sub-section (3) of section 1A, clause (iii) of sub-section (1) of section 2 and sub-section (2) of section 2 of the Adhiniyam for effective and transparent implementation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. All the provisions enshrined in these guidelines will be applicable from 1st December, 2023.

This issues with the approval of the competent authority.

Yours faithfully,

29.12.23

(Ramesh Kumar Pandey)
Inspector General of Forest

Distribution to:

1. All concerned
2. Director (Technical), NIC with a request to upload the same on the website of the Ministry

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ABBREVIATIONS

ABC	Aerial Bunched Cable
AC	Advisory Committee
ACA	Accredited Compensatory Afforestation
ACF	Assistant Conservator of Forest
AONBs	Areas of Outstanding Natural Beauty
APCCF	Additional Principal Chief Conservator of Forests
BRO	Border Road Organisation
CA	Compensatory Afforestation
CA	Competent Authority
CAF	Common Application Form
CAMPA	Compensatory Afforestation Fund Management and Planning Authority
CAT	Catchment Area Treatment
CBA	Cost Benefit Analysis
CBA	Coal Bearing Areas (Acquisition and Development) Act, 1957
CCF	Chief Conservator of Forests
CEA	Central Electricity Authority
CF	Conservator of Forest
CNG	Compressed Natural Gas
CPCB	Central Pollution Control Board
CZA	Central Zoo Authority
DCF	Deputy Conservator of Forests
DDA	Delhi Development Authority
DFO	Divisional Forest Officer
DGPS	Differential Geographical Positioning System
DoT	Department of Telecommunications
DPIIT	Department for Promotion of Industry and Internal Trade
DSS	Decision Support System
DWPR	Draft Working Plan Report
EDS	Essential Details Sought
EPA	Environment Protection Act
ESZ	Ecologically Sensitive Zone
FAC	Forest Advisory Committee
FFR	Field Firing Range
FRCM	Fortnightly Regional Coordination Meeting
FRL	Full Reservoir Level
GIS	Geographical Information System
GOI	Government of India
HEP	Hydro Electric Project
HoFF	Head of Forest Force
ICMC	Inter-Ministerial coordination and Monitoring Committee
IFA	Indian Forest Act, 1927
KYA	Know Your Approval
LAC	Line of Actual Control
LoI	Letter of Intent
LWE	Left Wing Extremism
MDDA	Mussoorie Dehradun Development Authority

MHA	Ministry of Home Affairs
MMDR	Mines and Minerals (Development and Regulation) Act, 1957
MoEFCC	Ministry of Environment, Forest and Climate Change
MoRTH	Ministry of Road Transport and Highways
NBWL	National Board for Wildlife
NDC	Nationally Determined Contributions
NGO	Non-Government Organisation
NGT	National Green Tribunal
NHAI	National Highway Authority of India
NHIDCL	National Highways and Infrastructure Development Corporation Ltd.
NOC	No Objection Certificate
NPV	Net Present Value
NTCA	National Tiger Conservation Authority
OFC	Optical Fibre Cable
OISD	Oil Industry Safety Directorate
PA	Protected Areas
PAN	Protected Area Network
PCCF	Principal Chief Conservator of Forests
PESO	Petroleum and Explosive Safety Organisation
PF	Protected Forest
PLPA	Punjab Land Preservation Act, 1900
PMGSY	Pradhan Mantri Gramya Sadak Yojna
PNG	Piped Natural Gas
PNGRB	Petroleum and Natural Gas Regulatory Board
PSC	Project Screening Committee
PSU	Public Sector Undertakings
PWD	Public Works Department
RCCF	Regional Chief Conservator of Forest
REC	Regional Empowered Committee
RF	Reserved Forest
RO	Regional Office
ROHQ	Regional Office Head Quarter
RoW	Right of Way
SBWL	State Board for Wildlife
SFD	State Forest Department
SLC	State Level Committee
SMC	Soil Moisture Content
TOF	Trees Outside Forest
TR	Tiger Reserved
UA	User Agency
UA	User Agency
USF	Un-classed Forest
WII	Wildlife Institute of India
WLMP	Wildlife Management Plan
WLPA	Wild Life (Protection) Act, 1972

VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 WITH AMENDMENTS MADE IN 1988 AND 2023

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

"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, Nationally Determined Contribution (NDC) 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 has 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, carbon neutrality .".

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

1. Short title, extent and commencement.— (1) This Act may be called the *Van (Sanrakshan Evam Samvardhan) Adhiniyam*, 1980.

(2) It shall be deemed to have come into force on the 1st day of December, 2023.

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

(a) 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;

(b) 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*.-** (i) 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 government, which provides access to a habitation, or to such 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 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 tress undertaken on the lands, as the Central Government may, by guidelines, specify.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose– – (1) 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 subject to such terms and conditions, as the Central Government may, by order, specify;

(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 purposes of this sub-section, "non-forest purpose" includes breaking up or clearing of any forest land or a portion thereof for—

(a) 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 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, 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 an Authority, in forest areas other than Protected Areas;*

(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.';*

(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.

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 -

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.

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

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.

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VAN (SANRAKSHAN EVAM SAMVARDHAN) RULES, 2023

NOTIFICATION

New Delhi, the 29th November, 2023

G.S.R. 869 (E). - In exercise of the powers conferred by sub-section (1) of section 4 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2022, 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 Van (Sanrakshan Evam Samvardhan) Rules, 2023.

(2) They shall come into force on the 1st Day of December 2023.

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 sub-section (1) of section 2 of the Adhiniyam.

(b) "Adhiniyam" means the Van (Sankashan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980);

(c) "Advisory Committee" means the Advisory Committee constituted under section 3 of the Adhiniyam;

(d) "compensatory afforestation" means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Adhiniyam;

(e) "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);

(f) "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;

(g) "Deputy Director General of Forests (Central)" means head of the Regional Office appointed by the Central Government;

(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" includes 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 Adhiniyam 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 Adhiniyam is required;

(l) “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 Adhiniyam;

(m) “linear project” means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, slurry pipeline, conveyor belt etc.;

(n) “National Working Plan Code” means a code prepared by the Central Government for the preparation of Working Plans;

(o) “Nodal Officer” means any officer not below the rank of 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 Chief Conservator of Forests or above in the Department, for the purpose of implementation of the Adhiniyam and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;

(p) “Project Screening Committee” means the Project Screening Committee constituted under rule 8;

(q) “Regional Empowered Committee” means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;

(r) “Regional Office” means a Regional Office established by, and controlled by the Central Government for the purpose of these rules;

(s) “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.;

(t) “technological tool” means Geographical Information System based digital tools such as Decision Support System facilitating the decision making process of proposal seeking prior approval under the Adhiniyam;

(u) “user agency” means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration submitting a proposal under section 1 of the Adhiniyam;

(v) “working permission” means permission granted to linear projects before final approval to mobilise the resources to commence the preliminary project work other than black topping, concretisation, laying of railway tracks, charging of transmission lines, etc. or as specified in the in-principle approval;

(w) “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 Adhiniyam shall have the same meaning as respectively assigned to them in the Adhiniyam.

3. Constitution of Advisory Committee - (1) The Central Government may, by an order, constitute an Advisory Committee to advise the Central Government with regards to the grant of approval under sub-section (1) of section 2 in respect of proposals referred under sub-rule (2) of rule 10; and 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: -

(a) Director General of Forests, Ministry of Environment, Forest and Climate Change – Chairperson;
(b) Additional Director General of Forests, dealing with the forest conservation in the Ministry of Environment, Forest and Climate Change – Member;
(c) Additional Director General of Forests, dealing with wildlife in the Ministry of Environment, Forest and Climate Change – Member;
(d) Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare – Member;
(e) Three non-official experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics – members;
(f) Inspector General of Forests dealing with forest conservation and Adhiniyam thereof – 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, dealing with forest conservation, in the Ministry of Environment, Forest and Climate Change shall preside over the meeting.

4. Terms and conditions of non-official Members of Advisory Committee. –

(1) A non-official Member shall hold his office for a period of up to two years from the date of his nomination or as specified by the Central Government.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances 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.- (1) The Chairperson of the Advisory Committee shall call the meeting of the Committee at least once a month, whenever considered necessary;

(2) the meeting of the Advisory Committee shall ordinarily be held at New Delhi except when the Chairperson considers it necessary to inspect the proposed land, then the Chairperson may direct the meeting to be held at a place from where the proposal can be inspected.

(3) the quorum of the meeting of the Advisory Committee shall be five including the Chairperson.

(4) The Member-Secretary shall prepare an agenda of the meeting and present the proposals and matters referred to the Advisory Committee by the Central Government.

(5) The Advisory Committee shall examine in its meeting the proposal or the matter and, in urgent cases, the Chairperson may direct the proposal or the matter to be sent to the members for the their opinion, which shall be furnished to the Committee within the stipulated time.

(6) the user agency may be allowed to attend 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.

(7) After the examination of the proposal or the matter, the Advisory Committee shall make its recommendation/advise to the Central Government.

6. Constitution of Regional Empowered Committee. - (1) The Central Government may, by an order, constitute a Regional Empowered Committee at each of the Regional Offices to examine proposals referred to it under sub-rule (3) of rule 10 and grant approval or rejection of proposals under sub-section (1) of section 2.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following persons, namely: -

(a) Deputy Director General of Forests (Central) or an officer nominated by the Central Government – chairperson;

(b) Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines – members;

(c) The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the 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 of the State or the Union territory Administration, 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 Regional Empowered Committee.-

(1) A non-official member shall hold his office for a period of up to two years from the date of his nomination.

(**2**) 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.

(3) 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.

(4) Any vacancy of a member in the Regional Empowered Committee caused by any reason mentioned in sub-rules (2) and (3) shall be filled by the Central Government for the remaining term of the member in whose place vacancy has arisen.

(5) 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.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances 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 Regional Empowered Committee shall conduct its business as follows, namely:-

(1) The chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than once 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 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 Regional Office for such inspection of site;

(3) The chairperson of the Regional Empowered Committee shall preside over the meeting of the Regional Empowered Committee and in his absence, Deputy Director General of Forests holding the charge of other Regional Office or Inspector General of Forests dealing with the matter related to the Adhiniyam, as may be authorised by the Central Government, may chair the meeting of the Regional Empowered Committee.

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

Provided that in urgent 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.

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

(6) 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.

(7) The member-secretary shall prepare agenda of the meeting and present the proposals and matters connected with the Adhiniyam before the committee for making appropriate recommendations and decisions thereafter.

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 sub-section **(1)** of section 2 of the Adhiniyam.

(2) The Project Screening Committee shall consist of the following persons, namely:-

a. Nodal Officer – chairperson;
b. Concerned Chief Conservator of Forests/ Conservator of Forests – member;
c. Concerned Divisional Forest Officer- member;
d. Concerned District Collector or his representative (Not below the rank of Deputy Collector) –member;
e. 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 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 submit an application to the State Government or Union territory Administration for approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease online, through the web portal of the Central Government.

(3) A proposal identity number shall be generated online for the proposal submitted by the user agency and the said identity number shall be used for all future references;

(4) 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 undertake preliminary examination of the completeness of documentation of the proposal.

(5) 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, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category.

(6) The Project Screening Committee, for the purpose of screening, may call the user agency for clarification or additional documents, if any.

(7) 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.

(8) The proposals returned to the user agency shall be re-submitted after addressing the deficiency, as identified under sub-rule (7) above, within a period of ninety days, failing which the proposal shall stand de-listed.

(9) In case the user agency submits the information within the given time the proposal will be re-examined by the Project Screening Committee and in case the proposal is not complete in all respect then the same will be de-listed for the reasons to be recorded in writing:

Provided that the after de-listing of the proposal by the Project Screening Committee, the user agency, after addressing the deficiencies, can re-list the proposal only once using the same proposal identity number, as generated under sub-rule (2) above, which will again be examined by the PSC as per procedure given in sub-rule (5) to (7) above and in case the proposal is found still incomplete, it will be rejected and deleted permanently from the portal.

(10) The complete proposal with the proposal identity number shall be forwarded to concerned Divisional Forest Officer concerned, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification.

(11) 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 online through joint verification by officers of the Revenue Department and Forest Department.

(12) In addition to every proposal verified in the field by the Divisional Forest Officer concerned, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the Conservator of Forests concerned and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer.

(13) The proposal, except involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule I, annexed to these rules, from submission of the completed proposal under sub-rule (8), or (9) or (11), 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 reconsidered by the Project Steering Committee in case of timely submission of complete information and clarification and additional detail by the user agency online and in case the user agency modifies the original proposal substantially and makes major changes such as change in the forest land or land use plan, the Project Steering Committee may return the proposal to complete the steps given

in sub-rule (7) to (11) and therefore the steps in this sub-rule shall also be repeated in such cases.

(14) 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;

(15) The proposal involving forest land of up to five hectares, shall after their 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:

Provided that Division Forest Officer, after receiving the proposals from the user agency, shall assess their completeness and incomplete proposal shall be returned to the user agency for re-submitting it with complete information.

(16) The proposal involving forest land of more than five hectares, 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 the same shall also be forwarded to the Regional Office.

(17) 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.

(18) 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.

10. In-Principle approval of the proposal.-

(1) Except the proposals referred to in sub-rule (2), all proposals related to.-

(i) linear projects;

(ii) hydro electric power projects of upto 25 MW capacity proposed in the river basin where cumulative impact assessment to assess the carrying capacity of the river basing has been done

(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 which are not covered under the exemptions provided under clause (iii) of sub-section (1) of section 2 of the Adhiniyam and Guidelines issued thereunder;

shall be examined in the Regional Office and disposed off in the manner specified in sub-rule (3).

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;

(ii) mining;

(iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;

(iv) regularisation of encroachment;

(v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

Provided that, no approval is required for assignment of petroleum exploration licence or petroleum mining lease where the physical possession or breaking of forest land is not involved:

(3) The proposals received under sub-rule (1) shall be examined by the Regional Office in the following manner, namely:-

(i) all proposals involving forest land up to five hectares, shall be examined by the Regional Office for its completeness and after further enquiry or site inspection, as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), 'In-Principle' approval or rejection may be granted by the Regional Office by recording the reasons.

(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 Regional Office to the Regional Empowered Committee.

(iii) the Regional Empowered Committee shall examine all proposals referred to it under clause (ii) and after further enquiry or site inspection as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), may grant 'In-Principle' approval or reject the same by recording reasons.

(iv) The decisions taken by the Regional Empowered Committee or the Deputy Director General of Forests to grant 'In-principle' approval or to reject a proposal, in accordance with the power delegated under this rule, as and when necessary or required, may be reviewed by Central Government and decision taken by the Central Government in such matters shall be the final.

(4) Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee.

(5) The proposals received by the Central Government shall be examined in the following manner, namely:-

(i) all proposals under sub-rule (2) along with the site inspection report as required under sub-rule (4) or as asked by the Central Government, shall be referred, after examination of its completeness, to the Advisory Committee.

(ii) the Advisory Committee shall examine all proposals referred to it in clause (i), 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 rule 13, for the purpose of carrying out compensatory afforestation.

(6) While making recommendations under sub-rule (5), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact of diversion of forest land under the proposal.

(7) 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 State Government or the Union territory Administration, as the case may be, and to the user agency.

(8) 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.

(9) The State Government or Union territory Administration on receipt of communication under sub-rule (8), 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.

(10) The State Government or the Union territory Administration, if so desire, after obtaining the 'In-principle' approval of linear proposal and deposition of compensatory levies such as compensatory afforestation and Net Present Value and cost of mitigation plans such as of the Wildlife Management Plan and Soil and Moisture Conservation Plan, as applicable, notification of the land identified for raising compensatory afforestation as Protected Forest under Indian Forest Act, 1927 (16 of 1927) or local forest Act and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), may grant 'working permission' for the commencement of project work before grant of 'Final' approval.

11. Final approval of the proposal.-

(1) The Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the Divisional Forest Officers, District Collectors and Conservator of Forests.

(2) 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.

(3) 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.

(**4**) The Divisional Forest Officer, after having received the compliance report as referred to in sub-rule (3), shall examine its completeness and make his recommendations on the compliance report and forward the same to the Nodal Officer.

(5) 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.

(6) The Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under sub-section (1) of section 2 of the Adhiniyam and communicate such decision to the State Government or Union territory Administration and the user agency.

(7) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam, 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 (2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

(8) The final order of dereservation under clause (i) of sub-section (1) of section 2 of the Adhiniyam, wherever accorded, shall be published in the official Gazette by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;

(9) The whole process of obtaining approval shall be carried out in the online portal developed for this purpose.

(10) 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-

(a) 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

(b) any other specific condition that the Central Government may deem fit to have been complied with.

(11) After issue of final approval under sub- rule (7) and Gazette notification under sub-rule (8) the forest land concerned may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration.

(12) The 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.

(13) The entire process for processing the proposals by the various authorities in the State shall be completed within the time limit specified in **Schedule-I** appended to these rules.

12. Proposal seeking prior approval of Central Government for working plan.-

(1) 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.

(2) The draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon.

(3) the draft Working Plan submitted to the Central Government shall be examined by the Regional Office concerned for its conformity with National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests and the Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord 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.

(4) The State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the 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.

(5) 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 Regional Office and the Regional Office may, after examination, modify the condition of 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.

(6) The Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.

(7) All proposals under clause (iv) of sub-section (1) 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 Regional Office.

(8) The proposals received under sub-rule (1) shall be examined by the Regional Office and after enquiry, the Regional Office may grant approval or reject the same by recording the reasons thereof;

(9) The 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 Regional Office shall ensure that the final decision is in conformity with the National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests.

(10) 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.

13. Creation of Compensatory Afforestation.- (1) 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-II** 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 also 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 the Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided also 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 also 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.

(2) The specified density for raising compensatory afforestation under this sub-rule 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.

(3) In case of non-availability of the non-forest land, the compensatory afforestation can also be raised over the following lands, which will be provided minimum double in extent of the area being diverted or difference between the forest land being diverted and the available non-forest land, as the case may be, is made available and they are notified as Protected Forests under the Indian Forest Act, 1927 (16 of 1927) or local Acts prior to 'Final' approval:

(a) revenue forest lands i.e. land recorded as forest in the Government records but not notified as forest under any law and not managed by the Forest Department viz. revenue lands or zudpi jungle or chhote-bade jhar ka jungle or jungle-jhari land or civil-soyam or orange forest lands and all other such categories of forest lands, provided they are transferred and mutated in the name of State Forest Department;

(b) the degraded Unclassed State Forests in the State of Arunachal Pradesh, shall be considered for compensatory afforestation provided they are transferred and mutated in the name of State Forest Department;

(c) the waste lands in the State of Himachal Pradesh, falling under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, provided they are transferred and mutated in the name of State Forest Department;

(d) lands falling under section 4 and 5 of the Punjab Land Preservation Act, 1900, gair mumkin Pahads, gair mumkin darkhtan, in the States of Haryana, Punjab and Himachal Pradesh, which are not under the management and administrative control of the State Forest Department, provided that such lands will be transferred and mutated in the name of State Forest Department, unless as specified and agreed to by the Central Government

to notify them under Indian Forest Act 1927 (16 of 1927), without transferring them to the State Forest Department, on case to case basis;

(4) Special dispensation for raising compensatory afforestation over degraded forest land, minimum double in extent, may be considered in respect of following proposals, namely.-

(a) in the States or Union territory Administrations, having forest area more than 33% of their total geographical area and a certificate on non-availability of suitable non-forest land for raising compensatory afforestation has been furnished by the State Government /Union territory Administration in the format specified under **Schedule-III,** appended to these rules;

(b) transmission line projects;

(c) laying of telephone or optical fibre lines;

(d) mulberry plantation undertaken for silkworm rearing;

(e) extraction of minor materials from the river beds;

(f) construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 5 hectares;

(g) actual impact zone of the field firing range considered for diversion under the Adhiniyam or 10% of the total forest area diverted in case entire area of the field firing range is proposed for diversion;

(h) any degraded forest land for the purpose of compensatory afforestation, selected by the State Government or the Union territory Administration, under this sub-rule, may be accepted by the Central Government when the crown density of such degraded forest is below 40 percent and such areas is not a natural or managed grassland being used for the management and conservation of wildlife; and

(5) In the following categories of proposals, cost of plantation 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; and

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

(6) No compensatory afforestation shall be charged in respect of renewal of mining lease for the forest area for which land for compensatory afforestation and cost of plantation has already been paid.

(7) In respect of diversion of forest land earmarked for the maintenance of safety zone along the inner boundary of a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, shall be applicable in lieu of forest land located in the safety zone.

(8) Non-forest land identified for raising compensatory, contiguous to forest land, located in the wildlife corridors and protected areas shall be incentivised as per the provisions provided in the **Schedule-II** appended to these rules;

14. Management of compensatory afforestation.- (1) The land specified under sub-rule (1) of rule 13, 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 (16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Adhiniyam.

(2) 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 two years 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.

(3) Subject to the consent of the 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, creation of compensatory afforestation, accredited compensatory afforestation and land banks may be taken up in another State or Union territory Administration:

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:

Provided further that in cases, where due to unfulfilment of the conditions specified in this sub-rule such as percentage of forest land of the geographical area, it is not possible to raise compensatory afforestation in the same State or Union territory Administration where diversion of forest land is proposed or in other States or Union territory Administration, the Central Government, in public interest, may allow, on case to case basis, compensatory afforestation in other State or Union territory Administration.

(4) (a) A State Government or Union territory Administration as the case may be, for the purpose of compensatory afforestation, may 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; and

(c) The lands covered under accredited compensatory afforestation earned under sub-rule (5) may be included in the land bank.

(5) (a) The Central Government may formulate an accredited compensatory afforestation mechanism to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.

(b) the accredited compensatory afforestation may be earned by a person if he has established afforestation over land on which the Ahiniyam 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) the 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) the accredited compensatory afforestation may be swapped for compensatory afforestation proposed under rule (13):

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) the 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 –II** annexed to these rules, and may be used by a user agency in lieu of compensatory afforestation under rule (13);

(g) the 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 (16 of 1927) or under the provision of any other law for the time being in force before the Final approval is granted under the Adhiniyam;

(h) The Central Government, from time to time, 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.

(i) All entities registered for accredited compensatory afforestation shall register with the Green Credit Registry under the Green Credit Policy Implementation Rules, 2023 and besides their eligibility for compensatory afforestation in lieu of diversion of forest land, the accredited compensatory afforestation will also be eligible for allocation of green credits under the Green Credit Policy Implementation Rules, 2023.

15. Proceedings against persons guilty of offences under the Adhiniyam.-

(1) The Central Government may, by notification in official gazette, authorise an officer of the rank of Divisional Forest Officer or Deputy Conservator of Forests and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Adhiniyam is committed or violation of the provisions of the said Adhiniyam has been made, to file complaints against such person or authority or organization, prima-facie found guilty of offence under the Adhiniyam or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

(2) The Central Government, after receiving the information with respect to offence committed or violations made either through State Government or Union territory Administration or authorities or any other source or *suo moto,* shall, after examination, communicate the same to the State Government or Union territory and the authorities concerned under whose jurisdiction the offence under the Adhiniyam has been committed or any provision of the said Adhiniyam has been violated, for filing the complaint against the offenders before the court having jurisdiction and it shall act as a prerequisite for the authorised officer before such complaints are filed within a period of forty five days from the receipt of such communication.The State Government and authorities concerned shall submit a periodic report to Regional Office, from time to time, regarding filing of the complaints.

(3) An Officer of the rank of Assistant Inspector General and above, may be authorized by the Central Government, by notification, to initiate legal proceedings and file complaints, against the offences committed under the Adhiniyam.

(4) The officer authorized by the Central Government in sub-rule (1) and (3) may require any officer or any person or any other authority of the State Government or the Union territory Administration, as the case may be, to furnish to it within a specified period any reports, documents, and any other information related to contravention of the Adhiniyam 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.

16. Miscellaneous.- (1) For the purpose of explanation of government records provided under subsection (1) of section 1A of the Adhiniyam, the State Governments and Union territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

(2) The 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.

(3) The 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.

(4) 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.

(5) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government or Union territory Administration and may decide to refund the compensatory levies deposited, on case to case basis.

(6) 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.

(7) The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), local forest Act or Adhiniyam will be dealt as per the orders of the Courts or Tribunals passed in such cases and the date of applicability of the Adhiniyam in such lands shall be in accordance with the direction, if any, passed by the Courts or Tribunals.

(8) Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-

(i) Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and

(ii) Any provision of the extant rules will be applicable on the proposals which are yet to be granted 'In-principle approval under the Adhiniyam.

Schedule-I

TIME LINE FOR PROCESSING OF PROPOSALS SEEKING PRIOR APPROVAL OF CENTRAL GOVERNMENT

[See rule 8 (1), rule 9, rule 10 and rule 11]

Processing Authorities		Area (Ha)/working days			
		Up to 5*	**5 to 40***	**40 to 100***	**More than 100***
A. State Level	Project Screening Committee	0	30	30	30
	DCF/District Collector	10	10	10	20
	Site inspections by DCF/CF/Nodal Officer	5	5	20	20
	Processing by Nodal Officer/ PCCF	5	10	15	15
	State Govt.	10	15	15	15
	Sub-Total	**30**	**70**	**70**	**100**
B. Regional Office	Scrutiny to examine completeness	3	3	3	3
	Examination and processing of the proposal by the Regional Office	5	5	5	5
	Site inspection by Regional Office	0	0	15	15
	Examination and approval by the Regional Empowered Committee	0	20	20	20
	Processing and approval by competent authority (CA)	5	5	5	5
	Communication of approval of CA	2	2	2	2
	Total	**15**	**35**	**50**	**50**
	Total (A+B)	**45**	**105**	**120**	**150**
C. MoEFCC	Scrutiny to examine completeness	3	3	4	4
	Examination and processing of the proposal	6	6	5	5

	Site inspection by Regional Office	10	10	20	20
	Advisory Committee	20	20	20	20
	Approval by competent authority (CA)	10	10	10	10
	Communication of approval of CA	1	1	1	1
	Total	**50**	**50**	**60**	**60**
	Total (A+C)	**85**	**120**	**160**	**160**

*****Time line is prescribed for the proposals which are complete in all respects excluding the time consumed in seeking additional details from the State/UT or User agency.

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Proposed Time Line for Grant of 'Final' Approval

Level	Activity	Time (days)
State Level	Issue of demand note for payment of compensatory levies by the user agency	2
	Approval of demand note by the Nodal Officer	3
	Payment of compensatory levies and submission of documents/ certificate by the user agency	5
	Examination of the compliance report by the DFO and forwarding of complete compliance report by DFO to the Nodal Office of Adhiniyam with intimation to the CF/CCF	5
	Examination of compliance report by the Nodal Officer and issue of shortcomings, if any, to the DFO for compliance, or forwarding of the completed compliance report to the MoEFCC / Regional Office	10
	Sub-Total	**25**
MoEFCC, New Delhi/ Regional Office	Examination of the compliance report, confirmation of remittance of compensatory levies realised from the user agency in to the CAMPA account and issue of shortcomings, if any, or State-II approval	20
	Sub-Total	**20**
	Grand Total	**45**

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Schedule II

[See rule 13 and rule 14]

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 Adhiniyam 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 certain 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 involving no acquisition of non-forest land)*	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	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. This percentage will be applicable only on the additional block size acquired beyond the minimum size of twenty five hectares.

	the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	
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 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.	Five *per cent.* more for every five hectares smaller block size or part thereof.
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 such 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-III

CERTIFICATE OF NON-AVAILABILITY OF LAND FOR COMPENSATORY AFFORESTATION IN THE STATE/UNION TERRITORY TO BE ISSUED BY THE STATE GOVERNMENT//UNION TERRITORY ADMINISTRATION

[See rule 13(4)]

No…… Dated…….

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

i.

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 the management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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

*****

F. No. FC-11/118/2021-FC

(Ramesh Kumar Pandey)
Inspect General of Forests

CHAPTER-1

GENERAL CLARIFICATIONS AND COURT ORDERS

1.1 Applicability of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980: The provisions of the Act will be applicable in the following:

(i) 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;

(ii) Land that is not covered under clause (i) of para 1.1 above i.e. lands which is recorded as forest on or after the 25th October, 1980 in the government record will also be covered under the provisions of the Adhiniyam. However, such government forest land (revenue forest land) not declared or notified under the IFA or local Act which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 with the approval of competent authority in the State/UT shall be exempted from the purview of the Adhiniyam as per the *proviso* given under clause (b) of sub-section (1) of newly inserted section 1 A of the Adhiniyam.

(iii) The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), local forest Act or Adhiniyam will be dealt as per the orders of the Courts or Tribunals passed in such cases and the date of applicability of the Adhiniyam in such lands shall be in accordance with the direction, if any, passed by the Courts or Tribunals.

(iv) The provisions of the Act are not applicable on the tree, plantation and afforestation 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.

(v) For the purpose of explanation of government records provided under subsection (1) of section 1A of the Adhiniyam, the State Governments and Union territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable. The record, so prepared shall be updated at regular intervals by State Government and Union territory Administration.

1.2 General Clarifications

(i) The term ‘tree’ for the purpose of Adhiniyam will have the same meaning as defined in section 2 of the Indian Forest Act, 1927 and Indian Forest (Amendment) Act, 2017 or in State/ or other forest Act that may be in force in the forest area under question.

(ii) Development/ construction of facilities which are not of permanent nature, in forest areas for the purpose of ecotourism by Government authorities, as per the

provisions of the approved Working Plan, shall not be considered as non-forestry activity for the purpose of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(iii) Eco-tourism activities on the private forest land, ownership of which vest with the private entities, may be allowed subject to the provisions of the Management Plan or Working Plan or Management Scheme, approved by the competent authority prescribed for such private forest lands.

(iv) '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;

(v) Working permission means permission granted to linear projects before 'Final' approval to mobilize the resources to commence the preliminary project work other than black topping, concretization, laying of railway tracks, charging of transmission lines, or any work of permanent nature which entails completion of the project.

(vi) Any direction, passed by the any court of law, in respect of forest lands falling under the purview of exemptions considered under the Adhiniyam including revenue forest lands put to non-forestry use on or before 12.12.1996, shall be saved and it will be binding on the user agency to obtain prior approval of the Central Government under the Adhiniyam till such a time, the final decision in such matters is passed by the court of law.

(vii) **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 of the competent authority regarding de-reservation and/or diversion of forest lands, prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would be necessary.

(viii) 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 Van (Sanrakshan Evam Samvardhan) Rules, 2023 or guidelines issued there under.

(ix) 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.

(x) The Regional Offices and MoEF&CC shall raise all their observations or queries, after preliminary examination of the proposal, in one go and no new or fresh queries will be raised subsequently unless indispensable. The subsequent EDS only be raised in case the incomplete or deficit information or documents are received from the State and Union territory Administration and/or if any new information about the proposal has been brought to the knowledge of the Regional Office.

(xi) The State Government/UT Administration will not impose any additional condition after in-principle approval has been accorded. However, in exceptional situations, giving due justifications, additional condition may be imposed.

1.3 Excerpts from the important Supreme Court orders along with their operational parts:

(i) **Supreme Court order dated 7.05.1985 : State Of Bihar vs Banshi Ram Modi & Ors in the Hon'ble Supreme Court of India:** We are, therefore, of the view that while before granting permission to start mining operations on a virgin area section 2 of the Act has to be complied with it is not necessary to seek the prior approval of the Central Government for purposes of carrying out mining operations in a forest area which is broken up or cleared before the commencement of the Act".

(ii) **Supreme Court order dated 11.12.1986: Ambica Quarry Works & Anr vs State Of Gujarat & Ors:** *The primary purpose of the Act which must sub- serve the interpretation in order to implement the Act is to prevent further deforestation. The Central Government has not granted approval. If the State Government is of the opinion that it is not a case where the State Government should seek approval of the Central Government, the State Government cannot apparently seek such approval in a matter in respect of, in our opinion, which it has come to the conclusion that no renewal should be granted. In that view of the matter and the scheme of the Act, in our opinion, the respondents were fight and the appellants were wrong. All interpretations must sub-serve and help implementation of the intention of the Act. This interpretation, in our opinion, will sub-serve the predominant purpose of the Act. In that view of the matter, we are unable to sustain the submissions urged in support of these appeals. The appeals therefore fail and are accordingly dismissed. In view of the facts and circumstances of these appeals, however, we direct the parties to pay and bear their own costs*.

(iii) **Supreme Court order dated 14.02.2000:** 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, driftwood, and grasses etc. from any National Park or Game Sanctuary.* ".

(iv) **Supreme Court order dated 13.11.2000 : I.A. No. 2 in Writ Petition(C) No. 337 of 1995 in the matter Centre for Environment, Law WWF Vs Union of India and Ors:** Hon'ble Supreme Court directed that *'Pending further orders, no dereservation in forests/sanctuaries/national parks shall be effected'*.

(v) **Supreme Court order dated 4.08.2006 : Writ Petition(C) No. 202 of 1995 in the matter T.N. Godavarman Thirumulpad Vs. Union of India and Ors. in the Hon'ble Supreme Court of India** The Supreme Court drew procedure for grant of clearances under the Van (Sanrakshan Evam Samvardhan) Adhiniyam and the issuance of TWPs in relation to renewal of mining leases. *The user agency shall submit, in the first instance, to the State Government, proposals seeking renewal of the mining lease under the F.C. Act not less than two years prior to the expiry of the mining lease, except the leases which are due to expire*

before August, 2008, provided applications are made on or before 31st October, 2006.

(vi) **Supreme Court order dated 4.12.2006: Writ Petition No.460/2004 Goa Foundation V/S Union of India in the Hon'ble Supreme Court of India:** *The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its letter dated 27th May, 2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21st January, 2002, namely, notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril. The MoEF would also refer to the Standing Committee of the National Board for Wildlife, under Sections 5 (b) and 5 (c) (ii) of the Wild Life (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km zone.*

(vii) **Supreme Court order dated 6.07.2011: IA Nos.1868, 2091, 2225-2227, 2380, 2568 and 2937 in WRIT PETITION (C) No. 202 of 1995 - Lafarge Umiam matter in Writ Petition(C) No. 202 of 1995 in the matter T.N. Godavarman Thirumulpad Vs. Union of India and Ors. and Lafarge Umiam Mining Ltd Vs Union of India:** Hon'ble Supreme Court inter-alia passed the guidelines so that fait accompli situations do not reoccur. The important of them are as under:

(a) *Greater Role of National Forest Policy, 1988 : Time has come for this Court to declare and we hereby declare that the National Forrest Policy, 1988 which lays down far-reaching principles must necessarily govern grant of permission under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.*

(b) *GIS based Decision Support System, tentatively containing inter-alia the district-wise details of the location and boundary of (i) the each plot of land that may be defined as forest for the purpose of the Forest (Conservation) Act, 1980; (ii) the core, buffer and eco-sensitive zone of the protected areas constituted as per the provisions of the Wildlife (Protection) Act, 1972; (iii) the important migratory corridors for wildlife; and (iv) the forest land diverted for non-forest purpose in the past in the district. The Survey of India topo-sheets in digital format, the forest cover maps prepared by the Forest Survey of India in preparation of the successive State of Forest Reports and the conditions stipulated in the approvals accorded under the Forest (Conservation) Act for each case of diversion of forest land in the district*

will also be part of the proposed decision support database.

(c) *To ensure public accountability, all minutes of proceedings before the Forest Advisory Committee in respect of the Forest (Conservation) Act 1980 should be regularly uploaded on the Ministry's website even before the final approval/decision of the Minister, EF&CC is obtained.*

(d) *The MoEF will prepare a comprehensive policy for inspection, verification and monitoring and the overall procedure relating to the grant of forest clearance and identification of forests in consultation with the States*

(ix) **Supreme Court order dated 5.10.2015 : Writ Petition(C) No. 202 of 1995 in the matter T.N. Godavarman Thirumulpad Vs. Union of India and Ors:** *Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible. If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate application/ petition before the National Green Tribunal 'NGT') within 60 days' time from the date of the order passed by the MoEFCC. Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner. With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-III to the note supplied by Shri Harish Salve, learned amicus curiae.*

(x) **Supreme Court order dated 3.02.2017 : Writ Petition(C) NO. 202 of 1995 in the matter T.N. Godavarman Thirumulpad Vs. Union of India and Ors :** *There is no objection to the recommendations/observations of the CEC. We accept the report of the CEC and clarify and direct that the mining leases having forest area may be renewed only after obtaining prior approval under the Forest (Conservation) Act, 1980 and Rule 24A of the Mineral Concession Rules, 1960 is subject to the compliance of the provisions of the Forest (Conservation) Act, 1980. Needless to say and we direct that this will be applicable to private forests as well.*

(xi) **Supreme Court order dated 28.01.2019 : IA No. 3924 in Writ Petition (Civil) No. 202 of 1995 :** MoEF&CC has been authorized to change the the legal status of forest land proposed for rehabilitation of the people from the Protected Areas.

(xii) **Supreme Court order dated 21.07.2022 : Civil Appeal No. 10294 of 2013 in the matter Narinder Singh and ors. Vs Divesh Bhutani and Anrs.-** *The lands covered by the special orders issued under Section 4 of PLPA have all the trappings of forest lands within the meaning of Section 2 of the 1980 Forest Act and, therefore, the State Government or competent authority cannot permit its use for non-forest activities without the prior approval of the Central Government with effect from 25th October 1980. We may add here that even during the subsistence of the special orders under Section 4 of PLPA, with the approval of the Central Government, the State or a competent*

authority can grant permission for non if such non-forest use is permitted in-forest use in accordance with Section 2 of the 1980 Forest Act, and to that extent, the restrictions imposed by the special orders under Section 4 of PLPA will not apply in view of the language used in the opening part of Section 2 of the 1980 Forest Act. We also clarify that only because there is a notification issued under Section 3 of PLPA, the land which is ipso facto subject matter of such notification, will not become a forest land within the meaning of the 1980 Forest Act.

If a land is shown as a forest in Government records, it will be governed by Section 2. A Government record is a record maintained by its various departments. A Government record is always made after following a certain process. Only the entries made after following due process can be a part of any Government record. Government records will include land or revenue records, being statutory documents. For the same reason, it will also include the record of the forest department. After all, the forest department is the custodian of forests. It is this department of the State which is under an obligation to protect the forests for upholding the constitutional mandate. Further, it is this department which identifies the forest lands and maintains a record. Therefore, the record maintained by the Forest Department of forest lands after duly identifying the forest lands will necessarily be a Government record.

1.4 Procedure for submission of proposals:

(i) Applications for diversion of forest land, irrespective of its ownership, for any non-forest purpose, de-reservation, assignment of forest land and approval of Working Plan, shall be submitted online on PARIVESH portal in the prescribed Forms (**Annexure-II**) as per the procedures and requirements prescribed under the Van (Sanrakshan Evam Samvardhan) Rules, 2023, as amended from time to time. Depending upon the nature of the proposal, the following Forms have been prescribed for seeking prior approval of the Central Government under the Act:

S. No.	Name of the Form	Purpose
1.	From A	Applications involving diversion of fresh forest land
2.	Form B	Application involving renewal of approval granted in the past
3.	Form C	Application involving use of forest land for survey, prospecting, etc.
4.	Form D	Application involving assignment of forest land on lease
5.	Form E	Application involving re-diversion or change in the land use
6.	Form F	Application involving transfer of approval granted under the Act or change in the name of the user.
7.	Form G	Application seeking approval of the Working Plan
8.	Form H	Application involving amendment of the conditions of approval granted in the past

(ii) Proposals will be submitted and processed through PARIVESH portal only. No physical copy of proposal shall be insisted by any authority in the State or in the Central Government. Only exceptional cases, related to defence, public interest or emergent nature, may be allowed by the Central Government to be submitted offline

(iii) Rectifications of the entries made in the online proposals which are beyond the domain of user agency and processing authorities in the State/UT and Regional Offices may be allowed by the Central Government through NIC with the approval of Inspector General of Forests on case to case basis.

(iv) In view the dynamic changes in the various guidelines based on policy decision of the Central Government or direction of Courts/Tribunals, the Central Government may modify the online modules for submission, processing and approval of the proposals to align the online modules with the provisions of guidelines and policy decisions.

(v) The user agency shall submit an undertaking along with the proposal submitted online to abide by all the provisions of the Adhiniyam, Rules and guidelines issued thereunder by the Central Government from time to time, applicable to their project.

(vi) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.

(vii) Proposal seeking prior approval of the Central Government under the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 should invariably be accompanied with cost benefit analysis in accordance with the provisions of guidelines enclosed at **Annexure-I**.

(viii) Inclusion of activities in Annual Plan Operation (APO) of CAMPA of those proposals where 'final approval' has not been accorded under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall not be considered. The State Governments/Union Territory Administrations shall ensure that after obtaining 'in-principle' approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, efforts should be made to ensure compliance of 'in-principle' approval and to obtain 'Final' approval as soon as possible to avoid *fait accompli* situation and also to ensure timely implementation of provisions of APOs containing the mitigating measures in lieu of non-forestry use of forest land allowed by the Central Government.

(ix) Completeness of the proposal, submitted by the State Government and Union territory Administration, shall be assessed, as per the checklist annexed at **Annexure-V** before its submission to the Regional Empowered Committee and Advisory Committee.

1.5 Payment of compensatory levies:

(i) As per the provisions of the clause (iii) of sub-section (3) of Section 4 of the Compensatory Afforestation Fund Act 2016, the monies realized from the User Agency in compliance of conditions stipulated in the approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are to be deposited into the State/UT specific CAMPA accounts maintained in the Union Bank of India, New Delhi and managed by the National Authority (CAMPA). The State Government/UT Administration shall also ensure adherence to aforementioned provisions and that complete amount of compensatory levies, estimated for implementation of Wildlife Management Plan, Catchment Area Treatment Plan, or any other Plan, shall be deposited into the CAMPA account, managed by the National Authority;

(ii) Monies, if any, realized pursuant to recommendation made by the Standing Committee of the NBWL for diversion of forest land for non-forest purposes, located in the Protected Areas including the ESZ and tiger/elephant corridors, shall be deposited into the State/UT specific CAMPA accounts maintained in the Union Bank of India, New Delhi and managed by the National Authority (CAMPA)

1.6 Monitoring of compliance of conditions: The Regional Office of the MoEF&CC and the State /UT Government being the custodian of the forests in their respective State/UT, shall monitor compliance of conditions stipulated in the 'in-principle' approval, at least once in a year and monitoring report should be uploaded in the online portal.

1.7 Temporary use of forest land: (a) Temporary activity in any forest area which does not involve part of any Protected Area, breaking up or clearing of forest area or any portion thereof, assigning by way of lease or otherwise to a firm, person or organisation and does not create any right over such forest land of such person, firm or organisation, will not require prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The State Government/Union territory Administration may authorize officer not below the rank of Divisional Forest Officer (DFO) having jurisdiction over the forest land proposed to be utilized temporarily, to accord permission for such temporary activities. While taking such decisions, it shall be ensured that such use of forest land is unavoidable, for public purposes and of emergent nature. Such temporary use of forest land may be allowed for a period not exceeding two weeks in a single approval and altogether such temporary working permission granted in a year for the said forest land should not exceed 60 days. Before allowing temporary use of such land, however, such authority shall ensure that there is no alternate non-forest land available for the proposed temporary use.

(b) Proposals conceived in forest with the intention to avert imminent disaster and to mitigate or deal with the natural disaster as per the recommendation made by the District Disaster Management Authority (DDMA) should be examined and recommended by concerned the DCF (as a member of the authority) for limited period of time, till threat of the disaster vanishes. Such proposals should be formulated with minimum damage to trees and involvement of barest minimum forest area. Proposals conceived due to permanent change in the forest land use due to a natural disaster, should be submitted for ex-post

facto approval by the DCF concerned within a period of 30 days from the date of such decision made by the DDMA.

1.8 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.

1.9 **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 Van (Sanrakshan Evam Samvardhan) Adhiniyam 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 diversion of forest land under the Act has been obtained unless and to the extent permitted by the Van (Sanrakshan Evam Samvardhan) Rules, 2023 or guidelines issued thereunder. However, in exceptional circumstances, after obtaining 'In-Principe' approval and environment clearance and deposition of applicable compensatory levies into the account of CAMPA, mining operations in non-forest land of mining leases involving forest as well as non-forest land can be commenced by the User agency subject to following conditions:

(i) The mining plan for working in the non-forest area within a coal block/lease (which also has forest area within it), shall not involve any forest area in the coal block/lease concerned i.e. authorities concerned should ensure preparation of a separate Mining Plan or execution of a separate mining lease for full or part of non-forest land thereof before allowing mining operations in the non-forest land of such mining leases.

(ii) No component/activity of the mining in the non-forest forest of such block/lease shall have any dependency in the forest area of the same block/lease.

(iii) Such permission in the non-forest area shall not create any obligation or *fait accompli* with regard to approval (in-principle or final) under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Central Government.

(iv) In case of any violation over forest area is reported, matter shall be dealt as per the provisions in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Rules made thereunder.

(v) Provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), pertaining to mining, for the time being in force, as applicable shall be complied with.

1.10 Diversion of forest land for non-site-specific projects:

(i) Utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of displaced persons, etc. are non-site-specific activities and cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considering approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. In exceptional

circumstances, residential projects up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.

(ii) In case of any ambiguity regarding non-specificity of a particular project, the same shall be referred to the Ministry for decision. Further, the Regional Offices/Sub-Offices shall ensure that non-site specific proposals, which have been recommended by the Regional Empowered Committee (REC) or Regional Office, need to be submitted to the MoEF&CC, New Delhi for decision on case to case basis. Proposals which have been rejected by the REC or Regional Office/Sub-Office should not be submitted to the MoEF&CC, New Delhi.

1.11 Diversion of forest land for rehabilitation: Diversion of forest land for rehabilitation of people is not allowed except for diversion 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 tiger reserve. All such cases of relocation/rehabilitation of the villages from the core/critical Tiger reserves and core of the Protected Areas (National Park and WL Sanctuaries) to the periphery of Reserved forests/Sanctuaries/National Parks shall subject to conditions as given under para 12.8 and 12.9 of Chapter – 12 of the Handbook.

1.12 Nistar and other rights of local people: The provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 produces 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, driftwood, 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).*

1.13 Reopening/reconsideration of proposals: Proposals, where essential detail/information sought by the processing authorities in the State as well as in the Central Government, is delayed by the user agency for a period of more than 90 days, shall be de-listed automatically from the PARIVESH portal. The user agency, after

having addressed the concerns of the processing authorities, may submit an online request for re-listing of the proposal. The Nodal Officer in the State or the Inspector General of Forest (Forest Conservation) in the Central Government, DDG (Central) in the Regional Office, as the case may be, after examining completeness of the information furnished by the user agency, will consider re-listing of the proposal for consideration of approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

1.14 In case the Advisory Committee or the Regional offices of this Ministry are of the view that State Government or Union territory Administrations needs to formulate a policy or change in an existing policy, in the interest of conservation and development of flora and fauna, they may advise the MoEF&CC to issue appropriate advisory to the concerned State Government or Union territory Administration. Issue and compliance to such advisory, however, may not be linked to grant of approval under the Act for diversion of forest land for a specific project.

1.15 **Approval after ensuring compliance of provisions stipulated in the rules and guidelines:** Some proposals are recommended for grant of 'In-Principle' approval by the REC and Regional Offices subject to conditions like change in the CA sites, change in the area in online proposal, change in the area of CA site, etc. Such conditional approval are not in consonance with the online process envisaged in the PARIVESH portal as after grant of 'In-principle approval all relevant fields of the application become freezed/locked and the user agency or the processing authority cannot change the values of these fields including updating the fields related to CA land. This situation often delays the grant of 'Final' approval as the processing authorities cannot submit the compliance of 'In-principle' on PARIVESH. Such situations often call for intervention of NIC which is not desirable in any case. Therefore, Regional Offices and RECs of the Ministry shall restrain themselves from granting such conditional approval to avoid delays in the approval process.

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

(i) In cases where the proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam,1980 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 Van (Sanrakshan Evam Samvardhan)

Adhiniyam then action under section 3A and /or 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, as may be applicable, shall be taken against the authority causing such 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 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 from the date of raising of such demand till the deposit is made.

(b) 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.

(c) Central Government will initiate suitable action against the concerned offender.

(d) User Agency responsible for violation shall be prosecuted under relevant local Act of the State and/or Central Act for unauthorized use of forest land without the permission of State authority.

(iii) Violation /non-compliance of any conditions imposed while granting approval under The Van (Sanrakshan Evam Samvardhan) Adhiniyam:

(a) In such cases the penalty will be imposed on the recommendation of the Dy. Director General of Forests (Central), Regional Office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/AC and the committee will give time to comply the conditions within stipulated time.

(b) 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.

(iv) Violation on account of change of land use : 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.

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

1.17 Zoo, Rescue, Rehabilitation Centre and captive breeding facility.

Establishment of Zoo over forest area, other than Protected Areas, by the Forest Department/State Zoo Authority/Society formed by the State Forest Department and its management by the Forest Department/ State Zoo Authority/ Society formed by the State Forest Department/any agency authorized by the State Forest Department under PPP mode or otherwise, after it is duly approved by CZA, a central regulatory authority under the Ministry, shall be considered as a forestry activity for the purpose of implementation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam,

1980. CZA shall ensure that following guidelines (Do's and Don't) are adhered to while according approval for such zoos over forest land and during the operations phase of such zoos:

Desirables (Do's)

(i) Only degraded forest land, i.e. with a crown density below 40 percent, may be used for the establishment of Zoo.

(ii) Only zoos operated by State Forest Departments or State Zoo Authorities or a society formed by the State Forest Department or by any agency authorized by the State Forest Department under PPP mode or otherwise should be allowed to be established on forest lands under these guidelines.

(iii) Zoos that intend to support in-situ conservation by the means of conservation outreach, conservation breeding of endangered species and providing rescue and veterinary health facilities to wild animals in accordance with the objectives of sub-section 4 of section 38H of the Wild Life (Protection) Act, 1972 shall be encouraged.

(iv) An application for obtaining prior approval of the Central Zoo Authority under sub-section (1A) of Section 38H of the Wild Life (Protection) Act, 1972 for the establishment of a new zoo over forest land should be made to the Central Zoo Authority in Form-I of the Recognition of Zoo Rules, 2009 along with a Detailed Project Report in terms of Rule 3(2) of the Recognition of Zoo Rules, 2009 and fee as applicable.

(v) Guidelines for Establishment and Scientific Management of Zoos in India (2008) and Recognition of Zoo Rules, 2009 and the various Guidelines/ Advisories issued by the Central Zoo Authority from time to time shall be followed in its letter and spirit.

(vi) A minimum of 70% of the total area of a zoo established on forest land shall be maintained as/ natural forest/green cover. Enumeration of trees and vegetation mapping done by the concerned Divisional Forest Officer/Authority may be included in the Detailed Project Report for the establishment of zoo on forest land.

(vii) Zoo operating on forest land shall carry out its operation in a manner that causes minimum stress on natural resources by exploring eco-friendly construction methods.

(viii) Zoo established over forest land shall endeavour to achieve carbon neutrality by reducing energy consumption and emissions-producing activities and also exploring renewable/alternate/green sources of energy.

(ix) Landscaping and aesthetical expansion etc. of a Zoo established over forest land should be done with an emerging concept keeping an eco-sensitive approach.

(x) Forest fire disaster prevention and control measures, as applicable, may be strictly followed. Efforts for disaster preparedness/Forestalling may be taken to avert forest fire and disaster.

(xi) Only rescue centres, conservation breeding centres and zoos with established

links to an in-situ Government conservation program should be considered as forestry activities for the purpose of exemption under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(xii) The site selected for the zoos in the forest should not hinder the movements of mega faunal species, particularly elephants. Such zoos must cater to the need of housing rescued animals of the area.

(xiii) The concept of carrying capacity of the visitors should also be taken care of to keep the zoo free from excessive human foot fall. Further, there should not be any deviation of master plan and master layout plan unless the same is duly approved from CZA.

(xiv) Not more than 5% of the forest land shall be used for construction of office, parking, and other amenities under any circumstances.

(xv) Existing zoos that are operating on forest land may also comply with these Guidelines in a reasonable time.

Non-Desirable (Don'ts)

(i) There shall be no deviation from the Recognition of Zoo Rules, 2009 and Guidelines/Advisories issued by the Central Zoo Authority from time to time.

(ii) Forest areas that are identified as wildlife corridors shall be avoided for establishment of zoos.

(iii) As far as possible, trees already existing in the forest land over which a zoo is sought to be established may not be felled and exotic or non-native flora species should not be planted.

(iv) Natural drainage patterns and existing water harvesting structures shall not be disturbed in the establishment/operation of a zoo on forest land.

(v) Given that a zoo on forest land is already in a naturalistic environment as is the general requirement under the Schedule of the Recognition of Zoo Rules, 2009, artificial naturalization may be avoided.

(vi) There is an only risk for making zoos in the forest land is of spread of zoonotic diseases, for which all possible mitigation measures must be taken and guidelines be strictly adhered to.

(vii) Exotic species of wild animals should be allowed to be kept in a zoo established in a forest area as per the relevant guidelines of the Central Zoo Authority.

(viii) Area requirement for various component of zoos such as parking, recreation, water bodies, roads, rest rooms, boating, restaurants, power supply, research center, staff rooms, etc. should not be exaggerated and authority concerned may ensure legitimate forest area requirement for such components.

(ix) No authority, other than Forest Department/ State Zoo Authorities/Society formed by the State Forest Department, should be permitted to use forest land for establishing zoos in forest area.

1.18 Strengthening of Integrated Concurrent Monitoring and Evaluation System (i-CCMES) or e-Green Watch: States/UTs are requested to take the following steps in a concerted manner:

(i) Strengthen the unit in the State Forest Department that is responsible for uploading data on e-Green Watch portal. An e-Green Watch Cell may be created for collection, digitization and dissemination/hosting of information in an effective manner;

(ii) Establish a system for robust scrutiny of polygons before these are uploaded on the e-Green Watch portal. This could be done by the GIS Cell at the headquarter or by the cells established in each Forest Working Plan division;

(iii) Organise training to the field functionaries of the State Forest Department for building their capabilities to generate and analyse the information yielding credible output in public domain; and

(iv) Review by CEO, State CAMPA of the working of e-Green Watch Cell on a weekly basis, and by the Executive Committee of the State Authority of CAMPA in its each meeting.

1.19 Fortnightly Regional Coordination Meeting (FRCM) on Linear Project.

The Heads of Regional Offices of the Ministry of Environment, Forest and Climate Change will hold a Fortnightly Regional Coordination Meeting with the user agencies, officer of the local Forest Department to resolve the issues pertaining to the forest and wildlife clearances in respect of linear projects on 2nd and 16th dated of each month at 11.00 AM in their respective Regional Office. In case the 2nd /16th date of a month is a holiday the meeting shall be held on the next working day. In the absence of the Head of RO, the Senior most officer of the same RO of MoEF&CC shall hold the meeting.

All the States and Regional Heads of respective organisation dealing with proposed linear infrastructure under consideration of Regional Office or State Government will attend the FRCM to resolve issues relating to the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.

1.20 Diversion of forest land for non-forest purposes under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 - Revised guidelines for Tusser Cultivation (Vanya Silk Cultivation).

National Forest Policy, 1988 recognizes that the holders of the customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive their livelihood. The rights and concessions from forests should primarily be for the bonafide use of the communities living in and around forest areas, especially tribals.

The Policy also recognizes that the symbiotic relationship between tribal people and forests is essential for sustainable forest management. It emphasizes that the primary task of all agencies responsible for forest management, including the forest development corporations should associate the tribal people closely in the protection, regeneration and development of forests as well as provide gainful employment to them.

Tusser culture is a way of life for many tribal families and forest dwellers particularly in Central and Eastern India. Therefore, silk cultivation in forest areas which can be termed

as “Vanya Silk Cultivation”, with active participation of local communities could be one such area which can benefit for them and help conservation and protection of forests by reducing their dependency on forests.

The issue of cultivation of silk worm in forest areas was examined in detail in the Ministry in consultation with Central Silk Board and Ministry of Textiles, Government of India. After careful consideration, following guidelines for Vanya Silk Cultivation under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are issued:

(i) The State/UT Forest Departments shall encourage silk cultivation in forest areas by tribals and non-tribals who live in and around the forests and are dependent on such forests for their livelihood. Priority shall be given to the tribals and to those who enjoy traditional rights on such forests.

(ii) The State/UT Forest Departments shall permit such activities in already identified naturally grown forest areas for silk cultivation and the plantations raised for the purpose thereof in coordination with the State/UT Sericulture Department and Central Silk Board.

(iii) Central Silk Board and the State/UT Sericulture Departments shall ensure training of the growers involved in silk cultivation prior to taking up such activities in forest areas.

(iv) Cultivation of trees on which Vanya Silks or Silk Worms of Tusser, Oak Tusser, Eri, Muga and Frithi could be reared by tribals and non-tribal living in and around the forest for their livelihood without undertaking monoculture plantations are considered as forestry activity. Hence, no prior permission of the Central Government under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is required. The concerned Divisional Forest Officer/Deputy Conservator of Forests shall however, maintain the record of such activities and people involved in it.

(v) The State/UT Sericulture Department or Central Silk Board shall issue the pass books to each silk worm grower.

(vi) Vanya silk cultivation in forest areas for which specific plantation of food trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity provided such plantation activities do not involve any felling of trees. While undertaking such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area. Wherever possible the species like *Morus alba* and *Morus multicauli*s (Mulberry) may be part of mixed forestry crop in such plantations.

(vii) Vanya silk cultivation shall be allowed on following tree species as host trees:

Sl. No	**Scientific Name**	**Local Name/Common Name**
	For Tusser:	
(i)	*Terminalia arjuna*	*Arjun*
(ii)	*Terminalia tomentosa*	*Asan*
(iii)	*Shorea robusta*	*Sal*
(iv)	*Lagersiroemia indica*	*Saoni*
(v)	*Lagerstroemia parviflora*	*Sidha*

(vi)	*Syzygium cumini*	*Jamun*
(vii)	*Zizyphus mauritiana*	*Ber*
(viii)	*Lagerstroemia speciosa*	*Jarul*
	For Oak Tusser (Temperate	
(xi)	**Tusser):**	Phanat
(xii)	*Quercus serrata*	Phanat
(xiii)	*Quercus seniserrata*	Uyung
(xiv)	*Quercus dealbata*	Phanat
(xv)	*Quercus semicarpifolia*	Phanat
(xvi)	*Quercus leucotricophora*	Phanat
(xvii)	*Quercus glauca*	Phanat
	Quercus himalayana	
	For Muga:	
(xx)	*Machilus bombycina (Persea bombycina),*	Som
(xxi)	*Litsea polyantha (L.monoptela),*	Soalu
(xxii)	*Litsea salicifolia,*	Dighloti
(xxiii)	*Litsea cubeba*	Mejankari
	For Eri:	
(xxvi)	*Heteropanax fragrans*	Kesseru
(xxvii)	*Evodia fraxinifolia*	Payam
(xxviii)	*Ailanthus excelsa*	Borkesseru
(xxix)	*Ailanthus grandis*	Borpat
(xxx)	Other Ailanthus species	Maharukh, bhotera

(viii) This activity could also be introduced on degraded forest lands under Joint Forest Management, especially in tribal cooperative societies with proper investment from public or private sources for raising a mixture of indigenous species including tree species suitable for silk cultivation as given in list mentioned in para 7 above. For this purpose, a Micro-plan shall be prepared jointly by the State/UT Forest Department, village communities, State/UT Sericulture Department and Central Silk Board for rearing of silk worms.

(ix) In order to ensure that the silk cultivation is within the carrying capacity of the forests, the concerned Divisional Forest Officer shall issue the permit based on the recommendations, which shall involve technical parameters evolved by the State/UT Sericulture Department and Central Silk Board for rearing of silk worms.

(x) To preserve the ecology of a particular forest area, no exotic silk worm or any hybrid variety developed by using exotic genome, shall be introduced in forest areas.

(xi) This activity shall not be permitted in Protected Areas and Tiger Reserves.

(xii) Binnaual monitoring of the forest areas under silk cultivation shall be done by a team comprising of the concerned Divisional Forest Officer, Director (Sericulture department) and the officials of Central Silk Board in order to ensure prevention of any epidemic in forest areas as well as proper handling of trees by growers. The monitoring report shall be submitted to the concerned Integrated Regional Office

of the Ministry of Environment, Forest and Climate Change.

1.21 Matters related to grant of NOC to Tea Growers in Arunachal Pradesh: Cultivation of tea on the lands not falling within the ambit of judgement of Hon'ble Supreme Court dated 12.12.1996, will not require NOC from the Ministry. However, prior approval of the Central Government will be required if such activity is proposed on the forest land as defined in the Hon'ble Supreme Court order dated 12.12.1996.

1.22 Charging of a lump sum amount of the project cost where delay in preparation of the Wildlife Management Plan and Soil and Moisture Conservation Plan is beyond the control of user agency and State/UT

The State Government should submit Wildlife Management Plan, along with detail cost of its implementation into the account of CAMPA along with the Stage-I compliance. However, in cases where it is not possible for the State to submit the compliance due to delay in preparation of such plan, a lump sum quantum of following amount may be realized from the User agency and submitted along with the Stage-I Compliance:

(i) 2% of total project cost towards the cost of implementation of the Wildlife Management Plan and/or 0.5% of the project cost towards the cost of implementation of Soil and Moisture Conservation Plan, as the case may be, shall be charged from the user agency and deposited into the account of CAMPA and the same may be intimated to the MoEF&CC for the purpose of obtaining approval under the The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980;

(ii) In respect of linear projects, the stipulated norms of 2% and 0.5% towards the cost of Wildlife Management Plan and Soil and Moisture Conservation Plan, as provided in the Ministry's guidelines dated 8.06.2022, will be proportionate to the extent of forest land involved instead of total project cost or actual cost of implementation of such Plans, whichever is more, should be charged from the user agency;

(iii) The provisions of Wildlife Management Plan or Soil Moisture Conservation Plan shall be approved by the competent authority in the State and accordingly, the deficit amount, if any, from the money already realized from the user agency to the tune of 2% and/or 0.5% of project cost proportionate to the extent of forest land involved, shall be paid by the user agency, and the same shall be deposited in to the CAMPA account.

(iv) The State Government shall ensure that details of the finalized WLMP, SMC Plan and disposition of monies, payment of deficit amount, etc. shall be approved by the competent authority and concurred by the concerned IRO of the Ministry within a period of one year from the date of deposit of the said amount.

(v) State Government shall ensure that under no circumstances, implementation of such mitigating measures envisaged in WLMP and SMC or other similar Plans/Schemes should be delayed beyond a period of 2 years from the date of issue of final approval under the Adhiniyam to ensure commencement of rejuvenation of ecosystem services lost from the forest area allowed for non-forestry use of forest land at the earliest possible time.

CHAPTER 2

COMPENSATORY AFFORESTATION

2.1 Compensatory afforestation (CA): is one of the most important requirement/conditions 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'. Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.2 Land for CA:

(i) Provisions given under sub-rule (1) rule 13 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, provides that primarily, the compensatory afforestation, in lieu of forest land proposed for diversion, has to be raised over equivalent non-forest land which is not under the management and administrative control of the Forest Department.

(ii) The non-forest lands afforested as per the provisions Accredited Compensatory Afforestation scheme i.e. patch of non-forest land involving minimum area of 10 ha with 0.4 vegetation density and minimum five years old afforestation can be used as CA in lieu of diversion of forest land. In case of lands owned by the Government agencies, such lands containing ACA be notified without transferring and mutating their ownership. Revenue, if any, earned from such lands from various operations such as thinning, felling, and selling of carbon credits and other benefits will also accrue to the land owning agency. Existing plantation which meets the criteria of ACA can also be swapped for CA in lieu of diversion of forest land.

(iii) The State Government/UT Administrations may create a Land Bank of non-forest lands with minimum size of 25 ha under the administrative control of the Department of Forest. In case, the Land Bank is in continuity of a land declared or notified forest land, Protected Area, Tiger Reserve or within a designated tiger corridor or a designated/ identified wildlife corridor, there shall be no restriction on size of the land. The lands covered under accredited compensatory afforestation may be included in the Land Bank.

(iv) In exceptional circumstances, when the suitable non-forest land for raising compensatory afforestation is not available and a certificate to this effect is given by the State/UT Government, the compensatory afforestation may be considered on degraded forest land, which is twice in extent to the forest area proposed for diversion in favour of Central Public Sector Undertaking and for captive coal blocks of State Public Sector Undertaking on case to case basis. However, this relaxation will not be available in case the project of Central Government undertaking or State Government undertakings involves acquisition of non-forest land by the respective agencies.

(v) No CA will be charged in respect of re-diversion of forest land within the RoW of roads which have already been diverted for non-forestry purposes and are located outside the Protected Areas. In case, the proposed area falls in the RoW of the road is passing through a Protected Area or Tiger Reserves, requisite permissions shall be obtained from the Standing Committee of the State Board for Wildlife.

(vi) No CA will be charged in lieu of repair and maintenance or blacktopping of the forest roads constructed prior to 1980 which are located outside the Protected Areas.

(vii) During the transfer of approval granted under the The Van (Sanrakshan Evam Samvardhan) Adhiniyam from erstwhile agency to new lessee by the State/UT Governments, the provisions of CA, if not realized earlier, will be applicable in respect of broken up forest area before the commencement of Act, 1980 which are continued to be under the possession of the user agency, in case the CA has not been raised earlier.

(viii) In respect of diversion of forest land for safety zone along around a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, will be applicable in lieu of forest land located in the safety zone as well.

(ix) Non-forest mined out lands which have been reclaimed technically and restored biologically shall be accepted for raising compensatory afforestation. Once accepted for CA, such lands need to be notified under the Indian Forest Act, 1927, essentially to bring them under the management and administrative control of State Forest Department. An undertaking to this effect shall be submitted by the respective user agency along with their respective diversion proposal, in lieu of which such restored lands will be used for raising CA.

(x) Compensatory afforestation may be taken up on non-forest lands (NFL) which are under jurisdiction of DDA. Since such areas will support afforestation those need to be declared as protected forest (PF) under relevant provisions of Indian Forest Act, 1927 or state specific Act, if any. However, the ownership of these compensatory afforestation patches need not be transferred/mutated in the name of State Forest Department and ownership of DDA may be allowed.

(xi) Isolated patches having area less than 5 ha are difficult to manage as forests. Hence, no non-forest land, having area less than 5 ha area shall be accepted for CA purpose. However, land parcels, if contiguous to RF/PF, can be accepted for CA irrespective of their sizes, subject to their suitability for CA. In case of forest area under diversion is less than 5 ha, efforts should be made to identify non-forest land contiguous to some RF/PF. User agency shall fence all such land parcels properly and mutate the same in the name of Forest Department before handing them over to the Forest Department. All such land parcels shall be compact (i.e., without any pockets of habitation or non-forest land) and free from any encumbrances. Land parcels, if contiguous to National Parks/Wildlife Sanctuaries, can be accepted for CA irrespective of their sizes and suitability for CA, subject to condition that the same shall be mutated in the name of Forest Department, notified as RF/PF and thereafter merged with concerned National

Park/Wildlife Sanctuary with suitable declaration, prior to stage-II approval by MoEF&CC.

(xii) In cases, where land proposed to be utilized for CA is proposed to be acquired by the user agency himself through outright purchase from the individual owners, registered agreement to sell from each of the present owner of the land identified for CA stating their willingness to sell the land to the user agency for its transfer and mutation in favour of the State Forest Department for creation of CA will be submitted along with the proposal seeking prior approval of the Central Government under the Act. Similarly, in cases where non-forest land or the revenue forest land, proposed for CA, is to be provided by the State Government, a letter from the concerned competent authority in the State Government or Union territory Administration stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately after receipt of 'in-principle approval shall be submitted along with the proposal.

(xiii) The authorities in the State should ensure that land proposed for raising CA in lieu of proposed diversion of forestland is of good quality which is able to generate and compensate the Ecosystem Goods and Services (EG&S) lost from non-forestry use and, as far as permissible, such lands should be selected in close proximity of the area being diverted or the existing forest areas to ease their management by the Forest Department and ensure their protection from likely encroachment in future, as under:-

(a) Potential areas which can generate and compensate the EG&S foregone from the non-forestry use of forest land to the maximum extent possible should be identified and offered for raising CA.

(b) Concerned Regional Office of the Ministry shall certify the suitability of land offered for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area being proposed for diversion and/or contiguity with the existing forest area and will ensure that manageability of such CA land has been taken care of for future.

(xiv) Provisions for the requirement of land related to compensatory afforestation, as provided in the rule 13 and rule 14 and Schedule-II appended to the Van (Sanrakshan Evam Smvardhan) Rules, 2023 shall be complied with by the various users.

2.3 Elements of Schemes for Compensatory Afforestation: 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: -

(i) 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.

(ii) Geo-referenced (Polygon map with DGPS coordinates).

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

(iv) 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 (heterogeneous in nature consisting of indigenous species), including maintenance for 10 years and annual total costs in conformity with cost norms of the State/UT and relevant guidelines, issued by the Central Government. In case the applicable land required for raising the compensatory afforestation is more than 10 ha, the NFL should be made available in a single consolidated patch or contiguous to the forest land. In such cases, patches of non-forest land of smaller area, not contiguous to forest land, shall also be accepted, however, for every patch of less than 5 ha, the maintenance of 20 years shall be charged from the user agency.

(v) Agency responsible for afforestation.

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

(vii) Technical and administrative approvals from the competent authority.

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

(ix) 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).

(x) Updation of changed CA land, KML file, CA land polygon, toposheet, site suitability certificate and related documents which are to be uploaded on Parivesh portal after in-principle approval shall require approval of the Ministry.

(xi) **Strengthening of Integrated Concurrent Monitoring and Evaluation System (i-CCMES) or e-Green Watch:-** All States and UTs shall ensure that all polygons pertaining to plantations are updated with correct and precise information with respect to their spatial attributes failing which no APOs/diversion proposals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be entertained by the MoEF&CC.

2.4 Accredited Compensatory Afforestation: As per the provisions of sub rule (5) of rule 14 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 a proactive mechanism for ACA shall be established by the Central Government as per guidelines given below:

(1) Background

(i) Compensatory afforestation (CA) is one of the crucial components facilitating the process of decision making under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. It is mandatory that all proposals requiring prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam,

for non- forestry use of forestland be accompanied with a comprehensive scheme of compensatory afforestation.

(ii) As per existing norms, user agency identifies the land for CA and submits the details of the same, as a part of the diversion proposal, along with undertaking to bear the cost of afforestation. Once the proposal is granted 'In-principle' approval by the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the CA land is transferred and mutated in favour of the State Forest Department and subsequently it is notified as PF under the Indian Forest Act, 1927 or any other local laws. After 'Final' approval, forest land proposed for non-forestry use is handed over to user agency and thereafter, the Forest Department undertakes CA in non-forest land provided by the user agency. This practice has been in vogue for last four decades.

(iii) Difficulties observed during the intervening period in the implementation of CA scheme primarily include delayed fund flow, untimely availability of non-forest land, uncertainty of survival percentage, etc.

(iv) No mechanism exists for incentivising the private landowners and Government/Institutions for raising afforestation over fallow parcels of land. Therefore, it is desirable to have a mechanism in place incentivising such private landowners or Government institutions for raising afforestation to increase trees outside forests (TOF).

(v) To address the aforementioned difficulties, the rules notified under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 envisage formulation of an Accredited Compensatory Afforestation (ACA) mechanism and raising of proactive afforestation over non-forest land to be used for obtaining prior approval under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(vi) Details of preconditions, mechanism and formulation of proposal are given as under:

(2) Preconditions of raising ACA:

(i) Land on which the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are not applicable and which is free from all encumbrances should be considered for ACA.

(ii) Non-forest land, including mined out and biologically reclaimed non-forest land, ownership of which vests with the State PSU or Central PSU, may also be used for raising Accredited Compensatory Afforestation.

(iii) Land considered for raising such afforestation should be properly demarcated and fenced to ensure its protection from various biotic factors.

(iv) An afforestation shall be counted towards ACA if such land covers an area of minimum ten hectares. However, lands which are contiguous to the Reserved Forests or Protected Forests will be considered irrespective of their size.

(v) 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 considered for ACA.

(vi) 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.

(vii) An afforestation shall be counted towards ACA 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; and

(viii) Afforestation raised should preferably be heterogeneous in nature and shall consist of indigenous species. Afforestation of exotic species shall necessarily be avoided.

(3) Proposed mechanism for the ACA: The following procedure shall be adopted for effective implementation of the proposed ACA mechanism:

(i) A centralized online portal will be developed for submission of online application, evaluation of proposal by the local Forest Department, access to database relating to persons/agencies and ACA availability in a particular State/UT. Online portal shall maintain the State/UT wise record of such persons/agencies who have submitted application on the online portal along with the detail of their ACA;

(ii) State/UT shall make available in public domain, the model scheme for raising afforestation for different agro-climatic zones for its use by the aspiring persons/agencies to prepare their afforestation scheme for 5 years and schemes for existing afforestation to earn ACAs for the proposed afforestation, as the case may be;

(iii) Any person or agency keen to register in the ACA Scheme may submit online application along with the details of non-forest land and/0r existing afforestation viz. maps, authenticated copies of revenue records, etc. and afforestation scheme and/or composition of existing afforestation, prepared on the basis of model scheme of the concerned State/UT;

(iv) iv.. The Forest Department shall examine the proposal for its completeness and fulfilment of relevant preconditions/criterion. Proposals qualifying the scrutiny of local Forest department shall be considered for final registration and proposed ACA scheme.

(v) Persons/agencies registered with local Forest Department may raise afforestation as per the scheme prepared in consonance with the model scheme of the State/UT for the concerned agro-climatic zone.

(vi) Existing afforestation or afforestation raised afresh shall be eligible for ACA after attaining the age of 5 years, provided such plantation meet the preconditions specified hereinabove including predetermined success/survival criteria. Preconditions and criterion of a particular afforestation/plantation shall be evaluated by the local Forest Department by undertaking a visit to such site.

(vii) The State Forest Department, based on their on-site evaluation of afforestation and depending upon the extent of area qualifying under the ACA, shall award ACAs to such afforestation. Afforestation raised over 1 ha of land with 0.4 canopy density will be considered equivalent to 1 ACA. Detail of ACAs, awarded by the State Forest Department, shall be updated in the online application by the concerned person/agency.

(viii) The person or agency may promote or publicise its credentials and ACAs award available with it, for its swapping in lieu of proposal relating to diversion of forest land.

(ix) The persons or agencies registered with the Forest Department will be free to trade its asset i.e. its ACAs in parcels with the user agency aspiring for non-forestry use of forest land. The User Agency, aspiring for non-forest use of forest land, may pay the amount to the registered agency, as may be agreed between them, and swap such ACAs in lieu of diversion of forest land.

(x) The persons or agencies from private as well as Govt. sector may register for ACA scheme. ACAs earned by an agency/person will be transferable i.e. can be transferred to any user agency/project proponent under intimation to the local Forest Department. ACAs earned by the Government agencies can be swapped in lieu of diversion proposals for their own use; and

(xi) The person or agency registered for ACA will be at liberty to de-register its ACAs earned in part or full from the online portal at any point of time, provided the ACA has not been accounted for already in any project, as per provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(4) Formulating proposals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 using ACAs lands:

(i) The User Agencies requiring forest land shall negotiate financial details with the person or agency holding ACA and enter into an agreement for required ACA area with the concerned agency.

ii. ACA area agreed for trading between the person or agency and user agency/project proponent shall be surveyed using DGPS, or like technology and detail of the area along with digital Differential GPS map (KML/shape files) and copy of agreement shall be submitted to the Forest Department along with application for diversion of forest land under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980;

iii. Afforestation scheme implemented by the agency for a period of 5 years or scheme for maintenance of existing afforestation, as the case may be, shall be assessed by the State Forest Department and if needed term of the scheme may be recommended to be increased to such duration as the Forest Department may deem fit;

iv. The Forest Department shall give priority to such proposals and on receipt of 'In-principle' approval said land parcel shall be transferred and mutated in favour of the State Forest Department and declared as Protected Forest under Section 29 of the Indian Forest Act, 1927 or any other law; However, in exceptional cases as decided by the Government of India on case to case basis, Government owned lands, where transfer of ownership of land to the Forest Department is not possible due to legal impediments, such lands, without changing their ownership, will be notified as Protected Forest under the Indian Forest Act, 1927 or any other local Act for the management by the Forest Department concerned as per the prescriptions of the Working Plan. Provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Indian Forest Act, 1927 and relevant local Act(s) shall be applicable on such lands and shall

be brought under the management and administrative Control of the local Forest Department concerned.

v. In case of established ACAs, no cost of raising compensatory afforestation shall be charged from the user agency by the State Forest Department.

vi. ACA raised in one State/UT can be swapped in lieu of diversion of forest land in other States/UTs subject to the provisions contained under sub rule (5) of rule 14 of Van (Sanrakshan Evam Samvardhan) Rules, 2023;

vii. As the afforestation so raised may be utilized in parts, therefore, until a patch of minimum size of 5 ha is transferred in lieu of diversion of forest land, the concerned agency, at the cost of user agency may manage the area till such time as required or till the entire patch is transferred to the Forest Department;

viii. Revenue to be earned from plantation raised under ACA or from thinning or felling operations carried out in such plantations as per the Working Plan/Management Plan prescriptions, will accrue to the land owning agency after deducting the cost likely to be incurred on gap plantations and/or replantation to be raised subsequently; and

ix. The carbon credits or any other associated benefit earned from plantation raised under ACA will also accrue to the land-owning agency.

x. Proposed mechanism for the ACA**:** The following procedure shall be adopted for effective implementation of the proposed ACA mechanism:

(5) Benefits likely to be accrued from the ACA scheme:

(i) A system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act by way of raising advance afforestation over a non-forest land free from any encumbrance.

(ii) The compensatory afforestation would be undertaken in advance which will obviate any delays that could be caused due to fund flow or administrative/technical procedures.

(iii) Proposed scheme will promote onset of flow of ecosystem goods and services in advance and open a new area for investment in the forest sector.

(iv) Proposed scheme will encourage afforestation over fallow lands thereby helping in achieving the national targets as envisaged in the National Forest Policy, 1988.

(v) Alternative non-forest land that may be made available would be in a suitable block thereby facilitating appropriate protection measures; and

(vi) Proposed scheme will expedite afforestation works which will ultimately increase the total carbon sequestered thereby helping to achieve the NDCs targets.

2.5 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 the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

(ii) In addition to non-forest land, the degraded forest land with crown density up to 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 para 2.4 are applicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

(iv) 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.

(v) 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 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 MoEFCC.

CHAPTER 3

NET PRESENT VALUE

3.1 In pursuance of the orders dated 29th October 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 Hon'ble Supreme Court in its order dated 28.03.2008 in Writ Petition (Civil) No. 202 of 1996 in the matter of T. N. Godavarman Thirumalpad vs. Union of India, based on the outcome scientific assessment of ecosystem goods and services, and Ministry vide its guidelines dated 05.02.2009 have fixed the rates to Net Present Value (NPV) to be realized in lieu of diversion of forest land.

3.3 Hon'ble Supreme Court in its said order dated 28.03.2008 fixed the rates of NPV with directions of their upward revisions after every three years. Accordingly, the rates of NPV were revised by the Central Government w.e.f. 6th January, 2022. The revised rates of NPV will be applicable as under:

(a) New rates will be applicable in all the proposals that have been granted Stage-I/in-principal approval after 06.01.2022.

(b) The new rates will also be applicable on all the cases that were granted Stage-I/in-principal approval prior to 06.01.2022 and where even after lapse of 5 years, the Stage-II/Final approval is not granted due to non-submission of complete compliance of the conditions stipulated in Stage-I/in-principal approval.

Table: Revised NPV rates based on fitment factor of 1.53

(in Rs. per ha)

Eco-Class	Very Dense	Dense	Open
Class-1	1595790	1436670	1116900
Class-II	1595790	1436670	1116900
Class-III	1357110	1228590	957780
Class- IV	957780	861390	670140
Class-V	1436670	1292850	1005210
Class-VI	1516230	1372410	1069470

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 Torn 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 Temperature Forests, Himalayan Moist Temperature Forests, Himalayan Dry Temperature Forests, Sub Alpine Forest,Moist Alpine Scrub and Dry Alpine Scrub

3.4 NPV shall be charged to the extent of ten times of the normal NPV payable in the case of National Parks and five times in the case of Sanctuaries. The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine National Parks / Wildlife Sanctuaries, the amount shall be five times the NPV payable for the adjoining forest area;

3.5 The proposals under the following categories are exempted from NPV to the extent as mentioned in the list below:

Category	Conditions
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) the area is outside National Park/ Sanctuary
ii. Hospitals	
iii. Children's playground of non-commercial nature.	
iv. Community centres in rural areas.	
v. Over-head tanks	
vi. Village tanks	
vii. Laying of underground drinking water, irrigation and PNG pipelineup to 4 inch diameter	
viii. Electricity distribution line upto 22 KV in rural areas.	
ix. Relocation of villages form the National Parks/ Sanctuary to alternate forest land	Full exemption
x. 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.	
xi. Laying of underground optical fibercable	Full exemption, provided: (a) No felling of trees is involved and (b) Area falls outside National Park/Sanctuary.	
xii. Pre-1980 regularization of encroachments and conversion of forest villages into revenue villages	Full exemption provided these are strictly in accordance with MoEF&CC's Guidelines dated 18.9.1990.	
xiii. Underground mining	**Surface strain predicted by 3-D subsidence prediction model**	**NPV to be paid**
	Up to 5mm/m	NIL
	5mm to 10 mm/m	10% of normal rates
	10mm/m to 15 mm/ m	25% of normal rates
	15 mm/m to 20 mm/m	50% of normal rates
	more than 20 mm/m	At Normal rates
xiv. Wind Power Projects	50% at the minimum NPV rate, provided, minimal tree felling is involved, irrespective of the eco-class in which the project lies.	
xv. Hydroelectric Projects up to 25 MW capacity	50% of the applicable rates of the forest land actually diverted for setting up of such projects, provided, the project involves felling of not more than 5 trees per hectare.	
xvi. Field Firing Range (FFR) of Defence Ministry not involving felling of trees and no likelihood ofdestruction of forests	At the rate of 20 % of the normal rates of NPV for the forest areas falling within the impact zone. The forest areas falling within safety zone of FFRs shall be fully exempted from the requirement of payment of NPV	
xvii. Underground tunnels of roads and railways	50 per cent of the normal rate applicable to the area.	
xviii. The area of riverbed in a proposed water reservoir, that is to be under permanent submergence throughout the year	50 per cent of the normal rate applicable to the area.	
xix. Repair, maintenance or blacktopping of forest roads constructed prior to 1980 without increase in blacktopped surface area	Full exemption	

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

3.7 As per Ministry's letter No. 5-2/2006-FC dated 03.10.2006, as per judgment dated 15.09.2006 in IA No. 1473 & 1620 in WP (C) No. 202 of 1995, the Hon'ble Supreme Court of India has held that *"NPV is required to be recovered in all cases approved by the Ministry for change of User Agency under the Forest (Conservation) Act, 1980 after 29th/30th October 2002, irrespective of the date on which in-principle clearance may have been granted….. The*

Ministry is directed to forthwith take steps to recover from the User Agency the NPV in terms of orders dated 29th/30th October 2002 and 1st August 2003……..".

3.8 In all such cases where NPV @ 50% of the total NPV rate has already been paid during the process of obtaining approval under The Van (Sanrakshan Evam Samvardhan) Adhiniyam for underground mining, the user agency has to pay the balance NPV at the rate 50% only, if such underground mining area is proposed to be operated through open cast mining.

3.9 Applicability of NPV in respect of special cases:

(i) While considering transfer of approvals granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to mining leases allotted to new lessee, the State Government shall ensure that the amount of Net Present Value, Safety Zone Plantation and Compensatory Afforestation (CA), if not deposited earlier, has been deposited prior to handing over of the forest land to the new allocattee.

(ii) NPV, in respect of prospecting/exploration shall be charged on borehole basis. It is noted that for each borehole an area of approximately 0.1 ha is impacted with various activities that are undertaken during prospecting/exploration. Any variation from 0.1 ha area per borehole shall be informed by the User Agency at the time of submission of the proposal.

(iii) Prior approval of Central Government under Section 2 (iii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be subject to payment of Net Present Value (NPV) of the forest land allowed to be assigned on mining lease. Similarly, prior approval of Central Government under Section 2 (ii) shall be subject to other usual conditions apart from realization of NPV of the forest land allowed to be utilized for mining and other allied non-forest activities.

(iv) In case of existing mining leases in respect of minerals specified in sub-section (1) of section 8A of the MMDR Act, 1957, as inserted by the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, deemed extension of period of validity of approvals accorded under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, will be subject to realization of NPV of the forest land for which period of validity of approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam has been extended within a period of two years in case the same has not already been realized, failing which the approval accorded under the Van (Sanrakshan Evam Samvardhan) Adhiniyam for such forest land shall be kept in abeyance, and shall be deemed to have been kept in abeyance, till such time, the NPV of such forest land is realized by the State Government.

(v) Full NPV will be charged in respect of forest area approved for assignment of lease for mining or any other purpose under section 2 (iii) of the Act.

(vi) In cases involving re-diversion of forest land, full amount of NPV, at the applicable rates on the date of re-diversion, shall be realized from the secondary user agency by the State/UT Government concerned, if the same was not paid earlier by the primary agency.

CHAPTER 4

GUIDELINES RELATED TO EXEMPTIONS CONSIDERED UNDER THE ADHINIYAM AND GENERAL APPROVAL

4.1 Guidelines specifying the terms and conditions for considering the exemption under sub-section (3) of section 1A of the Adhiniayam: As per the provisions of sub-section (2) of section 1A of the Adhiniyam, lands located within 100 km of distance from the international borders, Line of Control (LOC), Line of Actual Control (LA), upto 0.1 ha of forest land providing connectivity to the road/railside amenities, up to 10 ha of forest land proposed for security related infrastructure and upto 5 ha of land proposed for security related infrastructure and public utility projects in the LWE affected districts, have been exempted from the purview of the Adhiniyam subject to terms and conditions specified by the Central Government under the provisions of sub-section (3) of section 1A and section 3C of the Adhiniyam. The terms and conditions notified by the Central Government in this regard are as under:

S.O.5074 (E). In exercise of the powers conferred by sub-section (3) of section 1A read with section 3 (C) of the Van (Sankashan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) (hereinafter referred to as Adhiniyam), the Central Government hereby notifies the guidelines specifying the terms and conditions to be abided by the State Government or Union territory, while considering exemptions provided under sub-section (2) of section 1A of the said Adhiniyam, namely:-

1. Exemption for strategic linear projects of national importance and concerning national security that are located within hundred kilometres of aerial distance from the international borders, Line of Control or Line of Actual Control shall be considered only for such projects which have been notified as strategic and concerning national security by the Central Government in consultation with the respective State Governments or the Union territory Administration.
2. Exemptions for security related and public utility infrastructure shall be considered exclusively for Left Wing Extremism affected Districts, as notified by the Central Government. Such districts that were earlier notified as Left Wing Extremism Districts but subsequently, their Left Wing Extremism District status, on or before the date of handing over the forest land to the user agency, has been withdrawn, shall not be eligible for the exemption.
3. For the purpose of subclause (iii) of clause (c) of sub-section (2) of section 1A of the Adhiniyam, the following twelve categories of public infrastructure works in the Left Wing Extremism (LWE) affected districts, as notified by the Central Government, in the forest areas, shall be considered as public utility projects, namely:-
    (i) Schools or educational institutes including technical education;
    (ii) Dispensaries or hospitals;
    (iii) Electrical and telecommunication lines including underground optical fibres cables;
    (iv) Drinking water including underground drinking water supply lines;
    (v) Water or rain water harvesting structures;

(vi) Minor irrigation canal;

(vii) Non-conventional sources of energy;

(viii) Skill up gradation or vocational training center;

(ix) Power sub-stations;

(x) Public roads;

(xi) Communication posts including mobile towers; and

(xii) Police establishments like Police Stations or outposts or border outposts or watch towers in sensitive area.

4. The State Government and Union territory Administration shall use the existing Forms for submission of proposals, and such proposals shall be processed for approval on the PARIVESH Portal in the light of categories given under sub-section (2) of section 1A of the Adhiniyam.

5. The projects pertaining to the security related infrastructure and public utility shall be submitted in their entirety. Authorities in the State and Union territory Administration shall ensure strict compliance in this regard.

6. The exemptions considered under the Adhiniyam only indicates the upper limit of the forest area, therefore, user agencies, State Governments and Union territory Administration shall ensure that only legitimate non-forestry use, involving minimum forest land, is allowed while considering such exemptions.

7. Proposals, located in the forest lands protected under the provisions of the Wild Life (Protection) Act, 1972 (53 of 1972), shall be considered by the authorities in the State Government or Union territory Administrations only after obtaining the approval of the Standing Committee of the National Board for Wildlife or as per the guidelines issued by the Central Government in this regard.

8. The State Government or Union territory Administration, as the case may be, may authorise an officer not below the rank of the Deputy Conservator of Forests to receive and accept the proposals and process them through the Nodal Officer, dealing with the matters related to land transfer under the Adhiniyam for obtaining the approval of the Competent Authority in the State Government or the Union territory Administration and accordingly grant 'In-principle' approval.

9. The State Government may authorise an officer of the level of Deputy Conservator of Forests or above to grant permissions in respect of proposals proposed for providing connectivity to the road and rail side amenities and habitations involving upto 0.1 ha of forest land.

10. The State Governments or the Union territories Administrations, after receipt of such proposals from the user agency under sub-section (2) of section 1A of the Adhiniyam, shall examine such proposals giving due regard, but not limited to, the following, namely:-

(i) 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;

(ii) the user agency has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;

(iii) the concerned authorities in the State Government or the Union territory Administration before making the recommendation, have considered all issues having direct bearing or indirect impact of the diversion of forest land on the forest, wildlife and environment;

(iv) adequate justification has been given and appropriate mitigation measures have been proposed by the user agency to mitigate the impact of the project on the surrounding forests, soil and moisture conservation regimes, catchment area, etc.

(v) in case proposed area is located in the Protected Areas, tiger or wildlife corridors or habitat of any endangered or threatened species of flora and fauna, as may be applicable, whether appropriate mitigation measures have been proposed by the user agency; and

(vi) the user agency, undertakes to provide the land and cost of compensatory afforestation and Net Present Value, as applicable; and

(vii) concerned mandates under the National Forest Policy.

11. To compensate the loss of trees, the State Government or the Union territory Administration shall raise compensatory afforestation and realise Net Present Value of the forest land, being diverted, from the user agency, in accordance with the relevant rules and guideline issued by the Central Government in this regard from time to time for diversion of forest land.

12. The State Government, if so desire, after granting 'In-principle' approval to the proposal and deposition of compensatory levies such as compensatory afforestation and Net Present Value and cost of mitigation plans such as of the Wildlife Management Plan and Soil and Moisture Conservation Plan, as applicable, notification of the land identified for raising compensatory afforestation as Protected Forest under Indian Forest Act, 1927 (16 of 1927) or local forest Act and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), may grant 'working permission' for the commencement of project work before grant of 'Final' approval as specified by the Central Government in the relevant rule and guidelines in respect of such 'working permission.

13. The compensatory levies such as cost of raising compensatory afforestation, Net Present Value and cost of mitigation plans, if any prescribed, shall be realised from the user agency and the same shall be deposited into the account of the State Compensatory Afforestation Fund Management and Planning Authority of the concerned State or Union territory, managed by the National Compensatory Afforestation Fund Management and Planning Authority.

14. 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 and other mitigation plans, as applicable, shall start within two year of issue of order of diversion order of the corresponding forest land.

15. The State Government or the Union territory Administration shall grant approval in two stages viz. 'In-principle' approval and 'Final' approval. After receipt of satisfactory compliance of conditions stipulated in the 'in-principle' approval from the user agency, the 'Final' approval will be granted by the State Government or the Union territory Administration.

16. The authorities concerned in the State Governments and Union territory Administration shall ensure that only legitimate conditions, purely in the interests of conservation and protection of forest, such as raising of compensatory afforestation, payment of compensatory levies, mitigation measures, as applicable, are stipulated in the approvals.

17. Strategic, security and public utility projects, covered under sub-section (2) of section 1A of the Adhiniyam, but involving violation of the Adhiniyam shall be dealt with in the following manner, namely:-

(i) Proposals, involving violations of the Adhiniyam will not be covered under the provisions of sub- section (2) of section 1A of the Adhiniyam:

Provided that proposals, where approval under sub-section (2) of section 1A is under consideration of the State Government or Union territory Administration and violation is committed by the user agency by commencing the project work, such proposals will be subjected to the penal provisions by the State or Union territory Administration, as per the relevant guidelines issued by the Ministry in this regard;

(ii) Proposals, pertaining to such project(s) where work has been commenced without the prior approval of the State or Union territory Administration, will be submitted for ex-post facto approval of the Central Government under the Adhiniyam, ; and

(iii) Regional Office or their Sub-Offices, State Governments or the Union territory Administrations, under whose jurisdiction the proposal involving violation of the Adhiniyam falls, shall take legal action against the offenders in accordance with the provisions of Section 3A and 3B of the Adhiniyam and relevant guidelines issued by the Central Government in this regard;

18. The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927, Local Forest Act or Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be dealt as per the orders of the courts or tribunals passed in such cases and the date of applicability of the Adhiniyam in various types of lands shall be in accordance with the direction, if so passed by the Courts/Tribunals;

19. The State Government shall ensure that detail of approval granted under the provisions of sub-section (2) of section 1A of the Adhiniyam, is updated in the 'Land Schedule' given in the Working Plan of the Division.

20. The legal status of the forest land so diverted shall remain unchanged.

21. Barring defence or strategic projects, the detail of proceedings of the various authorities such as minutes of the meetings, copies of approvals granted, monitoring reports submitted by the user agency, pertaining to public utility and other projects covered under sub-section (2) of section 1A of the Adhiniyam, shall be uploaded on

the PARIVESH portal by the concerned State Governments or the Union territories Administrations.

22. The State Government or Union territory Administration and the user agency shall monitor, at least once every year, the compliance of conditions imposed while allowing the non-forestry use of forest land and a copy of such monitoring report shall be uploaded on PARIVESH for future references. Non-compliances, if any, observed during such monitoring, should be brought to the notice of the concerned authorities for undertaking remedial measures as per the relevant guidelines issued by the Central Government in this regard.
23. The user agency shall commence the work within a period of two years. In case, no commencement or completion of project work is undertaken by the user agency within a period of two years, the approval granted by the State Government or Union territory Administration shall stand rejected and the possession of the forest land will be taken over by the local Forest Department. However, the State Governments or the Union territory Administrations, subject to submission of valid and cogent reasons for delay in commencement or completion of the project beyond two years by the user agency, can extend the period by another year.
24. The State Government and Union territory Administration shall ensure that the user agency shall obtain environment clearance under the provisions of the Environment Impact Assessment Notification, 2006, as applicable, and requisite mitigation measure as suggested in the Environment Management Plan shall be implemented by the user agency in all cases.
25. The State Government or Union territory Administration shall provide a copy of the approvals given under sub-section (2) of section 1A of the Adhiniyam and shall also furnish, the details of proposals and such orders, as and when sought by the Central Government for information, record and monitoring.
26. The Regional Office of the Ministry, based on the available information provided by the State Government or Union territory Administration or as available on PARIVESH, can carry out monitoring of such proposals or works for compliance of relevant provisions of the Adhiniayam and action thereunder.
27. The State Government or Union territory Administration prior to handing over the forest land to the user agency, shall ensure 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); and
28. The Central Government, under section 3(C) of the Adhiniyam may further clarify or issue directions to the State Government or Union territory Administration or to any organisation as may be necessary with respect to guidelines for the implementation of the Adhiniyam.

4.2 Guidelines for use of forest land within the RoW of roads for laying Optical Fiber Cables (OFCs), drinking water supply pipelines, telephone lines, electricity cables, CNG/PNG, Slurry pipelines and Petroleum and Crude oil pipelines.

General approval is accorded in the forest land and located in the existing Right of Way (RoW) of roads which have already been allowed for non-forestry use for laying of UG drinking water pipelines, OFC cables (both underground and above ground), telephone lines, electricity cables, CNG/PNG, slurry pipelines and petroleum and crude oil pipelines involving trench size not more than two meter in depth and one meter in width and 2 meter x 2 meter for UG drinking water pipelines and slurry pipelines, subject to following conditions:

(i) User Agency shall apply, online, in the prescribed Form Appended to the Handbook;

(ii) In cases where KML files, prepared using DGPS tools are not available, the KML files prepared using GIS tools at the time of initial alignment surveys of OFC cable by the user agencies may be considered in respect of forest land involved in the re-diversion proposal for laying of OFC cable.

(iii) No tree felling is involved in the proposed work

(iv) The State Government concerned shall authorize Nodal Officer to consider permissions for re-diversion for laying of OFCs falling within the already diverted RoW of roads located outside the Protected Areas.

(v) Overhead laying of OFCs will be undertaken over the existing poles within the ROWs provided no damage is caused to any tree or wildlife.

(vi) The procedure for processing of the applications as stipulated in the Van (Sanrakshan Evam Samvardhan) Rules 2023 as amended up to date will be strictly followed.

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

(viii) The UA shall pay the applicable NPV in pursuance of the orders of the Hon'ble Supreme Court, if the same was not charged earlier in respect of forest land proposed for re-diversion.

(ix) In addition to monthly report of diversions of forest land under General 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 and their Sub-Offices;

(x) The diversions and compliance to the conditions will be monitored by the concerned Regional Office of the MoEF&CC and their Sub-Offices.

(xi) There is no exemption to the projects located in the Protected Areas from payment of NPV, as applicable, in view of Hon'ble Supreme Court's order dated 28.03.2008 read with Order dated 9.05.2008, if the same has not been realized earlier at the time of allowing non-forestry use of road.

(xii) After completion of the project the area under RoW should be reclaimed suitably.

(xiii) UA agrees to make good any loss to forest/environment.

(xiv) The UA will seek permission from the local FD for carrying out any maintenance.

(xv) In case, the proposed area falls in the RoW of the road passing through National Park, Wildlife Sanctuary or Tiger Reserves, General Approval is subject to requisite permissions from the Standing Committee of the State Board for Wildlife.

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

(i) 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.

(ii) 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 utilized for laying of underground optical fiber cables.

(iii) 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.

CHAPTER- 5
TRANSFER/RE-DIVERSION/ CHANGE IN LAND USE

Any forest land diverted for non-forest use with prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be used by the User Agency for the purpose for which it has been diverted. However, transfer of a user agency for the same purpose, or re-diversion for another purpose by the same or another user agency may be considered on the following basis:

5.1 Transfer of approval or change in the User Agency: The following procedure shall be followed by the user agency seeking transfer of approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 either in full of part of the forest land:

(i) An application in the prescribed Form from the concerned State/Union Territory Government along with detailed justification for such transfer of User Agency shall be submitted to the Ministry or concerned Regional Office/Sub-Office, as the case may be, along with an undertaking from both primary and new User Agencies shall be submitted;

(ii) 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 and to abide by the any such additional conditions which may be imposed from time to time in the interest of afforestation, conservation and management of flora and fauna in the area and under taking from the primary User Agency stating that no objection for such Transfer of User Agency;

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

(iv) The Central Government shall levy a transfer fee, to discourage middle men from processing applications and then selling it to other, as per detail given below:

S. No.	Area (ha)	Transfer fee
1.	Up to 1 ha	2,00,000/-
2.	More than 1 to 20 ha	5,00,000/-
3.	Above 20 ha	10,00,000/-

(v) The transfer fee will not be applicable in the proposals pertaining to change of UA due to change in legal heir.

(vi) When change in the name of user agency due to inheritance (change in legal heirs) becomes necessary, permission of the Central Government will be required. For this purpose, the State Government, within three months from the date of issue of legal heir certificate shall submit the following documents:

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

(b) A certified copy of fresh certificate of incorporation consequent upon change ofname issued by the Registrar of Companies or legal heir certificate issued by competent court of law whichever is applicable.

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

(vii) In case the transfer is from a Central Government Department/Central Government Undertaking (CPSU) to a user agency other than Central Government Department /CPSU, then the special concessions given to Central Government Department/CPSU while granting the approval shall not be 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 will be required. The State / UT Govt., shall, online, submit following documents within three months:

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

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

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

(iv) Transfer fee of Rs. 1,00,000/-

5.3 Transfer of approval/lease in respect of Wind Energy projects: for transfer of approval from the developer i.e. the User Agency to investors /power producers, State Government shall, online, submit following details:

(i) User Agency shall submit duly filled up prescribed Form available online on PARIVESH.

(ii) 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.

(iii) The State/UT Government, or an Officer authorized in this regard 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.

(iv) Transfer fee as stipulated under para (iv) above.

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) 'In-Principle' or Final approval for diversion of forest land has already been issued, and

(ii) Application for in-principle approval of diversion of forest land under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was in process at either the State or the Central Government, on the day of cancellation of the allocation;

Cases falling under category mentioned under (i) above will be considered by the MoEF&CC or Regional Office, after receipt of an application for such transfer from the Ministry of Coal, Government of India. Transfer application submitted by the Ministry of Coal should accompanied with details of the new user agency, a vesting

order in favour of new user agency, 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.

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

(i) Duly filled in Part-I of the application in Form-A appended to the Van (Sanrakshan Evam Samvardhan) Adhiniyam 2023 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;

(ii) 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. The concerned jurisdictional Regional Office shall carryout site inspection of such non forest area to ascertain its suitability for plantation and management point of view. All such conditions / provision as envisaged under chapter related to Compensatory Afforestation will applicable as the case may be;

(iii) 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 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 Transfer of approval to successful bidder/new allocattee after the expiry of lease

After the expiry of validity of mining lease granted under the provisions of the Mines and Minerals (Development and Regulation) Act, 1980, transfer of approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of successful bidder selected by the State/UTs, after auction of such lease, may be considered subject to the following conditions**:**

(i) Complete compliance of such terms and conditions as stipulated in the approval granted previously under the Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980, and rules and guidelines framed thereunder in respect of the concerned mining lease has been made. The non- compliance of conditions, if any, stipulated in the approval granted to the erstwhile agency under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, which were required to be complied before handing over the forest land to such agency, shall be transferred as liabilities to the new allocate, and in such case, complete compliance of such conditions shall be made prior to handing over of forest land to the new allocattee. For the remaining conditions, the new allocattee will make an undertaking to comply with, before handing over of the forest land. It is clarified that in case of violation of any of the conditions which was done during the period of previous allocattee and which constitutes an offence under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the penal clauses will be invoked against the previous allocattee only and not against the new allocattee.

(ii) Approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was valid on the date of expiry of previous lease.

(iii) Mining operations will be restricted to the forest area for which approval under clause (ii) of sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been obtained by the erstwhile user agency. No non-forest use of such forest lands falling within the lease shall be allowed, for which approval under the aforementioned provisions of the Adhiniayam has not been obtained by the User agency or State Government/UT. Mining in such areas may be allowed only after obtaining prior approval of the Central Government under clause (ii) of sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(iv) The State Government shall ensure that the amount of Net Present Value, Safety Zone Plantation and Compensatory Afforestation (CA), if not deposited earlier, has been deposited prior to handing over of the forest land to the new allocattee. Also, in case the CA land has not been made available previously, the forest land shall be handed over to the new allocattee only after the corresponding CA land has been accepted by the competent authority as per the extant procedures for acceptance of CA lands for a new proposal. Further clarified that the provisions of CA will be applicable in respect of broken up forest area before the commencement of Act, 1980 which are continued to be under the possession of the user agency, in case the CA has not been raised earlier.

(v) Mining operations and other activities shall be carried out as per the land-use allowed in the approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Any change in the land use on account of any valid reason shall be effected with the prior approval of the Central Government.

(vi) Reclamation of the mined out forest area in the whole lease area as per the approved Mining Plan shall be an obligatory condition for the new allocattee.

(vii) Transfer fee, as prescribed in the relevant guidelines incorporated in the Handbook of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be realized from the new allocattee and deposited into the account of CAMPA of the State concerned.

(viii) Transfer of approvals to new agency may be accorded by the concerned State Government/UT Administration subject to fulfilment of conditions/provisions stipulated in the relevant guidelines of the Ministry.

(ix) The mining operation can continue as per the above provisions, provided the lease has valid approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 on the date of expiry of lease, no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam is involved, and the lease is not lapsed or terminated by the Central Government or State Government or by any court of law;

(x) The above provisions are not applicable in case of a lease which has been lapsed or terminated or cancelled by the Central Government or State Government or by any court of law.

5.6 Re-diversion/Change in land use : In case of change in land use of forest land becomes necessary for the same project and same purpose by the same user agency and in case the re-diversion of a forest land becomes necessary for a different purpose by the same of different user agency, it may not be prudent for the Ministry to authorize the user agency to undertake such changes in land use changes at their own level as there is the possibility of misuse of such dispensation by the user agency. Such proposals pertaining to change in land use or re-diversion of already diverted forest land shall be examined on merits by the Ministry on case-to-case basis. The user agency shall submit online application for re-diversion or change in land use in the prescribed Form on PARIVESH. The following guidelines needs to be abided while considering the change in the land use or re-diversion proposals:

(i) Previously, if CA, NPV, etc., were exempted but proposed change in land use or re-diversion is not falling under the category of non-forestry activity which is/are not exempted from such levies or if NPV & CA have not been realized during the earlier approval period, then the User Agency shall make a payment towards all such levies / CA area over non-forest area proportionate to the extent of forest area proposed for re diversion;

(ii) Railways may require to convert the conventional system to the electrification of railway lines, in such change of land use cases, if no fresh forest area is required and such new component can be taken up within already diverted area without violating any such norms under others acts / rules, in such cases permission from the central government is not required and the UA may seek prior permission of the State Government in letter form and may make necessary changes as required. Details of such approvals accorded by the State / UT may be submitted to the concerned ROs. This relaxation will not applicable to the projects falling in PAs. Similarly, for conversion of overhead transmission line to underground lines, the above procedure shall be applicable.

(iii) In case of transfer with re-diversion proposals, the proposed use should be compatible with the primary use and should not hinder it. A written consent from the primary user agency should be submitted without insisting any payment or charges from the new agency such written consents.

(iv) In case 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, the State / UT Nodal Officer 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 while forwarding the proposal to the MoEF& CC / RO as the case may be for decision on re-diversion.

(v) While permitting re-diversion, Central Government may if considered necessary modifyoriginal 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 with payment for (i) payment of NPV at the applicable rates; and

(vi) The State/ UTs Government may consider the acceptance of NoCs issued by State PWD/NHAI or other similar agencies for setting up of retail outlets under RoWs at any level on PARIVESH portal. The undertaking along with acknowledgment of the agencies owning RoW from the user agency stating that they have initiated the processof obtaining NOC may be considered for initial submission of proposal on PARIVESH. It is also to clarify that the process of obtaining NOC and its submission must be completed before the submission' of such proposals to Regional Office, provided that no such proposals in any case give rise to a situation of fate accompli or involved in violations of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 or other related Central or State Acts.

(vii) Proposals of re-diversion falling in the RoW of roads, already put to non-forestry use, shall be dealt as per the guidelines given under chapter - 4 of the Handbook.

5.7 Transfer of approval granted to zudpi jungle 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 approval of diversion of forest land (which is not notified as Reserve or Protected 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.

CHAPTER-6.

SURVEY, INVESTIGATION, PROSPECTING AND EXPLORATION

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.

6.1 Order specifying the terms and conditions for undertaking surveys in forest areas: As per the provisions of sub-section (2) of section 2 of the Adhiniyam, the surveys on the forest lands are not to be treated as a non-forest purpose subject to terms and conditions specified by order by the Central Government. Terms and conditions for not treating the surveys on the forest land as a non-forest purpose are given as under:

S.O. 5075 (E). In exercise of the powers conferred by sub-section (2) of section 2 read with section 3 C of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, (69 of 1980) (hereinafter referred to as said Adhiniyam), the Central Government hereby issues an order specifying 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. These terms and conditions shall be followed by the State Government or Union territory Administration while considering exemptions provided under sub-section (2) of section 2 of the said Adhiniyam, namely:-

1. Surveys, including seismic surveys other than for mining purposes, to be undertaken in the forest lands for developmental projects such as hydro-electric projects, establishment of wind energy farms, transmission lines, railway line, etc. shall not be treated as non-forest purpose as long as these surveys do not involve any breaking of forest or cutting of trees and operations are restricted to clearing of bushes and lopping of trees branches for purpose of sighting, will not be treated as non-forest purpose. However, prior permission of the State Forest Department under the Indian Forest Act, 1927 (16 of 1927) or the State Forest Act will be obtained by the user agency concerned for entry and carrying out such surveys in the forest lands.
2. Surveys in the forest lands for mining purposes which involve breaking of forest land by way of drilling the bore holes and digging the trenches, such as for mining, shall not be treated a non-forest purpose as long as such surveys involve felling of up to hundred trees in the entire areas proposed for survey and drilling of twenty five boreholes of four inch diameter per ten square kilometre or eighty shot holes of six inch diameter per square kilometre in case of seismic surveys. Proposals involving felling of more than hundred trees or drilling of more than twenty five bore holes per ten square or more than eighty shot holes of six inch diameter per square kilometre shall require prior approval of the Central Government under the Adhiniyam.
3. Exploratory drilling of Petroleum Mining Leases, neither resulting into permanent change in the forest land use nor in production of hydrocarbon, shall also be exempted from the provisions of the sub-section (2) of section 2 of the Adhiniyam.
4. The State Government and Union territory Administration shall use the existing Forms developed by the Central Government for submission of proposals, and such proposals shall be processed for approval on the PARIVESH (ProActive and Responsive

facilitation by Interactive and Virtuous Environmental Singlewindow Hub) Portal in the light of sub-section (2) of section 2 of the Adhiniyam.

5. No surveys for mining of minerals shall be undertaken in the protected areas such as National Parks, Wildlife Sanctuaries, Tiger Reserves, Tiger Corridors. Survey in the protected areas for developmental projects other than mining shall be undertaken only after obtaining the approval of the Standing Committee of the National Board for Wildlife or as per the guidelines issued by the Central Government in this regard.
6. The State Government or Union territory Administration may authorise an officer not below the rank of the Deputy Conservator of Forests to receive and accept the proposals and process them through the Nodal Officer, dealing with the matters related to land transfer under the Adhiniyam for obtaining the approval of the Principal Chief Conservator of Forests, Head of Forest Force or an officer as may be authorised by the State Government or the Union territory Administration to grant approval.
7. In case the surveys involve felling of trees, as specified above, the user agency shall pay the cost of afforestation of trees, to the extent of hundred tree per bore hole along with maintenance cost of such plants for ten years. The State Government or the Union territory Administration shall ensure that the plants are planted on abandoned bore-hole areas or in the degraded forest land as per prescriptions given in the working plan.
8. In case of seismic surveys, the user agency shall bear the cost of plantation of two tall plants near the shot hole site along with the maintenance cost of such plants for ten years. The State Government shall ensure that the money charged shall be used to supplement plantation in degraded forest areas as per working plan prescriptions.
9. The Net Present Value, in respect of surveys, involving breaking of forest land, shall be charged and deposited into the account of State Compensatory Afforestation Fund Management and Planning Authority on the basis of impact area of a bore hole which is observed to be 0.1 ha per bore hole. Any variation from 0.1 ha area per borehole shall be informed by the user agency at the time of submission of the proposal.
10. Compensatory levies realised from the user agency shall be deposited into the account of the State Compensatory Afforestation Fund Management and Planning Authority of the State or Union territory Administration, managed by the National Compensatory Afforestation Fund Management and Planning Authority.
11. The amount to be realised towards the cost of Net Present Value shall be non-refundable and the said deposited amount of Net Present Value shall be adjusted against the estimated Net Present Value to be levied, in case approval is obtained for the diversion of the same forest land for mineral extraction, under clause (ii) of sub-section 1 of section 2 of the Adhiniyam.
12. No permanent change in the land use of the forest land shall be allowed. The Survey activities shall be carried out by the user agency temporarily and after completing the survey, the forest land will be reclaimed and restored to its original state.
13. The user agency shall use the existing forest roads for the transportation of machineries and materials and no new or fresh road will be constructed by the user agency in the forest area for undertaking surveys in the forest areas. The user agency shall also ensure the transport of machineries and materials manually in case of non-availability of roads.

14. The user agency shall submit a detailed plan of operation for prospecting or exploration or seismic survey in the entire forest area prior to the start of work to the Nodal officer of the State Government or the Union territory Administration.

15. The user agency shall commence and complete the surveys within a period of two years. In case, no commencement or completion of surveys work is undertaken by the user agency within a period of two years, the approval granted by the State or Union territory Administration shall stand rejected and the possession of the forest land will be taken over by the local Forest Department. However, the State Government or the Union territory Administration subject to submission of valid and cogent reasons for delay in commencement or completion of the project beyond two years by the user agency, can extend the period by another year.

16. Surveys proposals, involving violation of the Adhiniyam shall be dealt with in the following manner, namely:-

(i) Surveys in the forest land involving violation of the Adhiniyam shall not be covered under the provisions of sub- section (2) of section 2 of the Adhiniyam and such proposals shall be submitted for ex-post facto approval of the Central Government under the Adhiniyam:

Provided that proposals, where approval under sub-section (2) of section 2 of the Adhiniyam is under consideration of the State Government or Union territory Administration and a violation is committed by the user agency by commencing the project work, such proposals shall be subjected to the penal provisions by the State or Union territory Administration, as per the relevant provisions made by the Central Government in this regard;

(ii) Regional Office or their Sub-Offices, State Governments or the Union territory Administrations, under whose jurisdiction, the proposal involving violation of the Adhiniyam falls, shall take legal action against the offenders in accordance with the provisions of Section 3A and 3B of the Adhiniyam and the relevant guidelines issued by the Central Government in this regard;

17. The State Government or Union territory Administration prior to considering permission for surveys in the forest areas, shall ensure fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable to such surveys.

18. Detail of proceedings of the various authorities such as minutes of the meetings, copies of approvals granted, monitoring reports submitted by the user agency, pertaining to permissions granted for conducting survey in the forest areas, shall be uploaded on the PARIVESH portal by the State Governments or the Union territory Administration.

19. The State Government or Union territory Administration and the user agency shall monitor, at least once in every year, the compliance of conditions imposed while allowing the non-forestry use of forest land and a copy of such monitoring report shall be uploaded on PARIVESH portal for future references. Non-compliances, if any, observed during such monitoring, should be brought to the notice of the concerned authorities for undertaking remedial measures as per the relevant guidelines issued by the Central Government in this regard.

20. The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), Local Forest Act or said Adhiniyam shall be dealt as per the judgements or orders of the Courts or Tribunals in

such cases and the date of applicability of the Adhiniyam in various types of lands shall be in accordance with the direction, if so, passed by the Courts/Tribunals;

21. The legal status of the forest land proposed to be used for survey shall remain unchanged.
22. The State Government or Union territory Administration shall provide a copy of the approvals given under sub-section (2) of section 2 of the said Adhiniyam and shall also furnish, the details of proposals and such orders, as and when sought by the Central Government for information, record and monitoring.
23. The Regional Office of the Ministry, based on the available information provided by the State Government or Union territory Administration or as available on PARIVESH portal, can carry out monitoring of such proposals or works for compliance of relevant provisions of the said Adhiniayam and action taken thereunder;
24. The Central Government under section 3C of the said Adhiniyam may further clarify or issue directions to the State Government or Union territory Administration or to any organisation, as may be necessary with respect to these guidelines, for the implementation of the provisions of the said Adhiniyam.

6.2 : Proposal not covered under the exemptions mentioned in para 6.1 above will be dealt in the manner, as prescribed below:

(i) Any investigation or survey operation, that involves the breaking of forest area or felling of trees, prior permission of the Central Government shall be obtained. For prospecting/exploration activity in the forest area which requires drilling of more than 25 boreholes of 4-inch dia per 10 sq km / 80 shot holes of 6.5-inch dia per sq km or felling of trees, the following guidelines will be followed:

a. The user agency shall apply for the diversion of forest area for seismic/ prospecting/exploration surveys in the prescribed Form.

b. In case of seismic/prospecting/exploration surveys in forest land having vegetation density up to 0.7, the State Government shall forward the online application to the concerned Regional Office of the Ministry for approval. The REC will consider such proposals and grant or reject approval on the merits to such proposals. Proposals in respect of forest land involving vegetation density more than 0.7 shall be submitted to the MoEF&CC, New Delhi for prior approval under the Adhiniyam.

c. NPV, in respect of prospecting/exploration shall be charged on a borehole basis. It is noted that for each borehole an area of approximately 0.1 ha is impacted by various activities that are undertaken during prospecting/exploration. Any variation from 0.1 ha area per borehole shall be informed by the User Agency at the time of submission of the proposal.

d. The amount of NPV and/or payments towards planting of trees, shall be deposited online in the account of State CAMPA, managed by the National Authority (CAMPA), as per the instructions issued by MoEF&CC from time to time.

e. Amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospecting in the area will be

adjusted against the estimated NPV to be levied, in case approval is obtained for the diversion of the same forest land for mineral extraction, under section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

f. Permission for carrying out prospecting/ exploration/seismic survey or any payment of NPV deposited for such operations will not confer any right with the user agency to get forest clearance of that particular land under Section 2(ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. All decisions will be taken on merit as per the procedure prescribed in Van (Sanraksha Evam Samvardhan) Rules, 2023, as amended up to date.

g. User agency shall submit a complete plan of operation for prospecting/exploration/Seismic survey in the entire forest area prior to the start of work to the Nodal officer of the State.

h. User agency, as the case may be, shall prepare a plan to plant 110 tall trees per borehole (each borehole estimated to have an impact area of 0.1 ha), only if the number of boreholes proposed to be drilled is beyond the specified limit i.e. 25 boreholes per 10 sq km. The cost of preparation of the plan and plantation shall be borne by the user agency. The state government shall ensure that the plants are planted on abandoned bore-hole areas or degraded forest land as per prescriptions of a working plan.

(ii) Any permission given to survey, exploration or prospecting will not *ipso facto* imply any commitment on the part of the Central Government for the diversion of forest land.

6.3: Guidelines specific to the hydrocarbon sector for undertaking seismic surveys and exploratory drilling in the forest:

(i) Vehicle/tractor-mounted drilling rig equipment can be allowed only for the drilling of shot holes in the grids which falls in an open area and which are adjoining to existing forest paths after due permission of the local forest officer. In other areas, manual drilling through Dekhi/ tripod structure with a jet flesh unit or portable mechanical (rig) drilling machine may be allowed. The vehicle carrying the compressor and observation trucks shall be parked in open areas.

(ii) No tree felling and construction of new roads will be allowed. However, the user agency can use the existing forest roads/paths with the permission of a local forest officer.

(iii) User agency shall plant at least two tall plants near the shot hole site before leaving the site. In case it is not possible to do the same then the user agency shall deposit cost of two tall plants along with 10 years maintenance cost per shot hole with concern DFO. State Government shall ensure that the money charged shall be used to supplement plantation in degraded forest areas as per working plan prescriptions.

(iv) *Prima facie* the activity does not cause any permanent damage. The user agency shall take all precautions so that the contractor and labour engaged by them do not cause any damage to the flora and fauna of the area. Any incidence of damage by the staff/ labour/contractors of user agency shall be treated as negligence on the part of the user agency and shall be dealt as per law.

(v) Permission granted for conducting a seismic survey over forest land shall in no

manner be construed as surety for getting actual diversion of forest land under clause (ii) of sub-section (1) of section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980. Such cases shall be considered independently on merits on case-to-case basis.

(vi) The process of exploration drilling for hydrocarbon in a 130 m x130 m area causes total damage to vegetation (both flora and faunal elements) in the area and cannot be considered as temporary vegetation change. It is a case of proper diversion for the purpose of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and must be considered for processing with application in Form A and not under Form C. This will enable the user agency to use the area fully and can change the land use "within the diverted area if the change in the land use plan is approved by any Government agency.

(vii) The approach road to the exploratory site shall be part of the total proposal.

(viii) No prior approval is required for the assignment of a Petroleum Exploration license or Petroleum Mining Lease where neither physical possession nor breaking of forest land is involved. Except exploratory drilling neither resulting into permanent change in the forest land use nor in production of hydrocarbon, for all activities such as the establishment of exploration or developmental wells and connected activities on the forest land, approval under clause (ii) of subsection (1) of section 2 of the Adhiniyam shall be obtained for the actual impact area as per the procedure specified under the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Central Government.

(i) In respect of proposals which have been diverted under clause (ii) of sub-section (1) of section 2 for non-forestry use and where drilling and development/explorations/extraction has been proposed in the existing and diverted well sites, subsequent change in the use from exploratory drilling to extraction (exploitation) can be undertaken subject to the approval of the change in land use by a concerned Government agency of the State. Pursuant to the approval of the change in the land use by a competent authority of the State Government, the change in land use in the already diverted area can be undertaken by the user agency.

Note:

Guidelines specific to the hydrocarbon sector for undertaking seismic surveys and exploratory drilling in forests shall also be applicable to seismic surveys for the purpose of prospecting for different minerals including coal also.

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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 and Regulation) 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and rules made there under.

7.2 Order specifying the terms and conditions for assignment of forest land on lease:

S.O. 5076 (E). In exercise of the powers conferred by clause (iii) of sub-section (1) of section 2 read with section 3C of the Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 (69 of 1980) (hereinafter referred to as the said Adhiniyam), the Central Government hereby issues an order specifying the terms and conditions, to be abided by the State Government or Union territory Administration while considering the proposals pertaining to assignment of forest land on lease to Government as well as the private entities under the aforementioned provisions of the said Adhiniyam, namely:-

1. The user agency shall make an online application in the prescribed Form on PARIVESH portal for the prior approval of the Central Government under the said Adhiniyam.
2. No forest land shall be assigned on lease without the prior approval of the Central Government under clause (iii) of sub-section (1) of section 2 of the said Adhiniyam.
3. In case of assignment of forest land on lease for mining, no breaking of forest land shall be allowed, however, breaking of forest land to a limited extent such as plantation of trees, and temporary or non-permanent construction may be allowed in case of assignment of forest land on lease for a purpose other than mining;
4. Mining operations in the forest land located within the mining lease can be undertaken only after obtaining the approval for diversion of the forest area under clause (ii) of sub-section (1) of section 2 of the said Adhiniyam following the procedure prescribed under the rules made thereunder.
5. The user agency seeking assignment of forest land for mining shall submit Mining Plan, approved by the competent authority, indicating the detailed pre-mining and post mining land use plan, mine Closure Plan and for activities other than mining a Detailed Project Report or Plan indicating the activities proposed on the forest land shall be submitted by the user agency along with the proposal.
6. Grant of approval under clause (iii) of sub-section (1) of section 2 of the said Adhiniyam does not, in any manner, create any right or equity in favour of the user agency for grant of approval under clause (ii) of sub-section (1) of section 2 of the said Adhiniayam and decision on the proposals under clause (ii) of sub-section (1) of section 2 shall be taken on the merit or the facts reported in the site inspection reports on case to case basis.

7. 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 without prior approval of the Central Government under the said Adhiniyam, no mining shall be allowed till approval under clause (ii) of sub-section (1) of section 2 of the said Adhiniyam for the entire forest land falling in such mining lease is obtained, Net Present Value of forest land falling in such mining leases as stipulated in such approval is realised from the user agency and provisions of other applicable statutes are complied with by the user agency.

8. Compensatory levies realised from the user agency shall be deposited into the account of the State Compensatory Afforestation Fund Management and Planning Authority of the State or Union territory Administration, managed by the National Compensatory Afforestation Fund Management and Planning Authority.

9. The validity of approval granted for the assignment of forest land on lease shall be valid for a period co-terminus with the period of mining lease granted under the relevant statute or for the period as may be specified by the Central Government.

10. The approval granted for the assignment of forest land on lease for mining shall become null and void in case no proposal seeking approval under clause (ii) of sub-section (2) of section 2 of the said Adhiniyam is submitted by the user agency within a period of two years from the date of issue of order of assignment of corresponding forest land on lease.

11. In case of assignment of forest land on lease for a purpose other than mining, a draft Memorandum of Understanding or draft lease deed to be signed between the user agency and the State Government shall be prepared and submitted along with the details of lease rent, if applicable.

12. The activities proposed to be undertaken by the Forest Department as per the prescriptions made in the working plan shall be continue to be implemented in the area to be considered for the assignment of lease.

13. Raising of plantations by the Government Department on the land recorded as forest in the Government records shall be considered as forestry activity and accordingly, provisions of the compensatory afforestation and Net Present Value shall not be applicable for such plantation activities.

14. Raising of commercial plantations of low rotation, including plantation of medicinal plants in the forest land shall be considered as non-forestry activities and in such cases prior approval of the Central Government under clause (iii) of sub-section (1) of section 2 shall be obtained and decision on such proposals will be undertaken by the Central Government on the merits of each case. Provisions of compensatory afforestation and Net Present Value shall be applicable in such cases.

15. Approval granted under clause (iii) of sub-section (1) of section 2 of the said Adhiniyam does not in any manner exonerate the authorities in the State Government or any other authority from the proceedings under section 3A and 3B of the said Adhiniyam liable to be initiated for violation, if any, committed by them by assigning such forest land for mining lease without obtaining prior approval of the Central Government under sub-section (1) of section 2 of the said Adhiniyam.

16. The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), Local Forest Act, or said

Adhiniyam shall be dealt as per the orders, Judgements passed by the Courts or Tribunals in such cases and the date of applicability of the Adhiniyam in various types of lands shall be in accordance with the direction, if so, passed by the Courts/Tribunals.

17. The State Government or Union territory Administration and the user agency shall monitor, at least once in every year, the compliance of conditions imposed while allowing the non-forestry use of forest land and a copy of such monitoring report shall be uploaded on PARIVESH portal for future references. Non-compliances, if any, observed during such monitoring, should be brought to the notice of the concerned authorities for undertaking remedial measures as per the relevant guidelines issued by the Central Government in this regard.
18. The Regional Office of the Ministry, based on the available information in Ministry or on PARIVESH portal, can carry out the monitoring of approvals accorded under clause (iii) of sub-section (1) of section 2 of the said Adhiniayam and action taken thereunder.
19. The provisions of the all other Acts, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with before the assignment of forest area on lease by the State Government or Union territory Administration.
20. The legal status of the forest land to assigned on such lease shall remain unchanged.
21. The Central Government under section 3C of the said Adhiniyam may further clarify or issue directions to the State Government or Union territory Administration or to any organisation, as may be necessary with respect to these guidelines, for the implementation of the said Adhiniyam.

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

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

(i) **Validity of approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980:-** In case of existing mining leases, where approval under section 2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam for the entire forest land in the mining lease has been obtained before 1.4.2015, the validity of approval granted under the Adhiniyam is deemed to have been extended for a period co-terminus with the validity of mining lease granted in accordance of the provision of the MMDR Act. The State Governments concerned may extend the validity of approvals granted under the Adhiniyam to the Government companies for mining under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to make it co-terminus with validity of the lease granted under the MMDR Act, 1957. But, in case the user agency changes during the on-going term of validity of the lease, the State Government concerned shall obtain prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(ii) 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 obtaining the 'Final' approval under clause (ii) of subsection (1) of section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 "in-principle' approval under subsection (1) of section 2 of the Adhiniyam 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 Adhinyam occurs on the forest land.

(iii)The existing period of validity of forest clearance granted for diversion of forest land under clause (ii) of subsection (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 MMDR 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 not realized so far, within two years w.e.f 1.04.2015 in two equal instalments from the date such Rules became enforceable.

(b) In case of NPV of forest land for which a period of approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been extended has not been realized and the State Government fails to realize the same within the period of two years as per the clause (a) above, approval under the Adhiniyam 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 for which approval granted under the Adhiniyam 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 deposited within two years in two equal instalments by the State agency in whose favour 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 Adhiniyam for diversion of forest land falling in mining leases so as to ensure that the user agencies comply with all the conditions before the land falling in such leases is surrendered to the concerned State Government/Union Territories on expiry of the mining lease.

(e) 'Provisions' provided hereinabove, 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.

(iv)In light of the provisions provided under Section 8B of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, related to the validity of the approvals granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and with a view to align the provisions under the two Acts, transfer of approval under the Adhiniyam granted to erstwhile lessee in respect of mining leases, which have been

allotted to successful bidder through auction after expiry of their validity under the MMDR Act, may be considered subject to the following conditions:

(a) Complete compliance of such terms and conditions as stipulated in the approval granted previously under the Adhiniyam, and rules and guidelines framed thereunder in respect of the concerned mining lease has been made.

(b) The non-compliance of conditions, if any, stipulated in the approval granted to the erstwhile agency under the Adhiniyam, which were required to be complied before handing over the forest land to such agency, shall be transferred as liabilities to the new allocattee, and in such case, complete compliance of such conditions shall be made prior to handing over of forest land to the new allocattee. For the remaining conditions, the new allocattee will make an undertaking to comply with, before handing over of the forest land. It is clarified that in case of violation of any of the conditions which was done during the period of previous allocattee and which constitutes an offence under the Adhiniyam, the penal clauses will be invoked against the previous allocattee only and not against the new allocattee.

(c) Approval under the Adhiniyam was valid on the date of expiry of previous lease.

(d) Mining operations will be restricted to the forest area for which approval under clause (ii) of subsection (1) of section 2 of the Adhiniyam has been obtained by the erstwhile user agency. No non-forest use of such forest lands falling within the lease shall be allowed, for which approval under aforementioned clause of the Adhiniyam has not been obtained by the State Government. Mining in such areas may be allowed only after obtaining prior approval of the Central Government under the aforementioned clause of the Adhiniyam.

(e) The State Government shall ensure that the amount of Net Present Value, Safety Zone Plantation and Compensatory Afforestation (CA), if not deposited earlier, has been deposited prior to handing over of the forest land to the new allocattee. Also, in case the CA land has not been made available previously, the forest land shall be handed over to the new allocattee only after the corresponding CA land has been accepted by the competent authority as per the extant procedures for acceptance of CA lands for a new proposal.

(f) Mining operations and other activities shall be carried out as per the land-use allowed in the approval under the Adhiniyam. Any change in the land use on account of any valid reason shall be effected with the prior approval of the Central Government.

(g) Reclamation of the mined out forest area in the whole lease area as per the approved Mining Plan shall be an obligatory condition for the new allocattee.

(h) Transfer fee, as prescribed in the relevant guidelines incorporated in the Handbook of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be realized from the new allocattee and deposited into the account of CAMPA of the State concerned.

(i) Transfer of approvals to new agency may be accorded by the concerned State Government/UT Administration subject to fulfilment of conditions/provisions stipulated in the relevant guidelines of the Ministry.

(v) Provision of above guidelines will be applicable in the case of a Category ‘A’ and ‘B’ mining leases of Karnataka provided such leases have valid approval granted under the Adhiniyam on the date of expiry of the lease.

(vi) The mining operations in Category C mines were stopped by the Hon'ble Supreme Court and subsequently after their auction to successful bidders, the Hon'ble Supreme Court issued directions containing procedures to resume mining operations in these leases. After a holistic review of the situation, the Central Government hereby issues the following guidelines:

a) Approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.

b) In respect of mining leases where application of transfer of approval was made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh LoI for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as per the extant guidelines issued by the Ministry.

c) In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be deemed to be cancelled.

7.5 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam 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 i.e. 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be kept in abeyance till such time NPV is realized.
(iii) These 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam would be mandatory required before renewal of the mining lease.

7.6 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.

(iii) The State Government and Union territory Administration shall ensure that besides procedures prescribed in the extant Handbook, proposals for mining of minor minerals are formulated in accordance with the Sustainable Sand Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand mining, 2020 issued by the MoEF&CC.

7.7 Coal mining

(i) User Agency shall apply for diversion of forest land for coal mining under the relevant provisions of the Adhiniyam, in respect of entire forest land within a coal mine project in the case of coal mines in/over an area vested in a Government Company under the Coal Bearing Area (Acquisition and Development) Act 1957, or a coal mine vested in a Government under the Coal Nationalization Act 1973, or a coal block allotted under the Coal Blocks Allocation Rules, 2017 notified under the MMDR Act 1957, including at the time of renewal of mining leases.
(ii) The validity of clearance granted under the Adhiniyam 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.
(iii) In case of existing coal mining leases, period of validity of approvals accorded under clause (ii) of subsection (1) of section-2 of the Adhiniyam, 1980 shall be extended and shall be deemed to have been extended up to a period co-terminus with the period of mining lease granted under the provisions Mineral Concession (Amendment) Rules, 2021:
    a) Realization of NPV by the State Government, if not already realized, within the period specified by the MoEF&CC.
    b) In case NPV has not been already realized and the State Government fails to realize NPV as mentioned in (i) above, approval accorded under The Van

(Sanrakshan Evam Samvardhan) Adhiniyam shall be kept in abeyance till such time NPV is realized.

c) These 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.

d) In the cases, where the forest Clearance has expired and has not been renewed, fresh forest clearance under The Van (Sanrakshan Evam Samvardhan) Adhiniyam would be mandatory required before renewal of the mining lease.

(iv) **Commencement of mining operations in non-forest land after 'in-principle' approval :** In case of coal mining leases involving forest as well as non-forest land, the mining operations in non-forest land can be commenced by the User agency subject to compliance of conditions, as mentioned in para 1.9 of Chapter-1 of the Handbook.

7.8 General guidelines for 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 modelling 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 the IITs or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land; and wherever feasible, the surface facilities should be planned over non-forest areas.

b) In case of proposals pertaining to the underground mining, the user agency shall submit an undertaking along with proposal for the diversion forest land that under no circumstances the underground mining operations will be converted to opencast mining operations on the said forest land at a later date.

c) **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 decommissioning 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.

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

    1. 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.
    2. 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.
    3. 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.
    4. As far as possible, no such unit should be located within 02 kilometers from the Forest/Colony/NH or SH without effective wet suppressing measures at the crusher, screening, transfer and uploading points.
    5. There should be sufficient safeguards against noise pollution and safe noise level should be maintained.
    6. 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.
    7. 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.

e) 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.

f) Approach road/conveyor belt and other ancillary activities related to mining shall be considered as part of the mining project and should therefore be processed accordingly. However, supplementary linear projects linked to mining that are conceived after the start of the original mining, should be considered as a standalone linear project and decisions on according approval for those shall be made at the REC/IRO concerned as per provisions provided in the Van (Sanrakshan Evam Samvardhan) Rules, 2023. However, to ensure that the sanctity of such delegation is maintained, the following may be complied with by the all concerned:

    1. All forthcoming forest clearance proposals (both for green field mining as well as brown field expansion) shall have an additional column for the project proponent to certify that they have critically examined the mineral extraction pathways and have found them to be adequate, and that no new extraction path outside mining area shall be proposed in the next five years.

2. As far as possible, existing roads/ rails/ belts should be strengthened to minimise forest / tree cover loss.
3. In case of later-stage supplementary proposal for extraction path (linear projects such as road/ rail/ **conveyer** belt project **including the loading/unloading point**), the concerned Regional Officer shall ensure that cogent and convincing reasons/justifications of not including such linear infrastructure at the inception stage are provided by the State Government/UT Administration.
4. The State Government/User agency shall ensure that dispensation considered by the Ministry is not misused in any way and likely tendencies to detach linear projects from main proposal of mining should not be encouraged. To the extent possible, linear infrastructure such as roads/railways/conveyor belts, etc. ancillary to mining should be included in the main proposal and under inevitable circumstance only, such proposals submitted by the user agency should be considered as standalone project.

(iii) Guidelines for preparation of Cluster Mining Proposals:

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

7.9 Management of Safety Zone of mining lease:

(i) All mining projects, including cluster-mines, except underground mining leases, are required to have a 7.5-meter-wide peripheral safety zone **(along the inner boundary)** within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt.

(ii) The minimum 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. Actual width of the strip to be maintained will be decided by the AC subject to the minimum width as mentioned above.

(iii) Unlike conventional mining leases granted under the MMDR Act, 1957 the petroleum mining leases involve large areas which runs in hundred of square kilometres. Therefore, it may not be prudent to maintain a safety zone around the entire PML. In such leases, the safety zone of 7.5 meter wide strip along the inner boundary of impact areas of a drilling bore hole(s) or oil well pad shall be maintained by the user agency as green belt by undertaking plantations or allowing the natural regeneration to come up.

In addition, the hazardous zone around the bore well, oil pads or pipelines or other ancillary infrastructure should be maintained by the various user agencies engaged in the mining or transportation of mineral oil as per the norms stipulated in the Oilfields (Regulation and Development) Act, 1948, and rules framed thereunder.

(iv) All mining projects for which diversion of forest land have been approved before 27th May 2015, the UA should have obtained approval of forest land in the safety zone. However, to enable various user agencies to obtain approval of safety zone, an opportunity was given by the Ministry for the user agencies to deposit NPV (for forest area located in the safety zone) by 31.03.2023 along with simple interest of 12% w.e.f. 1.04.2018 onwards till the deposit is made and to obtain approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of forest area located in the safety zone by 30.09.2023.

(v) Such cases where the proposal for the diversion of forest areas within the safety zone has been submitted by 30.09.2023, the time period for obtaining approval under Adhiniyam has been extended further till 30.09.2024. In cases where the proposal for the diversion of forest land within the safety zone has not been submitted by 30.09.2023, the User agency shall deposit one-time penal NPV + Normal NPV (with interest if applicable w.e.f. 31.03.2023) and obtain the approval under the Adhiniyam for the forest areas within the safety zone latest by 30.09.2024. Further, in case the required compliance is not done even till 30.09.2024, approval under the Adhiniyam in such case shall be considered deemed to be in abeyance and possession of forest land located in the safety zone would be considered as violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and appropriate penalties to be imposed on defaulting user agencies as per the relevant penal provisions provided in Chapter-1 of the extant Handbook. The IROs concerned will monitor the compliance in the matter and submit six monthly report to the Ministry.

(vi) Provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, will be applicable in lieu of forest land located in the safety zone as well.

(vii) Any forest land within the safety zone if proposed for any other non-forest use shall require prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 along with other forest land in the ML for execution of ML under MMDR Act, 1957 as amended from time to time.

7.10 Extended Reach Drilling Technology

Based on the report on Extended Reach Drilling (ERD) technology submitted by the Directorate General of Hydrocarbon on the assessment of ERD on the surrounding flora and fauna and general Standard Operating Procedure (SOP) suggested by the Wildlife Institute of India containing the precautionary measures to be followed while carrying out drilling beneath the forest area using the ERD technology, the Central Government, hereby, accept the report submitted by the Directorate General of Hydrocarbon recommending to exempt the Extended Reach Drilling Technology from the purview of the Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980 to undertake drilling in the forest areas, located outside the Protected Areas and Eco-sensitive Zones, subject to fulfilment of the following conditions:

(i) The station for ERD will be setup outside the forest area at a minimum distance of 500 meters and which should be atleast 1 Km from the Protected Areas /corridors/wildlife sensitive areas.

(ii) The State Government shall ensure that the recommendations made in the General Standard Operating Procedures, annexed as **Annexure-III**, submitted by the Wildlife Institute of India will be complied with strictly by the User Agency.

(iii) The DGH will facilitate the formulation of detailed regional-specific guidelines by the Wildlife Institute of India. The necessary financial support, as will be required by the WII, will be arranged by the DGH.

(iv) The Region-Specific guidelines, as may be prescribed by the WII, will be complied with by the User Agency and DGH. An undertaking in this regard, wherever applicable, will be obtained by the State Government while allowing drilling through ERD technology.

(v) The exemption considered for the ERD technology will not be applicable if the drilling area falls inside the Protected Areas notified under the Wild Life (Protection) Act, 1972 and Eco-Sensitive zone of Protected Areas.

7.11 Miscellaneous:

(i) Forest Conservation issues emanating from the inclusion of new mineral to be mined out from the already approved area without changing land use of forest land:

(a) Since there is no change in the land use and forest area involved in the proposal, revised Stage-I approval need not be obtained in such cases.

(b) Addition of minerals may have incremental but substantial impact on the surrounding vegetation, by way of increased pollution loads; therefore, such a proposal needs to be examined on case-to-case basis for modification of terms and conditions stipulated in the Stage-II approval by the Ministry.

(c) The user agency should accordingly approach the Ministry for modification in Stage-II approval in such cases subject to Environmental Clearance, in case required.

(ii) Guidelines related to re-grassing of mining leases after ceasing mining activities:

Hon'ble Supreme Court vide its order dated 8.01.2020 passed in Writ Petition (Civil) No. 114/2014 - Common Cause Vs. Union of India wherein Hon'ble Supreme Court, taking cognizance of the deleterious effect of mining on vegetation, has observed that *mined out areas results in complete elimination of grass which in tum denies fodder for the herbivores.* In compliances of the order from Hon'ble Supreme Court regarding imposing a suitable condition in this regard in addition to existing conditions already imposed in the relevant statutory approvals, following condition is hereby stipulated, in addition to standard conditions imposed in the approvals accorded by the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980:

The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.

(iii)**Law Department advice /Court orders about mining leases.**

In respect of the mining operations being carried out on forest lands leases before the commencement of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 during the continuance of the lease period, the approval of the Central Government under Section 2 of the said Act is not required.

A renewal of a lease is really the grant of a fresh lease. (See Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609). The prior approval of the Central Government in terms of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.
As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (supra), prior approval of the Central Government in terms of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would not be required for mining and winning any new mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Government under Section 2 of the said Act would be required.

Further clarified that the provisions of CA will be applicable in respect of broken up forest area before the commencement of Act, 1980 or which came under the ambit of Adhiniyam post 12.12.1996 and which are continued to be under the possession of the user agency, in case the CA has not been raised earlier. However, in such cases temporary working permission may be granted for a maximum period of one year after deposit of all statutory dues, in order to enable complying with other conditions. It is clarified that final approval will be granted by State Government only after compliance of all conditions is submitted.

(iv) In such cases wherein in 2 or more than 2 mining leases are been amalgamated and made into single mine, the State Govt. shall submit an amalgamated Mining Plan.

(v) Further in such cases wherein a single mine have been segregated into different smaller mines and vice-versa, the State Government shall submit a revised Mining Plan corresponding to newly carved or consolidated mining lease. Such Mining Plan may also include the impact and progress of the Mine Closure Plan envisaged in the earlier Mining Plan(s).

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 the Abhiniyam, 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 as per para 2 (hh) of the Central Electricity Regulatory Commission Renewable Energy Tariff Regulations 2020 without payment of any lease rent. Within a period of 5 years of Stage-II approval, the developer shall apply for transfer the approval/lease in the name of investors/power producers, for prior permission of the Central Government following the procedure for transfer of User Agency. Transfer fee will be regulated as per provisions given in Chapter 5 of the Handbook.

(viii) Compensatory Afforestation (CA) and Net Present Value (NPV) will be regulated as per the relevant provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Central Government from time to time.

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" 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' 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) All works and structures created under CAT plan shall be geotagged for monitoring purpose. The KML files for the area treated under CAT Plan shall be uploaded in e-green watch portal.

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

(viii) 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) 0/0 PCCF	- Member Secretary

The Monitoring Committee shall submit an annual report to the concerned Regional Office under whose jurisdiction the project is situated.

9.3 Carrying Capacity and Cumulative Impact Assessment Study of river basin

(i) **Cumulative Impact Study:** Cumulative Impact study of a basin would reflect the cumulative impact of commissioned/up-coming hydro-power projects in the basin on environmental flow, bio-diversity, muck disposal sites, traffic flow in the region, R&R issues, etc. While, the first project in a basin could come up without insisting on cumulative study for all subsequent hydro-power projects in the basin, it should be incumbent on the developer of the second/other project(s) to incorporate all possible and potential impact of other project(s) in the basin to get a cumulative impact assessment done. This condition shall be stipulated at the ToRs stage itself during the EC process. Once such a cumulative impact study has been done, the same could be shared by Expert Appraisal Committee with AC. The Cumulative impact study in respect of bio-diversity component may be separately got done by one of the specialized institutes. While making recommendation on EC/FC for such projects, the EAC/FAC will take into account the results of such cumulative studies.

(ii) **Carrying Capacity Study:** The carrying capacity study of a river basin is important to plan optimal number of power projects in a basin. All State Governments will be required to get such studies done for river basins in their State. The process may be initiated in the next three months and completed within a period of two years, after which the carrying capacity study report would be made a pre-requisite for considering

EC/FC cases of projects of any basin. All State Governments will send the details of river basins where such studies are to be done and confirm Initiation of studies to MoEF within 3 months of issuance of this OM. The institutes for such studies may be settled by the State Government in consultation with the EAC.

(iii) Studies, as mentioned under para (i) and (ii) above, shall be a prerequisite for grant of 'in-principle' approval under the Adhiniyam and environment clearance under the Environment Impact Assessment Notification, 2006

9.4 Compensatory Afforestation (CA) and Net Present Value (NPV) will be regulated as per the relevant provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Central Government from time to time.

CHAPTER -10

TRANSMISSION LINES
(BARE CONDUCTORS AND UNDERGROUND /INSULATED CABLE)

10.1. Transmission through bare conductor(s): (i) As a general principle, where routing of transmission line through the forest area 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 the width of Right of Way (RoW), clearance blow each conductor, and minimum clearance between conductors for laying transmission of different voltages.

Transmission Voltage	Width of Right of Way (meter)	Width clearance below each conductor or conductor bundle for stringing purpose (meter)	Minimum clearance between conductor and Trees (meters)
11KV	7	3	2.6
33 KV	15	3	2.8
66 KV	18	3	3.4
110 KV	22	3	3.7
132 KV	27	3	4.0
220 KV	35	3	4.6
400 KV S/C Vertical delta configuration	46	3 twin bundle, 5 triple bundle	5.5
400 KV DC	46	7 quadruple bundle	
+/- 500 KV HVDC	52		7
765 KV S/C (With delta configuration)	64	7 quadruple bundle 10 hexagonal bundle	9
765 KV D/C	67		
1200 KV	89	To be decided	13

(ii) 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.

(iii) 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 11 KV 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.

(iv) In areas where there are presence of primates like Hillock Gibbon, golden langur etc. and other arboreal animals, a mechanism may be put in place to prevent the primates from

climbing the tower through barbed wire fencing of the tower area, special tower design having soft material anti-climbing guards and anti-climbing canopy using the available technology and on case to case basis.

(v) As far as possible the user agency should submit a consolidated proposal for the complete section of the transmission line falling in the State or union territory without breaking the proposals into sub-sections.

10.2. Transmission through insulated cable: The norms/standards for laying underground insulated cable through forest areas shall be as below:

Lines Voltage	Trench Width	Trench depth
33 KV	600 mm	1200 mm
11	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 Repair and maintenance of Transmission line constructed prior to enactment of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980: Repair and maintenance of Transmission line constructed prior to 25.10.1980 may be carried out, with prior permission of the State Forest Department Subject to fulfilment of following conditions:

i. The transmission lines were constructed on forest land prior to 25.10.1980 (date of enactment of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980);
ii. These lines fall outside the Protected Areas;
iii. No breaking up of forest land or felling of trees shall be allowed;
iv. While carrying out repair and immanence of transmission lines, adequate precautions should be undertaken by the user agency to avoid any damage to flora and fauna;
v. No crushing/breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such lines and no new roads shall be constructed for the purpose of maintenance. However, user agency may be allowed to use the existing forest roads and paths for the work;
vi. No labour camp shall be allowed on the forest land;
vii. No widening of the existing roads/paths in the forest area is allowed. The vegetation within the ROW shall not be disturbed;
viii. Any other condition the Divisional Forest Officer may impose form time in the interest of forest conservation and protection.

10.4 NoC in right of way (RoW) of transmission lines passing through linear protected forests owned by multiple authorities: Whenever RoW of transmission line passes through various linear protected forests owned by National Highway Authority of India, State PWD, State Irrigation Departments and Indian Railways, etc. in order to expedite the proposals related to transmission line projects, NoC from various land owning agencies, whose land falls in the alignment of the proposed project, may not be insisted at the field level and the same can be

submitted to the State Government prior to the submission of proposal to Government of India for in-principle approval.

10.5. Plantation of Dwarf Species in RoW under Transmission Lines: Taking up plantation of dwarf species (preferably medicinal plants) over small areas (below 0.1 ha.) within the RoW under transmission line is nether cost effective nor suitable from forest management point of view. Therefore, in such cases the user agency in consultation with State Forest Department shall identify degraded forest areas of not less than one ha for carrying out plantation of dwarf species (preferably medicinal plants).

10.6. Compensatory Afforestation (CA) and Net Present Value (NPV) will be regulated as per the relevant provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Central Government from time to time.

CHAPTER -11

INFRASTRUCTURAL PROJECTS INCL. ROADS, RAILWAY LINES, BORDER ROADS,CRITICAL UTILITY INFRASTRUCTURE DEVELOPMENT/ RESIDENTIAL / BUILDING CONSTRUCTION

11.1 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. Project proponents should not align such projects towards forest land for sake of logistic convenience. 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980:

Provided that consequent to grant of Stage I approval in respect of linear projects such 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 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 not involving black topping, concretization, laying of railway tracks, charging of transmission lines, or as specified in the 'in-principle' approval granted to a linear project in forest land for a period of one year:

Provided that no other proposal of the user agency for which 'in-principle' approval under the Adhiniyam has been granted before a period of two years or more and is still pending for final approval for want of submission of compliance or complete compliance of 'in-principle' approval. An undertaking to this effect shall be submitted by the user agency.

The special provisions allowing the State Governments/Union territory Administrations for tree cutting and commencement of work of linear projects after payment of compensatory levies, can be extended for a further period of one more year, if the Advisory Committee or the Regional Empowered Committee, as the case may be, is satisfied that user agency had made serious efforts to comply with the compliance in "In-Principle' approval and the user agency has submitted an undertaking to obtain 'Final' approval within the period of 2 years from the date of issue of 'in-principle' approval.

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.

11.2 Linear project may involve more than one Forest Division or State. To avoid *fait accompli* situations and for holistic evaluation of the project, PARVIESH 2.0 provides the facility for the user agency to file single application for projects involving multiple Forest Divisions. Project proponents may make the application Section/Package-wise as per their Administrative and Technical sanctions but in that case also they should submit along with the proposal salient feature of the entire project and details of status of approvals sought under the Act for other Sections/Packages of the project.

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 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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.

11.3 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 theRight of Way (RoW) were subsequently planted and notified as Protected Forests for management purposes will attract the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. But if the RoW, which essentially is the area falling within the limits of Road/Railway/Canal's concerned department owned land for executing or maintaining the same, has no land as 'Forest' as per Government records and as per Hon. Supreme Court's order dated 12.12.1996 in WP no. 202/1995 and the same land is under non-forest use since before 25th October 1980 then the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would not apply and Tree felling on such land shall be governed by relevant local Acts. As far as ownership of the land is concerned, the same shall be decided by the State Government.

11.4 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 but advice of the concerned Wildlife Authorities in the State Government shall be obtained to incorporate mitigation measures in the project such as crossings or pathways to be used by wild animals. 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

11.5 Repair and maintenance as well as upgradation/widening of roads constructed in forest lands: The up-gradation of roads, without widening, constructed in forest areas prior to 25th October 1980, from 'Kutcha to Pucca' is permissible without attracting the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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) No breaking up of forest land or felling of tree shall be allowed;

(b) While black topping, adequate precautions should be undertaken by the User Agency to avoid any damage to flora and fauna. Fire for melting of coal tar and mixing shall be lit at a safe distance from the trees/vegetation and avoiding dry/hot seasons. Fuelwood, if required, shall be purchased in advance from the Depot of Forest Development Corporations;

(c) No crushing/breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads. No labour camp shall be allowed on the forest land.

(d) Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.

(e) The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.

(f) The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.

(g) 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.

(h) The user agency shall provide side drains for proper drainage

(i) No widening of road should be undertaken without prior approval of the Central Government under the Adhiniyam. Both sides of sides of the upgraded road shall be reinforced with brick/stone works, and vegetative measures to check soil erosion at the project cost in consultation with the Divisional Forest Officer. Further in case of widening of such roads, while seeking prior approval under the Adhiniyam for use of additional forest land required for widening/upgradation/strengthening, the detail of existing forest land involved in the carriageway of road constructed prior to 1980 should also be included in the application for diversion of forest land without insisting for corresponding NPV and CA provisions.

(j) Any other condition the Divisional Forest Officer may impose from time to time in the interest of forest conservation and protection.

11.6 Pipeline/OFC/ Electrical cable laying and their maintenance: Any fresh proposal for laying of pipeline/OFC/Electrical cable in forest areas shall attract the provisions Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Even for pipelines/ Cables laid in forest areas prior to 1980, it has been noticed that with the passage of time, natural vegetation grows over the land covering the pipelines and the vegetation/ tree growth becomes similar to that of surrounding forests. The repair and maintenance of such lines

may not be possible without breaking of forest land and, accordingly, during the repair and maintenance of such pipelines, disturbance would be caused to the surrounding vegetation and fauna due to breaking of forest land and clearing of vegetation/trees. Therefore, such works should be undertaken with the prior approval of the central government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
To deal with emergency situations, which may arise due to leakages, damage due to accident or other such reasons, quick action and remedial measures for repairing the damaged pipelines may be undertaken, where no felling of trees is involved and with the prior permission of the DCF concerned subject to following:

1. The permission shall be granted for a short period only which will not exceed the period of three months.
2. The damage caused to flora, fauna of the surrounding forest will be compensated by the user agency, and the forest land will be restored to its original state at the cost of user agency.
3. To ensure minimum disturbance to the wildlife, the repair work shall be done during the day time only.
4. All infrastructural facilities, including setting up of labour camps, shall be established out the forest area.
5. Relevant rules, regulations, standards and guidelines issued by OISD (Oil Industry Safety Directorate) and PNGRB (Petroleum and Natural Gas Regulatory Board) under Ministry of Petroleum & Natural Gas; and PESO (Petroleum and Explosive Safety Organisation) under DPIIT shall be strictly followed and monitored at the appropriate level.
6. Any other condition, which the local Forest Department may stipulate in the interest of conservation and protection of flora and fauna of the area.

11.7 Approach/Exit Roads to Fuel stations for distribution of petrol, diesel, LPG, CNG etc.:

(i) 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.

(ii) In such cases where the forest area proposed for providing access is more than 0.1 ha i.e. not covered under the exemptions, provided under sub section (2) of section 1A of the Adhiniyam, the prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be obtained by the State Government or the Union territory Administrations.

(iii) 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.

(iv) 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.

(v) 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.

(vi) Further, for process of examination of such proposals, NOC issued by State PWD/NHAI or other similar agencies for setting up of retail outlets under RoWs should not be insisted as prerequisite at the beginning of the submission of the application and the same may be considered at any level on PARIVESH 2.0 portal. The undertaking along with acknowledgment of the agencies owning RoW from the User Agency stating that they have initiated the process of obtaining NOC may be considered for initial submission of proposal on PARIVESH. It is also clarified that the process of obtaining NOC and its submission must be completed before the submission of such proposals to Integrated Regional Office, provided that no such proposals in any case give rise to a situation of fate accompli or involved in violations of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 or other related Central or State Acts.

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 Van (Sanrakshan Evam Samvardhan) Adhiniyam. As such all State Governments should ensure that the basic spirit and essence or the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 by forest personnel 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa subject to fulfilment of following conditions:

(i) 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.

(ii) The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.

(iii) The construction of residential building in private forest is permitted in MDDA areas and other parts of Uttarakhand State and Goa only in order to alleviate hardship of homestead owners for constructing/completing their bonafide residential buildings.

(iv) For deciding the status of the homestead, the cut of date shall be 11.02.2011 and the limit of 250 square meter as in (ii) above will be applicable to such owner. In case of any sub division of ownership of the forest land post 11.02.2011, the construction activities shall be restricted in such a way that the total of all construction activities in such subdivided portions post 11.02.2011 should not exceed a maximum of 250 square meter of built-up area.

(v) The permission will be subject to:
   a) Tree felling should be minimum.
   b) Sufficient soil conservation measures should be taken.
   c) Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.

(vi) All other standard conditions required for such projects including planting of tree species and NPV.

(vii) Above stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand and Goa, where non-forest land is not available.

11.10 Construction of schools in hilly areas: The Central Government has conveyed approval for construction of Government schools in hilly areas, over an area of 4 acres or 1.62 ha, where non-forests land is not available with the following conditions:

(i) A certificate from the district Magistrate that non-forest land is not available for the school building/other building construction in the area.

(ii) Reserve forest land with density more than 0.4 shall not be allowed.

(iii) Felling more than 75 trees per hectare shall not be considered in any kind of forest.

(iv) Besides Compensatory Afforestation as per the Guidelines, the concerned authority should ensure plantation in vacant areas, wherever available within the school premises.

11.11 Compensatory Afforestation (CA) and Net Present Value (NPV) will be regulated as per the relevant provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Central Government from time to time.

CHAPTER – 12

DIVERSION PROPOSALS PROPOSED IN AND AROUND THE PROTECTED AREAS

12.1 Protected areas – National Parks, Wildlife Sanctuaries or Tiger Reserves, 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 theprovisions of Wildlife (Protection) Act, 1972, apart from prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 the Adiniyam 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 Advisory Committee (AC) 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 In case the forest land involved in the proposal, is located both within or outside the Protected Areas, processing of such proposals and grant of approval under the Adhiniyam for the forest land falling outside the PA will not be linked to the prior recommendation of the Standing Committee of the NBWL. Central Government may consider grant of 'in-principle' approval, in respect of forest land falling outside the PAs, as per the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued thereunder while the procedure mentioned under para 12.4 above, shall be followed in respect of forest land falling inside the PA.

12.6 Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 shall be obtained, if required, for taking developmental activities in/over an area falling within eco sensitive zones (10 km if ESZ is not notified and listed) around notified PAs in addition to prior approval of diversion of forest land for non-forest purposes if such area involved is forest land.

12.7 Provisions provided in the guidelines given under para "Activities required to be done in a Zoo" as per the approved Management Plan will not attract the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam 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 the Adhiniyam relocation/rehabilitation of the villages from the core/critical Tiger reserves and core of the Protected Areas (National Park and WL Sanctuaries) to the periphery of Reserved forests/Sanctuaries/National Parks shall subject to following conditions:

(a) resettlement / relocation within the boundaries of the notified forest land can be considered only if suitable non-forest land is not available within the vicinity of the protected area from where the relocation is proposed;

(b) the District Collector concerned shall furnish to the NTCA a certificate of non-availability of land suitable for relocation of the villages located within the Protected Areas and Tiger Reserves before any proposal of relocation within the forest is approved;

(c) the land identified for relocation/rehabilitation should not result in fragmentation of the forest/wildlife habitat;

(d) the relocation activity shall be undertaken solely as a process of consolidation of the wildlife habitat;

(e) the relocation shall be undertaken only along the fringes of the forest such that all facilities to the resettled families can be provided without recourse to further diversion of forest land for providing infrastructure;

(f) the land / villages within the forest which have been vacated shall be brought under the Protected Area Network (PAN) through enabling notification under the Wildlife (Protection) Act after extinguishing all the existing rights over the vacated land;

(g) the extent of land de-reserved / de-notified for resettlement shall not be more than the extent of land being vacated by the settlers in the core area; and

(h) the payment of NPV and cost of CA may be exempted in all such cases of voluntary relocation/rehabilitation of families from the protected areas undertaken within the forest land.

12.9 The legal status of forest land, diverted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 forrelocation/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 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 the Adhiniyam 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.

12.11 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".

12.12 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 Parks and Wildlife Sanctuaries.

(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.

12.13 CA and NPV will be regulated as per the guidelines related to CA, NPV and Supreme Court orders.

12.14 Pursuant to recommendation made by the Standing Committee of the NBWL for diversion of forest land for non-forestry purposes, located in the Protected Areas including ESZ and tiger/elephant corridors, the monies, if any, realized from the user agency towards the cost of implementation of Wildlife Management shall be deposited in to the account of State CAMPA, managed by the National Authority (CAMPA). Authorities concerned in the State Govt./UT Administrations shall ensure compliance in this regard and also the provisions of the CAF Act, 2016 and rules made thereunder.

ANNEXURE I

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 Van (Sanrakshan Evam Samvardhan) Adhiniyam.

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 centres, 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	As per the Detailed project report.

	employment due to the project.	
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.

ANNEXURE II – FORMS

COMMON APPLICATION FORM (CAF)

1. Details of Project
2. Details of the Company/Organization/User Agency
3. Details of the person making application
4. Location of the Project or Activity (KML files and other details)
5. Land Requirement (in Ha) of the project or activity
6. Project/Activity Cost
7. Employment likely to be generate
8. Whether Rehabilitation and Resettlement (R&R) involved? [Yes/No]
9. If Yes, please provide details?
10. Whether project area involves shifting of watercourse/road/rail / Transmission line/water pipeline, etc. required? [Yes/No] If Yes, please provide details?
11. Whether any alternative site(s) examined or part thereof for the non-site-specific component? [Yes/No/ Not applicable as the project or activity is site specific]
12. Whether there is any Government Order or Policy / Court order relevant or restricting to the site? [Yes/No] If Yes, please provide details.
13. Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up? (Yes/No) If Yes, please provide details.
14. Whether the proposal involves violation of Act / Rule / Regulation / Notification of Central / State Government? [Yes/No] If Yes, please provide details.

Form-A Part-I

(Form for seeking prior approval of Central Govt. under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of fresh Forest Area)

1. Category of the project :
2. Whether any proposal seeking prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of forest land required for this project has been submitted in the past? If Yes, please provide details:
3. Details of Forestland proposed to be diverted
   (a) **(**Village / Forest Division / District Wise Breakup)
   (b) Project component wise breakup of the forest land proposed for diversion
   (c) Forest area, non-forest land area, legal status of forest land, period of diversion, number of patches, etc.
   (d) KML files
4. Whether Cost-Benefit analysis for the Project has been made? [Yes/No] :
5. Cost-Benefit Ratio:
6. Whether the Project requires Clearance under the Environment (Protection) Act 1986 (Environmental clearance)?[Yes/No: if yes please provide details;
7. Whether the Project or a part thereof is located in any Protected Area or their Eco-sensitive zone? [Yes/No]: if yes please provide details
8. Whether Cost-Benefit analysis for the Project has been made? [Yes/No]
9. Whether the Project requires Clearance under the Environment (Protection) Act 1986 (Environmental clearance)?[Yes/No] if yes please provide details
10. Whether the Project or a part thereof is located in any Protected Area or their Eco sensitive zone? [Yes/No] if yes please provide details
11. Details of land identified for Compensatory Afforestation

(a) KML files and details
(b) Patch wise details

12. Sector Specific Details
    (a) In case of Mining proposal
    (b) Details of Mining Plan
13. Details of Prospecting
14. Details of Mineral-Oil Licence/Lease
    (a) Details of Exploration
15. Details of Hydel / Irrigation proposal
16. Details of Airport Proposals
17. Copy of undertaking to abide by the applicable guidelines to the proposal
18. Copy of Additional information, if any

Form-A Part-II (DFO)

1. **District-wise area to be diverted**
2. Legal Status of forest land proposed for diversion
3. Density of vegetation
4. Whether the requirement of forest land as proposed by the user agency is unavoidable and the bare minimum for the project [Yes/No] If **No**, then
5. Whether the proposal involves the felling of trees? [Yes/No] Provide the details
6. Working plan prescription for the forest land proposed for diversion
7. Brief note on the vulnerability of forest areas to erosion
8. Approximate distance of proposed Site for diversion from the boundary of forest* (km)
9. Significance of the forest land proposed for diversion from a wildlife point of view
10. Details of violation(s), if any, committed
11. Whether CA land is applicable or not [Yes/No] If yes, then
    (a) Nature of Land [Degraded Forest Land/ Non-Forest Land/ Compensatory Trees]
    (b) KML File
    (c) No. of Patches

12. Whether the provision of additional CA land is proposed [Yes/No] If yes then
    (a) Category of CA Land [ACA (Additional CA)/ PCA (Penal CA)/ Enrichment/ Safety Zone/Road Side Plantation]
    (b) KML File
    (c) No. of Patches
13. District Profile
14. Additional information if any

Form-A Part-III (Nodal Officer)

1. Total Forest area applied (ha)
2. Whether the proposal has been deliberated at PSC [Yes/No]
3. Recommendation
    (a) Recommendation [Recommended/ Not Recommended] If recommended, then
    (b) Recommended Area* (ha)
    (c) Forest area come under LWE /LAC? [Yes/ No]
4. Justification

Checklist for State Nodal Officer

Check the project for its completeness and verify that all relevant documents are attached and correct as per the requirement in the online application process

1. Whether the Geo-referenced map is provided [Yes/No]
2. KML file of the proposed area:
3. Justification notes of the project provided by User Agency

Compensatory Afforestation

4. Whether the Geo-referenced map is provided [Yes/No]
5. Legal Status of User Agency
6. Whether PCCF approval obtained [Yes/ No]
7. Type of CA land [DFL/ NFL/ Combined (DFL & NFL)/ Not applicable]
8. Whether violation is reported in proposed area [Yes/ No]
9. Whether land use plan is attached [Yes/ No]
10. Whether the proposal is site specific [Yes/ No]
11. Is there any court case/judgement pertaining to the project proposal or related to diversion of forest land [Yes/ No]
12. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]

Form-A Part-IV (State Government)

1. Recommendation Status [Recommended/ Not Recommended] If recommended, then details of recommendations
2. Justification

Form-B Part-I

(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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980)

1. State
2. Category of the project
3. Details of approvals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam , 1980 accorded in the past
   (a) Proposal No.
   (b) MoEF File No.
   (c) Area of forest land diverted (ha)
   (d) Period of diversion (Years)
   (e) Date of approval
4. Status of compliance to conditions stipulated in the previous approvals
   (a) Proposal No.
   (b) MoEF File No.
   (c) Conditions stipulated by the MoEF
   (d) Details of the compliance
   (e) Conditions stipulated
   (f) Status of condition
5. Details of payments made in respect of the approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam , 1980 accorded in the past
6. Details of the forest land returned back to the State Forest Department or any other Authority from the forest land diverted in favour of the user agency
   (a) No. of patches of the forest land returned /surrendered
   (b) Area of the forest land returned/surrendered (ha)
   (c) Upload single KML of all the patches
   (d) Patch wise details
7. Details of Transfer of Lease, if any
8. Details of Forest land proposed to be renewed (Village / Division / District Wise Breakup)
   (a) The total area of forest land proposed for renewal (ha.)
   (b) Total area of non-forest land proposed for renewal (ha.)
   (c) Legal status of Forest Land
9. the cost-benefit analysis for the Project has been made? [Yes/No]
10. Whether the Project requires Clearance under the Environment (Protection) Act 1986 (Environmental clearance)?[Yes/No]
11. Whether the Project or a part thereof is located in any Protected Area or their Eco sensitive zone? [Yes/No]
12. Details of Compensatory Afforestation
13. Sector Specific Details (Non mandatory)
14. Copy of Additional information, if any

Form-B Part-II (DFO)

1. District-wise area to be diverted in the division (Auto Fetch details from Part-1 if available else user has to fill it and can edit the auto fetched details)
2. Legal Status of forest land proposed for renewal
3. Density of vegetation
4. Species-wise local/scientific names and girth-wise enumeration of trees
5. Working plan prescription for the forest land proposed for renewal
6. Brief note on the vulnerability of forest areas to erosion
7. Approximate distance of proposed Site for renewal from the boundary of forest (km)
8. Significance of the forest land proposed for renewal from wildlife point of view
9. Details of violation(s), if any, committed
10. Whether CA land is applicable or not [Yes/No] If Yes, then
    (d) Nature of Land [Degraded Forest Land/ Non-Forest Land/ Compensatory Trees]
    (e) Upload single KML
    (f) No. of Patches
11. Reclamation measures undertaken by UA
12. Area if any handed over back to Forest Department (ha.)
13. Area if any likely to be handed over to Forest Division in near future (ha.)
14. District Profile
15. Additional information, if any

Form-B Part-III (Nodal Officer)

1. Total Forest area applied (ha)
2. Whether proposal has been deliberated in PSC meeting [Yes/No]
3. Recommendation of PSC
4. Justification

Checklist for State Nodal Officer

1. Whether the Geo-referenced KML is provided [Yes/No]
2. KML file of the proposed area:
   (a) Whether the area of KML files matches to the area figure recommended by you [Yes/No] Justification note of the project provided by User Agency

Compensatory Afforestation) If applicable

1. Whether the Geo-referenced map is provided [Yes/No]
2. Legal Status of User Agency
3. Whether PCCF approval obtained [Yes/ No]
4. Type of CA land [DFL/ NFL/ Combined (DFL & NFL)/ Not applicable]
5. Whether violation is reported in proposed area [Yes/ No]
6. Whether land use plan is attached [Yes/ No]
7. Whether the proposal is site specific [Yes/ No]
8. Is there any court case/judgement pertaining to the project proposal or related to diversion of forest land [Yes/ No]
9. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]

Form-B Part-IV (State Government)

1. Recommendation Status* [Recommended/ Not Recommended] If recommended, then
   (a) Recommended Area (ha)
   (b) State File No.
   (c) Letter of recommendation
   (d) Signing Authority [State Govt. Officer/ Others] Note: In case of Scenario-1 only
   - If not recommended, then
     (a) State File No.
     (b) Letter of non-recommendation
     (c) Signing Authority [State Govt. Officer/ Others] Note: In case of Scenario-1 only
   - Proposal Status
2. Justification

Form-C Part-I

(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)

1. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]
2. State
3. Details of Mineral Concessions
   (a) Total area of the prospecting lease (In Hectares)
   (b) Area proposed for exploration/ survey
   (c) Date of issue of the License/ Letter of Intent (LOI) for grant of prospecting lease
   (d) Upload a copy of the License/ Letter of Intent (LOI) (pdf only)
4. Details of Forestland proposed to be explored/ surveyed (Village / Division / District Wise Breakup)
   (a) Legal Status of the Forest land
   (b) Total period for which the forestland is proposed to be explored/ surveyed (No. of years)
   (c) Details of forestland proposed for exploration/ survey
      - In case of non-linear projects, provide details
      - In case of Linear project (non-Mandatory), provide details
      - In case of Hybrid projects (Non mandatory), provide details
5. Whether any proposal seeking prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam for diversion of forest land required for this project has been submitted in the past? [Yes/No], If Yes, please provide details
6. Whether the Project requires Clearance under the Environment (Protection) Act 1986 (Environmental clearance)?[Yes/No], If Yes, please provide details
7. Details of activities proposed to be undertaken in forest land
   (a) Surface sampling
   (b) Pitting or trenching
   (c) Drilling of Boreholes
   (d) Construction of roads or paths involving temporary change in land use (1 hectare=10,000 m2) Non mandatory
   (e) Construction of roads or paths involving permanent change in land use (1 hectare=10,000 m2) Non mandatory
   (f) Any other activity involving temporary change in land use
   (g) Any other activity involving permanent change in land use
8. Area of forest land likely to experience temporary change in land use (In Hectares)
   (a) Surface sampling
   (b) Pitting or trenching
   (c) Drilling of bore holes
   (d) Construction of roads or paths
   (e) Other activity (pl. Specify)
   (f) Total
9. Area of forest land likely to experience Permanent change in land use (In Hectares)
   (a) Drilling of bore holes (In hectares)
   (b) Construction of roads/paths
   (c) Other activity (pl. Specify)
   (d) Total
10. Details of machinery or equipment to be deployed for prospecting

(a) Name of equipment or machinery
(b) Mode of traction
(c) Size (L x B x H) (Cubic Meters)
(d) Estimated deployment (machine hours)
(e) Maximum noise level(decibel)

11. Details of existing paths/roads in the proposed to be utilized for transport of the equipment or machines in the forest land
12. Number and duration of stay in the forest land of the persons proposed to be deployed for exploration/ survey
13. Summary of the estimated quantity of ore and other samples proposed to be collected during the exploration/ survey
14. Estimated accuracy and confidence level for mineral reserve assessment
15. Estimated accuracy and confidence level in case number of bore holes proposed to be drilled is reduced by
16. In case the proposal is for extension of the period of the permission granted for prospecting, or for drilling of additional boreholes, please provide following additional information
17. Details of land identified for Compensatory Afforestation
    (a) Whether CA land is applicable or not [Yes/No] If Yes, then
    (b) Type of Compensatory Afforestation [Non-forestland / Only Compensatory Trees]
    (c) In case of Non-forestland proposed to provide for CA,
    (d) Upload single KML of all the patches for the CA land
    (e) Patch wise details
18. Details of Additional information if any

Form-C Part-II (DFO)

1. District wise area to be utilized for prospecting
2. Legal Status of forest land proposed for exploration/survey
3. Density of vegetation
4. Species-wise local/scientific names and girth-wise enumeration of trees
5. Working plan prescription for the forest land proposed for exploration/ survey
6. Brief note on topography and vulnerability of forest area to erosion
7. Approximate distance of proposed Site for prospecting from boundary of the forest land * (km)
8. Significance of the forest land proposed utilized for exploration/ survey from wildlife point of view

9. Details of violation(s), if any, committed
10. Whether CA land is applicable or not [Yes/No] If Yes, then
    (a) Nature of land [Degraded Forest Land/ Non-Forest Land/ Compensatory Trees]
        - Upload single KML of all the patches/ segments for the division
        - No. of Patches
        - Scanned copy of the Geo-referenced map of the forest land proposed for C.A. prepared by using DGPS or Total Station
        - Total Financial outlay incurred for C.A. scheme (Crore)
        - 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]

- Copy of CA scheme details

11. Additional information, if any
12. Site Inspection Report
13. Recommendation
14. Justification

Form-C Part-III (Nodal Officer)

1. Site Inspection Report, if applicable
2. Total Forest area applied (ha)
3. Whether proposal has been deliberated in PSC meeting [Yes/No]
4. Recommendation of PSC
5. Justification

Checklist for State Nodal Officer

1. Whether the Geo-referenced KML is provided [Yes/No]
2. KML file of the proposed area:
   (a) Whether the area of KML files matches to the area figure recommended by you [Yes/No]
3. Justification note of the project provided by User Agency

Compensatory Afforestation, If applicable

1. Whether the Geo-referenced map is provided [Yes/No]
2. Legal Status of User Agency [Central Govt., State Govt., Central PSU, State PSU, Joint Venture (Pvt.+Govt), Joint Venture (Govt. + Govt.), Joint Venture (Pvt+Pvt), Private, Limited, LLP, Individual]
3. Whether PCCF approval obtained [Yes/ No]
   (a) Type of CA land [DFL/ NFL/ Combined (DFL & NFL)/ Not applicable]
   (b) CA on Degraded Forest land
   (c) CA on Non-Forest Land
4. Whether violation is reported in proposed area [Yes/ No]
5. Whether land use plan is attached [Yes/ No]
6. Whether the proposal is site specific [Yes/ No]
7. Is there any court case/judgement pertaining to the project proposal or related to diversion of forest land [Yes/ No]
8. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]

Form-C Part-IV (State Govt.)

1. Recommendation Status [Recommended/ Not Recommended] If recommended, then
   (a) Recommended Area (ha)
   (b) State File No.
   (c) Letter of recommendation
   (d) Signing Authority

- If not recommended, then
  (a) Letter of non-recommendation
  (b) Signing Authority [State Govt. Officer/ Others]

(c) Proposal Status* [1. Withdrawn 2. Rejected 3. Closed]

2. Justification

Form-D Part-I

(Application for approval under clause (iii) of sub-section (1) section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for signing of lease agreement)

1. State
2. Category [Mining/Non-Mining]
3. Justification of proposal
4. Details of Forestland proposed to be assigned on lease (Village / Division / District Wise Breakup)
    (a) Total area of forestland proposed for assignment of lease (ha.)
    (b) Legal Status of the Forest land
    (c) Total period for which the forestland is proposed to be leased (No. of years)
    (d) Details of forestland proposed for lease

- In case of non-linear projects (mandatory), provide details
- In case of Linear project (non-mandatory)
- In case of Hybrid projects (non-mandatory)
    (e) If the shape of project land proposed to be diverted is Non-Linear/ Linear

5. Distance from the boundary of nearest Protected area/ Eco-sensitive zone(km)
6. Letter of Intent (non-mandatory)
7. Details of Mining Plan (in case of Mining only)
8. Details of DPR (in case of non-Mining only)
9. Additional Information
10. Undertaking

Form-D Part-II (DFO)

1. District-wise forest area proposed to be assigned on lease
2. Legal Status of forest land proposed to be assigned on lease
3. Density of vegetation
    (a) Area (ha.)
    (b) Canopy density
    (c) Eco-Class [Eco 1/ Eco 2/ Eco 3/ Eco 4/ Eco 5/ Eco 6]
4. Species-wise local/scientific names and girth-wise enumeration of trees
5. Working plan prescription for the forest land proposed to be assigned on lease
6. Brief note on vulnerability of forest area to erosion
7. Approximate distance of proposed Site to be assigned on lease from boundary of forest (km)
8. Significance of the forest land proposed to be assigned on lease from wildlife point of view, provide details
    (a) Details of wildlife present in and around the forest land proposed to be assigned on lease
    (b) Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc [Yes/No] If Yes, Then
    (c) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor, etc., is located near the boundary of the forest land proposed to be assigned on lease [Yes/ No]

(d) Whether any rare/endangered/unique species of flora and fauna found in the area [Yes/No
(e) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area [Yes/No]
(f) Whether the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project [Yes/No]

9. Details of violation(s), if any, committed
10. District Profile
11. Details of Mining Plan (Auto Fetch data if available)
12. Additional information if any
13. Site Inspection Report
14. Recommendation
15. Justification

Form-D Part-III (Nodal Officer)

1. Site Inspection Report
2. Total Forest area applied (ha)
3. Whether proposal has been deliberated at PSC [Yes/No]
4. Recommendation
5. Justification

Checklist for State Nodal Officer

1. Whether the Geo-referenced map is provided [Yes/No]
2. KML file of the proposed area:
3. Justification note of the project provided by User Agency
4. Whether the Geo-referenced map is provided [Yes/No]
5. Legal Status of User Agency
6. Whether PCCF approval obtained [Yes/ No]
7. Whether violation is reported in proposed area [Yes/ No]
8. Whether land use plan is attached [Yes/ No]
9. Whether the project is site specific [Yes/ No]
10. Whether is there any court case/judgement pertaining to the project proposal or related to diversion of forest land [Yes/ No]
11. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]
12. I hereby undertake that the above information is accurate and duly verified.

Form-D Part-IV (State Govt.)

1. Recommendation Status [Recommended/ Not Recommended] If recommended, then
   (e) Recommended Area (ha)
   (f) State File No.
   (g) Letter of recommendation
   (h) Signing Authority
- If not recommended, then
   (d) Letter of non-recommendation
   (e) Signing Authority [State Govt. Officer/ Others]
   (f) Proposal Status [1. Withdrawn 2. Rejected 3. Closed]
2. Justification

Form-E

(Re-Diversion i) Land Use Change/Change in alignment ii) Laying of OFC/ UG drinking water pipeline/ slurry pipeline/ electric cable/ CNG/PNG/ Petroleum and Crude Oil within RoW)

1. Name of the State
2. Application for [1. Land Use Change 2. Re-Diversion] If Re-Diversion is selected, then
   (a) Category of Re-Diversion [1. Laying of UG OFC 2. Laying of above ground OFC 3. UG drinking water pipeline 4. UG Slurry pipeline 5. UG Electric cable 6. UGCNG/PNG 7. UG Petroleum and Crude Oil]
3. Re-diversion/ Change in land use is sought by [Primary Agency/ Secondary Agency]
4. Purpose of Re-diversion/ Change in land use
   (a) Whether the re-diversion/ Change in land use is proposed within the Right of Way of road [Yes/ No]
   (b) Justification
   (c) Division
   (d) Upload single KML of all the patches/ segments for the selected division (KML of area propose for re-diversion should be clearly shown)
   (e) Area for which re-diversion/ Change in land use is applied, detail of approval obtained under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
5. Project affected tress to be felled [Yes/No] If Yes then
   (a) No. of trees proposed to be felled
6. Details of approvals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam , 1980 accorded in the past
7. Upload NOC from primary agency (applicable for secondary agency only)
8. Status of compliance to conditions stipulated in the previous approvals
9. Details of the forest land returned back to the State Forest Department or any other Authority from the forest land diverted in favour of the user agency (Auto Fetch in Approved case)
10. Whether the Project or a part thereof is located in any Protected Area or their Eco sensitive zone? [Yes/No] (Auto Fetch if available else user need to feed it)
11. An undertaking to abide by the conditions stipulated in the approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
12. Undertaking

Form-E Part-II (DFO)

1. District-wise area to be diverted
2. Legal Status of forest land proposed for re-diversion/ change in land use
3. Area for which re-diversion/ Change in land use is applied, detail of approval obtained under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
4. Project affected trees to be felled [Yes/No] If Yes then
5. Density of vegetation
   (a) Area (ha.)
   (b) Canopy density
   (c) Eco-Class [Eco 1/ Eco 2/ Eco 3/ Eco 4/ Eco 5/ Eco 6]
6. Species-wise local/scientific names and girth-wise enumeration of trees

7. Working plan prescription for the forest land proposed to be utilized for re-diversion/ change in land use
   (a) Copy of working plan prescription for the forest land proposed to be utilized for re-diversion/ change in land use
8. Significance of the forest land proposed for re-diversion/ change in land use from wildlife point of view
9. Details of violation(s), if any, committed
10. Whether CA land is applicable or not [Yes/No] If Yes, then
    (a) Nature of land [Degraded Forest Land/ Non-Forest Land/ Compensatory Trees]
    (b) Upload single KML of all the patches/ segments for the division
    (c) No. of Patches
    (d) Scanned copy of the Geo-referenced map of the forest land proposed for C.A. prepared by using DGPS or Total Station
    (e) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view
    (f) Total Financial outlay incurred for C.A. scheme (Crore)
    (g) Copy of CA scheme details
11. District Profile
12. Additional information, if any
13. Site Inspection Report
14. Recommendation
    (a) Total forest land to be diverted (ha.)
    (b) Recommended Area (ha.)
    (c) Recommendation of DFO/DCF [Recommended/ Not Recommended]
15. Justification

Form-E Part-III (Nodal Officer)

1. Site Inspection Report
2. Total Forest area applied (ha)
3. Whether proposal has been deliberated at PSC [Yes/No]
4. Recommendation

- Recommendation [Recommended/ Not Recommended] If recommended, then
  (a) Recommended Area (ha)
  (b) Forest area comes under LWE/OFC/LAC? [Yes/ No]

5. Whether Right of Way is applicable [Yes/No], if Yes provide details
6. Justification

Checklist for State Nodal Officer

7. Whether the Geo-referenced map is provided [Yes/No]
8. KML file of the proposed area:
   (a) Whether the area of KML files matches to the area figure recommended by you [Yes/No]
   (b) Justification note of the project provided by User Agency

Compensatory Afforestation

1. Whether the Geo-referenced map is provided [Yes/No]
2. Legal Status of User Agency
3. Whether PCCF approval obtained [Yes/ No]
4. Whether CA land is applicable or not [Yes/No] If Yes, then

(a) Type of CA land [DFL/ NFL/ Combined (DFL & NFL)/ Not applicable]
(b) Whether CA is selected in the same state [Yes/ No]

5. Whether violation is reported in proposed area [Yes/ No]
6. Whether land use plan is attached [Yes/ No]
7. Whether the project is site specific [Yes/ No]
8. Whether is there any court case/judgement pertaining to the project proposal or related to diversion of forest land [Yes/ No]
9. Whether the project area falls within protected area or within 1 km of distance from the boundary of PA in the Eco sensitive zone [Yes/ No]
10. I hereby undertake that the above information is accurate and duly verified.

Form-E Part-IV (State Govt.)

3. Recommendation Status [Recommended/ Not Recommended] If recommended, then
   (a) Recommended Area (ha)
   (b) State File No.
   (c) Letter of recommendation
   (d) Signing Authority
- If not recommended, then
   (a) Letter of non-recommendation
   (b) Signing Authority [State Govt. Officer/ Others]
   (c) Proposal Status [1. Withdrawn 2. Rejected 3. Closed]
4. Justification

Form-F

(Application for Transfer of lease / Change in the user agency name)

1. Details of Project
2. Nature of transfer [Due to change in the name of user agency/Due to transfer to other user agency/Due to succession by legal heir]
3. Details of the Company/Organization/User Agency
   (a) Transferor (Holder of original approval)
   (b) Transferee (Transfer of approval is being sought)
4. Details of the person making application
   (a) Name of the applicant (First Name; Middle Name; Last Name)
   (b) Designation
   (c) Correspondence Address
5. Details of approval obtained under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 of area proposed for re-diversion/ change in land use
   (a) File No.
   (b) Stage of approval for which transfer is applied [Final/In-principle/In-process]
6. Location of the Project or Activity
7. Details of the transfer of approvals sought
   (a) Forest area applied for transfer [Partial/Full] If Partial is selected, then
   (b) Upload KML file of area

8. No objection of the original User Agency (transferor) to the proposed transfer (Certificate to be enclosed)- non-mandatory
9. Whether change in the name involves change in shareholding pattern of the user agency? [Yes/No]
10. (only when Nature of transfer is Due to change in name of user agency) If Yes, then
11. Undertaking from the transferee (new user agency) to abide by the conditions stipulated in the approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam

Form-F Part-II (DFO)

1. Transfer of lease area
   (a) District Name
   (b) Forest Area proposed for transfer (ha.)
   (c) Division Name
   Are you in agreement with the detail filed by User agency in part 1 [Yes/No]
2. Transfer Details
   (a) Name of Transferer
   (b) Name of Transferee
3. Whether proposed transfer is between [Govt agency to Govt agency/Private agency to Private agency/Private agency to Govt agency/Govt agency to Private agency] If proposed transfer is from Govt agency to Private agency, then
   (a) In case of nature of transfer is 'Government' to 'Private', then
   (b) Compensatory Afforestation
4. Whether CA land is applicable or not [Yes/No] If Yes, then
   Nature of Land [Degraded Forest Land/ Non-Forest Land/ Compensatory Trees]
5. Whether the provision of additional CA land is proposed [Yes/No]
   If yes then
   (a) Category of CA Land [ACA(Additional CA)/ PCA(Penal CA)/ Enrichment/ Safety Zone/Road Side Plantation]
   (b) Upload single KML of all the patches/ segments for the division
   (c) No. of Patches

- In case of compensatory trees only
  (a) Scanned copy of the Geo-referenced map of the forest land proposed for C.A. prepared by using DGPS or Total Station
  (b) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view
  (c) Total Financial outlay incurred for C.A. scheme (Crore)
  (d) Copy of CA scheme details

6. Details of the transfer of approvals sought
7. Additional information, if any
8. Recommendation
9. Justification

Form-F Part-III (Nodal Officer)

1. Total Forest area applied for transfer (ha.)
2. Transfer Details:
   (a) Name of Transferer
   (b) Name of Transferee

3. Whether proposed transfer is between [Govt agency to Govt agency/Private agency to Private agency/Private agency to Govt agency/Govt agency to Private agency]
4. (In case proposed transfer is from Govt. to Pvt.)
5. Whether CA as applicable as per the entitlement of transferee has been provided [Yes/No]
   (a) Recommendation [Recommended/ Not Recommended]
6. Justification

Form-F Part-IV (State Govt.)

1. Recommendation Status [Recommended/ Not Recommended] If recommended, then
   (a) Recommended Area (ha)
   (b) State File No.
2. Transfer Details
   (a) Name of Transferer
   (b) Name of Transferee
3. Justification

Form-G

(Working Plan)

1. Name of Forest Division
2. Details of proposed working plan
   (a) Period of proposed working plan
   (b) New Area (ha.)
   (c) Upload Map/KML
3. Details of previous working plan
   (a) Period of previous working plan
   (b) Old area (ha.)
   (c) Whether the processed for new working plan has been initiated in time [Yes/ No]
4. Whether targets prescribed with working plan were achieved during the plan period [Yes/No] If yes then
5. Name of working plan officer
6. Whether as per New Code (the upcoming one) or Old Code (2014 or 2004)? [New Code/Old Code]
7. Details of PWPR Meeting
   (a) Date of PWPR Meeting
   (b) Minutes of PWPR meeting (pdf only)
8. Details of DWPR/SLC Meeting
   (a) DWPR/ SLC meeting date
   (b) Minutes of DWPR/ SLC meeting (pdf only)
   (c) Whether observation made in DWPR meeting have been addressed or incorporated [Yes/No]
   (d) Compliance report on points raised in DWPR
   (e) Upload a copy of functional DWPR
9. Details of Flora and Fauna of Division (numbers of species)
10. Area of forests under different legal classes [RF/PF/UF/Others (Pl. specify)]
11. Working Circle wise distribution of area
12. Harvestable Girth of Different species
    (a) No. of species group
13. Details of prescribed yield under different Working Circles (pdf only)
14. Details of annual felling series (pdf only)

Form H

(Application seeking amendment in the approval already granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980)

Form H (Application seeking amendment in the approval already granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam) is the Amendment of all the Forest Clearance Forms as mentioned below:

- Amendment of Form-A (Diversion of Forest Land)
- Amendment of Form-B (Renewal of Lease on Forest Land)
- Amendment of Form-C (For seeking prior approval for Exploration & Survey)
- Amendment of Form-D (Signing of Lease (Section 2(iii)) on Forest Land)
- Amendment of Form-E (Re-Diversion (RoW))
- Amendment of Form-F (Transfer of Lease)

Annexure-III

General Standard Operating Procedure (SOP) for Extended Reach Drilling (ERD) Projects in India

Based on the site visit by the WII team, there is a need to understand the impact of ERD on the above-ground biodiversity of forest areas and associated wildlife species. Once a detailed study on animal distribution, activity, behaviour, and response to anthropogenic disturbance is carried out, we shall be able to submit detailed and site-specific recommendations to mitigate the adverse effect of drilling and exploration on wildlife species. Drillings sites in different biogeographic zones and habitat types will be selected to monitor the impact of anthropogenic disturbance on wildlife activity and their responses. The study outcomes will incorporate the relevant environmental protection measures and provide essential mitigation measures to reduce the adverse impacts of drilling on wildlife and surrounding forest areas. Since most of the disturbance is during the drilling process, mitigation measures must be implemented along with the ERD activities. The measures across different drilling sites in India will be based on a comprehensive study proposed by WII based on credible primary data concerning wildlife species in our country. Given the above, following are the general recommendations to be considered while considering ERD near wildlife-sensitive areas to be considered as general SOP until site region-specific mitigation plans are proposed.

1. The drilling sites should be located at the base of the catchment areas or downstream to avoid spill-over directly into the water.

2. The drilling should be avoided in corridor areas, especially in areas known to have landscape-dependent species such as Elephants, Tigers, etc.

3. The distance of the drilling site from the PA/corridors/Wildlife sensitive areas should not be less than 1 km. This distance is only based on the precautionary principle. The exact distance should be recommended based on the detailed study.

4. The drilling site should be installed with an active noise-proof solution to avoid impacting local habitats and wildlife.

5. There should be a comprehensive plan to mitigate the effects of light pollution around the drilling site.

6. The approach roads built towards the drilling site should be mitigated if passing through sensitive wildlife areas/protected areas or corridors.

7. The operations should only be limited to drilling at the drilling site, whereas all other subsidiary infrastructure should be far away from critical wildlife habitats.

8. As the drilling activity can't be stopped in between because of technical reasons, the drilling activity may continue across the sites. For sites, close to important Wildlife habitats the ancillary activities should be minimized during peak wildlife activity, such as early morning and late evening hours. All vehicular movement to and from the drilling site during the peak wildlife activity should be minimized and a comprehensive mitigation plan for sound, light, and other ancillary pollution should be in place.

9. A boundary wall should enclose all the drilling points/wells. They should have a 10 m wide road running across the periphery to form a barrier against fire and allow easy movement of fire tenders during fire incidence.

10. The contingency plan /team/ protocol should be active for the drilling zone/sites to meet any contingencies during emergencies without time loss. Wildlife should be an integral part of this plan.

Annexure-IV

General and Standard conditions to be stipulated while granting approval under the Van (Sanrakshan Evam Samvardjham) Adhiniyam, 1980

The following general and standard conditions pertaining to different categories of project shall be incorporated in all cases along with different specific conditions recommended by the MoEF&CC/Regional Office/advisory Committee/Regional Empowered Committee/State Government/UT Administrations)

1. **General Conditions:**

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

(ii) The Compensatory afforestation, over non-forest land, equal in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost;

Or

The Compensatory afforestation, over revenue forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost;

(iii) Penal Compensatory Afforestation,…….... (if stipulated);

(iv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the 'Final' approval under the Adhiniyam;

(v) The non-forest land transferred and mutated in favour of the State Forest Department or the revenue forest land, as the case may be, shall be notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before issue of the 'Final' approval under the Adhiniyam. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as PF, along with compliance of 'in-principle' approval;

(vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

(vii) The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department at the project cost within a period of three years from the date of grant of 'Final' approval;

(viii) The State Government shall realize the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the guidelines given in Chapter – 3 of the Consolidated Guidelines and Clarification issued by the Ministry in accordance with the Hon'ble Supreme Court of India's order dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 in the matter of T. N. Godavarman Thirumalpad vs. Union of India;

(ix) Penal NPV, …….(if stipulated);

(x) 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;

(xi) Compensatory levies, to be realized from the User Agency, in lieu of diversion of forest land, shall be transferred/ deposited, through e-payment module (https://parivesh.nic.in/) of PARIVESH, into the concerned account of State/UT CAMPA, managed by the National Authority (CAMPA);

(xii) The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;

(xiii) No labour camp shall be established on the forest land and 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 the nearby forest areas;

(xiv) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;

(xv) The forest land shall not be used for any purpose other than that specified in the proposal;

(xvi) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;

(xvii) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

(xviii) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

(xix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

(xx) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;

(xxi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

(xxii) The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;

(xxiii) The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;

(xxiv) Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;

(xxv) The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of Forest Rights Act, 2006, pertaining to this project, for the time being in force, as applicable to the project; and

(xxvi) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

2. Standard Conditions

2.1 Mining:

(i) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent Reclamation Plan as per the approved Mining Plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.

(ii) The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of 'Final' approval under the Adhiniyam for diversion of the said forest land;

(iii) The rehabilitated forest area after closure of mining operations shall be handed over to the State Forest Department for sustainable forest management in the future;

(iv) **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:

- (a) User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
- (b) Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
- (c) Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
- (d) The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;

(v) Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:

- (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of 'Final' approval in accordance with the approved Plan/Scheme in consultation with the State Forest Department;
- (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved Plan/scheme;
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved Plan/Scheme;

(d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28^0; and

(e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.

(vi) The validity of approval granted under the Adhiniyam shall be for a period co-terminus with the validity of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended from time to time or Rules framed there under, or for such period as may be specified by the Central Government;

(vii) The User Agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located within the periphery of 100 m from outer perimeter of the mining lease as per approved plan for plantation and SMC activities submitted along with compliance of 'in-principle' approval;

(viii) The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per approved plan, to mitigate the impact of project on such tanks/water bodies.

(ix) The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;

(x) Adequate care shall be taken to check any rolling of overburden/dumps beyond the designated area and to check soil erosion caused due to mining activities;

(xi) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;

(xii) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the 'in-principle' approval; and

(xiii) Under no circumstances, approval granted for the use of forest land for underground mining, shall subsequently be converted to opencast mining operations.

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.2: Hydro Electric and Irrigation proposals:

(i) The minimum water flow of …cusec will be maintained in the downstream of …… river as per the conditions stipulated in the approval accorded by the Water Resource Department, Government of Chhattisgarh.

(ii) The user agency shall undertake afforestation along the periphery of the reservoir and canals bank and maintain plantations with the State Forest Department (as applicable).

(iii) A Catchment Area Treatment Plan shall be prepared, and implemented by/or under the supervision of State Forest Department at the project cost, if applicable;

(iv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.

(v) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.

(vi) The User agency shall consult organization(s) having experience in construction of roads in hilly areas to avoid frequent road blockade due to landslides etc. and shall provide breast walls and retaining walls wherever necessary.

(vii) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL - 4 meters are not felled;

(viii) The user agency shall provide free water for the forestry related projects;

(ix) Other standard conditions as applicable to proposals relating to Hydro Electric Projects/Irrigation will be applicable in this case also.

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.3: Thermal Power Projects

(i) The User Agency shall ensure that ash disposal is carried out as per the detailed plan prepared for the purpose, and is in accordance with all environmental safeguards.

(ii) Following activities, as per approved plan / schemes, shall be undertaken by the User Agency in their area under the supervision of the State Forest Department:

(a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of 'Final' approval in accordance with the approved Plan/Scheme in consultation with the State Forest Department;

(b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved Plan/scheme;

(c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved Plan/Scheme;

(d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28^0; and

(e) Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the project area being diverted under this approval, in consultation with the State Forest Department at the project cost.

(iii) The user agency should give an undertaking that it shall take all measures to prevent pollution by effluents, particulate matters etc at the project cost.

(iv) The user agency will develop a green belt along the power station and also along the water pipe line/channel.

(v) The State Government will submit the proposal for water supply to the plant at the earliest.

(vi) The approval granted under the Adhiniyam shall not confer any rights or any guarantee to the user agency of coal linkages.

(vii) No labour camp shall be established on the forest land;

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.4: Wind Power Projects:

(i) That cost of developing medicinal plants garden wherever feasible in 65-70% of leased out area, as the Stage Government/UT Administration shall charge, shall be borne by the User Agency;

(ii) The user Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicated the marking of forward an backward bearings on these cairns;

(iii) After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearing as well as distance between the adjacent pillars.;

(iv) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits;

(v) The lease period shall be for a period of 30 years;

(vi) The wind turbines/wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India;

(vii) Soil and Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill by the State Forest Department at the cost of user agency;

(viii) The free movement of the villagers, if any within and surrounding area shall be ensured;

(ix) The State Government and the user agency shall undertake the mitigation measures, suggested in the study of BNHS to assess impact of wind mills of different capacity on avifauna and bats and the recommendations made by the Committee constituted by this Ministry under Chairmanship of the Additional Principal Chief Conservator of Forests (Central), Southern Regional Office, Bangalore to assess and define the impact zone of wind energy define the impact zone of wind energy projects in forest areas for the purpose of assigning NPV.

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.5: Road Projects:

(i) The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance.

(ii) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.

(iii) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
(iv) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
(v) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
(vi) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
(vii) The designing of culverts/bridges, if any, 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, and also does not hamper movement of wild animals.

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.6: Transmission Lines

(i) Width of right of way for the transmission line shall be limited to …m;
(ii) The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
(iii) No approach road shall be constructed in the forest area for transportation of steel and other material required for the transmission line. As far as possible the User Agency shall use the existing road and the proposed RoW for the transportation of the material and in the event of non-availability of such facilities, the User Agency shall transport material manually without construction of any path.
(iv) To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
    (a) Below each conductor, width clearance of … mts. would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
    (b) One outer strip may be left clear to permit maintenance of the transmission line;
    (c) In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum …. meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;
    (d) 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, and provide funds for execution of the said scheme to the State Forest Department; and
    (e) In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.7: Railway Projects

(i) The State Government shall ensure controlled speed limit if the trains passing through the forest portion to enable the trains drivers to react to the sudden appearance of the wild animals on the track. As and when required speed of train shall be regulated in consultation with Chief Wildlife Warden of the State Government.

(ii) The designing of culverts/bridges, if any, 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, and also does not hamper movement of wild animals;

(iii) The reclamation of quarry, if any, should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;

(iv) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;

(v) The User agency, if required, will undertake comprehensive soil conservation measures in the area being diverted at the project cost in consultation with the State Forest Department. A scheme of the same may be submitted along with the compliance report;

(vi) If required, provision for construction of sufficient underpasses for safe crossing of animal shall be made in consultation with Chief Wildlife Warden;

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.8: Infrastructure Projects:

(i) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.

(ii) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.

(iii) Only built up area should be fenced so that other areas are available for free movement of animals.

(iv) Along the arterial roads, natural forests should be maintained;

(v) The user agency shall assist the State Government in conservation and preservation of the flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State;

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

2.9: Resettlement and Rehabilitation of villages:

(i) The area of ….Tiger Reserve/Wildlife Sanctuary/National Park, proposed to be vacated, shall be mutated in the name of State Forest Department and notified as RF/PF;

(ii) The State Government shall ensure that the area under the villages which is proposed to be shifted outside the ….Tiger Reserve/Wildlife Sanctuary/National Park will become inviolate after the shifting and no families are left within these villages for further relocation;

(iii) The State Government shall take effective steps to ensure that the villagers being relocated from the core area do not return to the area. The rights of the relocated persons over the vacated land shall be legally extinguished using the due procedure as prescribed in the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(iv) The approval will be subject to the condition that after relocation of villagers, the non-forest land proposed to be vacated by the villagers shall be transferred and mutated in favour of the Forest Department and shall be declared Protected forest/Reserve forest under Indian Forest Act, 1927.

(v) Area proposed for rehabilitation should be fenced properly to check encroachment in the adjoining forest area. Boundary of the forest block should be demarcated properly by erecting pillars with forward and backward bearings of their GPS readings.

(vi) In case the number of families' increases in the future, the State Government will adjust their land requirement from the contingency land and no additional forest land shall be used for their rehabilitation.

(vii) The land identified for relocation/rehabilitation should not result in fragmentation of the forest/wildlife habitat;

(viii) the relocation activity shall be undertaken solely as a process of consolidation of the wildlife habitat;

(ix) the relocation shall be undertaken only along the fringes of the forest such that all facilities to the resettled families can be provided without recourse to further diversion of forest land for providing infrastructure;

(x) the land / villages within the forest which have been vacated shall be brought under the Protected Area Network (PAN) through enabling notification under the Wildlife (Protection) Act after extinguishing all the existing rights over the vacated land;

(xi) the extent of land de-reserved / de-notified for resettlement shall not be more than the extent of land being vacated by the settlers in the core area; and

Specific conditions: as per recommendation made by the Advisory Committee or Regional Empowered Committee or suggested by the competent authority

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Annexure-V

Checklist for assessing the completeness of the proposal before its submission to the Advisory Committee or Regional Empowered Committee

S. No.	Particulars of information	Abstract Details	Page No.	Whether in line with the relevant Rules or Guidelines
	Common Application Form and Part-I			
1.	Name of the user agency			
2.	Nature/ legal status of the user agency			
3.	Location (i) State (ii) District			
4.	Category of the project			
5.	Total area involved in the project (i) Forest area (notified) (ii) Revenue forest land (iii) Non-forest area			
6.	Particulars of Forests: (i) Name of Forest Division and Forest area involved.			
	(ii) Legal status			
	(iii) Area calculation statement			
	(iv) Purpose wise Break up of forest land			
	(v) KML files			
7.	Approvals in respect of the project, if any, obtained in the past			
8.	Total cost of the project			
9.	Details of Cost Benefit analysis indicating the BC ration			
10.	Detail of employment generation (Skilled, semiskilled and unskilled on permanent and temporary basis)			
11.	Detail of court cases, if any, pending against the project or forest land whose diversion is proposed			
12.	Is there any restrictive order or policy of the Government restricting the activity in the proposed site			
13.	Violations of Act/Rules/Guidelines of the Central/State, if any			
14.	Mining Proposals			
	A. Mining Lease			
	(i) Letter of Intent			
	(ii) Period of mining lease proposed			
	(iii) Detail of lease granted in the past			
	(iv) If any lease is contiguous to the proposed mining lease			
	(v) Status of approval under the Adhiniyam, if any, obtained in the past			
	(vi) Status of reclamation done in the past			

	(vii) Detail of reclaimed forest land, if any, handed over back to the Forest Department			
	B. Mining Plan			
	(i) Status of approval of Mining Plan by the competent authority			
	(ii) Total estimated proven reserves			
	(iii) Annual Production Capacity			
	(iv) Total area approved			
	(v) Forest area involved in the Mining plan			
	(vi) Pre mining and post mining land use			
	(vii) Mine Closure Plan (Progressive Mine Closure Plan)			
	(viii) Cost of reclamation, if any			
15.	**Details of alternative examined**			
	i. Number of alternative alignment explored			
	ii. Justification for selecting the proposed alternative (linear projects)			
	iii. Reasons for discarding other alternatives (linear projects)			
16.	Details of RoW – existing and proposed (linear projects)			
17.	Area and details of scheme of plantation of dwarf plants under the RoW (Transmission line and Wind Power projects)			
18.	Submergence area, command area, Dam heights, FRL, DRL, etc (irrigation/hydel projects)			
19.	Rehabilitation of Oustees			
	i. No of families involved ii. Category of families i. Details of rehabilitation plan			
20.	Whether the complete information has been submitted by the user agency in Common Application form and Part-I			
	Part-II (DFO)			
21.	Whether complete information has been submitted by DFO in Part-II			
22.	Site inspection report of the DFO indicating the status of forest land applied by the user agency and violation committed, if any, along with his observations and inspection notes.			
23.	Requirement of forest land is unavoidable and barest minimum for the project.			
24.	Vulnerability of the area for erosion.			
25.	**Vegetation Details**			
	i. Species wise composition (details of scientific name of local species)			
	ii. Density and Eco-class			
	iii. Project affected trees (Abstract details of number of trees categorized into below 30 cm girth and above 30 cm girth			

	iv. Number of trees i.e. Old tress (mango banyan, ficus, etc.) specially in road widening trees which can be protected and kept intact.			
	v. Enumeration details (complete or projected)			
26.	**Wildlife**			
	i. National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant/wildlife corridor, etc. if any located in the area			
	ii. Whether the area is located within a distance of 10 km from the boundary of PAs			
	iii. In case the proposals located in the vicinity of the PAs, detail of notification of Eco-Sensitive Zone, if any, issued by the MoEF&CC indicating the area/distance of eco-sensitive zone from the boundary of PA.			
	iv. Rare/Endangered/Threatened species of flora and fauna, if any found in the area.			
	v. Details of schedule-I species, if any			
	vi. Special mitigation measures, if any, required for wildlife corridors			
27.	Protected archaeological/ heritage site/defense establishment or any other important monuments, if any, located in the area.			
28.	Violation Details			
	A. Violation of Indian Forest Act, 1927			
	(i) Encroachment in proposed forest land, if any.			
	(ii) Encroachment case, if any, under IFA			
	(iii) Present status of case booked under IFA			
	(iv) Present status of work violation (ongoing or stooped)			
	B. Violation of Adhiniyam			
	(i) Violation of Adhiniyam if any, committed			
	(ii) Name of the erring officials, if any, identified			
	(iii) Present status of work violation (ongoing or stooped)			
	C. Action taken under section 3A and 3B of the Adhiniyam			
	(i) Status report on action taken by the State/Regional Office of MoEFCC against the erring official			
29.	Compensatory Afforestation (CA)			
	(i) Legal status of land identified for raising CA			
	(ii) Whether the land is under the administrative and management control of the State Forest Department			
	(iii) Whether the land proposed for CA swapped from Accredited Compensatory Afforestation			
	(iv) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.			
	(v) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, Protection measures provided in the scheme, etc.			
	(vi) Whether CA scheme is site-specific or not			
	(vii) Total financial outlay for CA			

	(viii) Financial outlay for protection and watch & ward			
	(ix) Whether the CA land is free from encumbrance and is suitable from management point of view.			
	(x) Whether the user agency, being the Central/State/private entity is eligible for CA over the proposed land			
30.	Catchment Area Treatment Plan			
	(i) Total Catchment Area (ha)			
	(ii) Total cultural command area (ha)			
	(iii) Financial Provisions			
31.	Recommendation of the DFO/DCF			
	(i) Specific recommendation and specific conditions, if any recommended by the DFO			
	(ii) Adverse comments and reasons thereof, if any, mentioned			
32.	Detail of progress made on raising compensatory afforestation in the Forest Division			
	(i) Total CA stipulated since 1980 a. Forest land b. Penal CA over forest land c. Non-forest land (ii) Progress CA as on date a. Forest land b. Penal CA over forest land c. Non-forest land			
	Part-III			
33.	Recommendations of the PSC/Nodal Officer/PCCF			
	(i) Specific recommendation and specific conditions, if any recommended by the Nodal Officer			
	(ii) Adverse comments and reasons thereof, if any, mentioned			
	(iii) Comments/justification for overruling the adverse comments of the DFO, if applicable.			
	(iv) Site inspection of the CF/CCF and recommendation made therein, if applicable			
	(v) Site inspection of the Nodal Officer and recommendation made therein, if applicable			
	Part-IV			
34.	Recommendation made by the State/UT			
	(i) Specific recommendation of the State Government along with specific conditions, if any recommended.			
	(ii) Remarks/Justification on the adverse comments of the DFO/CF/CCF, if any,			
35.	Remarks, if any.			

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No. 55011-01-2009-CPAM
Government of India
Ministry of Coal

Shastri Bhavan,
New Delhi, the 27th Aug, 2009

To

1. The Chairman, Coal India Limited, Kolkatta
2. The Chairman-cum-Managing Director, CMPDIL, Ranchi
3. The Chairman-cum-Managing Director, NLC, Neyveli.
4. The Chairman-cum-Managing Director, SCCL, A.P.

SUBJECT: GUIDELINES FOR PREPARATION OF MINE CLOSURE PLAN –REG.

Sir,

I am directed to state that it has been decided by the Government that all coal (including lignite) mining operations in India shall be governed as per the guidelines listed in the Annexure to this letter, as modified from time to time for preparation of Mine Closure Plan (MCP), which shall be incorporated in the Project Report / Mining Plan henceforth, for a new mine. The Mine Closure Plan (progressive and final) shall be approved along with the approval of Mining Plan/ Feasibility Report / Project Report as applicable.

2 (i) All coal mine owners shall adopt a Mine Closure Plan for each of their mines comprising progressive closure plan and final closure plan duly approved by the competent authority.

(ii) All coal mine owners, who are operating coal mines without the approval of any Mine Closure Plan are required to obtain a Mine Closure Plan approved as per these guidelines within a period of one year or two years in advance of mine closure whichever is earlier from the day these guidelines come into effect.

(iii) All coal mine owners, who have already been accorded approval of Mining Plans/Project Reports without the Mine Closure Plans as per these guidelines, are also required to prepare and obtain the approval of Mine Closure Plan as per these guidelines within a period of one year from the day of these guidelines coming into effect.

(iv) The competent authority for approval of the Mine Closure Plan shall be the Standing Committee constituted by the Ministry of Coal for the purpose of approval of Mining Plans. In case of projects/mines of Government Companies, the competent authority to approve the MCP will be the authority competent to approve the Mining Plan.

(v) Two copies of MCP of all mines covered at Sub-Para iv) above shall be submitted to Ministry of Coal within the timeframe indicated at (ii) and (iii) referred above. The Companies shall carry out all changes in the Closure Plan including the amount of money to be levied for the proposed Escrow Account as directed by Ministry of Coal.

3. The Mine Closure Plan will have two components viz. i) Progressive or Concurrent Mine Closure Plan and ii) Final Mine Closure Plan. Progressive Mine Closure Plan would include various land use activities to be done continuously and sequentially during the entire period of the mining operations, whereas the Final Mine Closure activities would start towards the end of mine life, and may continue even after the reserves are exhausted and/or mining is discontinued till the mining area is restored to an acceptable level to create a self sustained ecosystem.

4. Various project specific activities as per paragraphs 3, 4 and 6 of the enclosed guidelines for preparation of Mine Closure Plan shall be adhered to. The total cost estimate is to be assessed based on the activities as mentioned in the paragraphs 3, 4 and 6 of the said guidelines. The money to be levied per hectare of mining lease is to be deposited every year after

commencement of any activity on the land for the mine after opening an Escrow Account. Mining company/owners including all Public Sector Undertakings shall deposit the yearly amount in a Scheduled Bank in accordance with paragraphs 7 of the guidelines Annexed herewith.

5. The details of the final Mine Closure Plan along with the details of the updated cost estimates for various mine closure activities and the Escrow Account already set up shall be submitted to the Ministry of Coal for approval at least five years before the intended final closure of the mine.

6. Implementation of the approved Mine Closure Plan shall be the sole responsibility of the mine owner. It is estimated that major expenditure on final mine closure plan will be incurred during last five years of the project life. Upto 20% of the deposited amount from the Escrow Account can be released every year starting from 4th year before the proposed mine closure date. The balance amount will remain as security. The Coal Controller's Organization shall release the fund from the Escrow Account based on the progress made in the closure activities for the mine.

7. The Government may at any time require certain activities to be included in the mine closure plans, which it may consider necessary for the safety and conservation of environment or in compliance with any modification/ amendment in the relevant legislation.

8. *Statutory obligations:* The legal obligations, if any which the lessee is bound to implement like special conditions imposed while execution of lease deed, approval of mining plan, conditions imposed by the Ministry of Environment and Forests, State of Central Pollution Control Board or by any other organisation describing the nature of conditions and compliance position thereof should be indicated here (the copies of relevant documents may be attached as Annexure).

9. It is to be clearly understood that the funds so generated are towards the security to cover the cost of closure in case the mine owner fails to complete the relevant closure activities. The prime responsibility of mine closure shall always lie with the mine owner, and in case these funds are found to be insufficient to cover the cost of final mine closure, the additional fund shall be recovered from the mine owner by the Government.

10. After the closure of the mine, the reclaimed leasehold area and any structure thereon, which is not to be utilized by the mine owner, shall be surrendered to the State Govt. concerned following a laid down procedure as in vogue at that point of time.

11. These Guidelines are without any prejudice to any other relevant rules and regulations, such as those issued by the State Governments, Ministry of Environment & Forests, Ministry of Labour and Employment etc.

Yours faithfully

Encl: As above.

(**L. S. Janoti**)
Section Officer

Copy to: (i) Tech. Director, NIC for putting on the Website of MOC.

(ii) CA-I/CA-II Section for necessary action.

ANNEXURE

GUIDELINES FOR PREPARATION OF FINAL MINE CLOSURE PLAN

1. Introduction

The name of the mine owner, the location and the extent of lease area, the type of lease area (forest, non-forest etc), the present land use pattern, the method of mining and coal-processing operations, should be given in the mines closure plan.

1.1 **Reasons for closure:** The reasons for closure of mining operations such as exhaustion of mineral, lack of demand, uneconomic operations, natural calamity, directives from statutory organization or court etc. should be specified.

1.2 **Statutory obligations:** The legal obligations, if any, which the mine owner is bound to comply with such as special conditions imposed while execution of lease deed, approval of mining plan, directives issued by the Ministry of Coal, conditions imposed by the Ministry of Environment and Forests, State Central Pollution Control Board or by any other organization describing the nature of conditions and compliance position thereof should be clearly indicated in the Plan (the copies of relevant documents to be attached as Annexures).

1.3 Closure plan preparation: The decision on mine closure should have the approval of the Board of Directors of the mining company or of any other equivalent competent authority. Copy of such approval should be incorporated in the final mine closure plan.

2.0 Mine Description

2.1 **Geology:** Briefly describe the topography and general geology indicating rock types available, including toxic elements, if any, at the mine site.

2.2 **Reserves:** Indicate the coal/lignite reserves available category wise (proved, indicated and inferred) in the leasehold area estimated in the last mining plan/mining scheme approved along with the balance coal/ lignite reserves at the time of proposed mine closure, including its quality (for final mine closure plan only).

2.3 **Mining Method:** Describe in brief the mining method followed to win the coal/lignite, mining machinery deployed, production level etc.

2.4 **Coal Beneficiation:** Describe in brief the coal beneficiation facilities, if any, indicating the process description in short. Indicate discharge details of any middlings/fines/rejects and their disposal/utilization practice followed.

3. Closure Plan

3.1 **Mined-Out Land:** Describe the proposals/ measures to be implemented for reclamation (both physical and biological) and rehabilitation of mined-out land including the manner in which the actual site of the pit will be restored for post mining land use. The proposals should be supported with relevant plans and sections depicting the method of land restoration / reclamation / rehabilitation.

3.2 **Water Quality Management:** Describe in detail the existing surface and ground water bodies available in the lease hold areas and the measures to be taken for protection of the same including control of erosion, sedimentation, siltation, water treatment, diversion of water courses, if any, measures for protection of contamination of ground water from leaching etc. Quantity and quality of surface water bodies should also be indicated and corrective measures proposed to meet the water quality conforming to the

permissible limits should also be described. Report of hydrological study carried out in the area may also be submitted. The water balance chart should be given. If there is potential of Acid Mine Drainage, the treatment method should be given.

3.3 **Air Quality Management:** Describe the existing air quality status. The corrective measures to be taken for prevention of pollution of air should be described.

3.4 **Waste Management:** Describe the type, quality and quantity of overburden, coal/lignite rejects etc. generated and their disposal practice. If no utilization of waste material is proposed, the manner in which the waste material will be stabilized should be described. The protective measures to be taken for prevention of siltation, erosion and dust generation from these waste materials should also be described. If toxic and hazardous elements are present in the waste material, the protective measures to be taken for prevention of their dispersal in the air, environment, leaching in the surface and ground water etc. should be described. As far as possible, reclamation and afforestation shall proceed concurrently with the mine activity. The quantity of waste material required to be re-handled or back-filled in the final voids should be specified. All efforts should be made and reflected (in the Project Report/Mining plan) to keep land requirement bare minimum for external over burden dumping to minimise land degradation. This may necessitate increase of dump height to the maximum extent keeping in view the safety requirement with special emphasis on stability analysis. After back-filling of quarry voids, the left out void may be allowed to be filled with water. This will help to recharge and stabilize the water table in the neighbourhood and the local populace will benefit from it.

3.5 **Top Soil Management:** The topsoil available at the site and its utilization should be described.

3.6 **Management of Coal Rejects from Washery:** The steps to be taken for proper functioning of the slurry pond, handling of coal rejects and its utilization, periodic desilting, arrangement for water re-circulation, measures to prevent water pollution from slurry ponds, arrangement for surplus water overflow etc. shall be given.

3.7 **Infrastructure:** The existing infrastructural facilities available such as roads, aerial ropeways, conveyer belts, railways, power lines, buildings & structures, water treatment plant, water supply sources in the area etc. and their future utilization should be evaluated on case to case basis. If retained, the measures to be taken for their physical stability and maintenance should be described. If decommissioning proposed, dismantling and disposal of building structures, support facilities and other infrastructure such as electric transmission line, water line, gas pipeline, water works, sewer line, telephone cables, underground tanks, transportation infrastructure such as roads, rails, bridges, culverts etc., electrical equipments and infrastructures such as electric cables, transformers should be described in connection with restoring land for further use.

3.8 **Disposal of Mining Machinery:** The decommissioning of mining machineries and their possible post mining utilization, if any, should be described.

3.9 Safety and Security: Describe the safety measures implemented to prevent access to surface openings for underground workings, excavations etc. (such as fencing carried out by barbed wires) and arrangements proposed during the mine abandonment plan and up to the site being opened for general public should be described.

3.10 <u>Economic Repercussions of closure of mine:</u>

Manpower retrenchment, compensation to be given, socio-economic repercussions and remedial measures consequent to the closure of mines should be described, specifically stating the following:

i. Number of local residents employed in the mine, status of the continuation of family occupation and scope of joining the occupation back.

ii. Compensation given or to be given to the employees concerning their sustenance and their family members.

iii. Satellite occupations connected to the mining industry - number of persons engaged therein - continuance of such business after mine closure.

iv. Continued engagement of employees in the rehabilitated status of mining lease area and any other remnant activities.

v. Envisaged expectation of the society on closure of mine.

5. Time Scheduling for abandonment

The details of time schedule of all abandonment operations as proposed in paragraphs 3 above should be described. The manpower and other resources required for completion of the proposed job should be described. The schedule of such operations should also be supplemented by bar charts etc.

6. Abandonment Cost:

6.1 Cost is to be estimated (at the time of preparation of Project Report/Mining Plan) based on the activities such as barbed wire fencing all around the working area, dismantling of structures/demolition and cleaning of sites, rehabilitation of mining machinery, plantation, physical/biological reclamation, landscaping, biological reclamation of left out OB dump, filling

up of decoaled void, post environmental monitoring for 3 years, supervision charges for 3 years, power cost, protective and rehabilitation measures including their maintenance and monitoring, miscellaneous charges etc.

6.2 It has been estimated that typically closure cost for an opencast mine will come around Rs. 6.00 lakhs per Hectare of the property leasehold and it would be Rs. 1.00 lakh per Hectare for underground mine leasehold at current price levels (August, 2009) and these rates will stand modified based on Wholesale Price Index as notified by Government of India from time to time.

6.3 Annual closure cost is to be computed considering the total leasehold area at the above mentioned rates and dividing the same by the life of the mine or 25 years which ever is lower. An amount equal to the annual cost is to be deposited each year throughout the mine life compounded @5% annually. For example if the annual cost works out to Rs 100, then in the first year the amount to be deposited will be Rs 100 , in the second year 100x(1+5%)^1, in the third year 100x(1+5%)^2 and so on.

7. Financial Assurance

i) All coal mine owners shall strictly adhere to the following:

ii) For financial assurance the mining company shall open a Escrow Account with any Scheduled Bank, with the Coal Controller Organisation (on behalf of the Central Government) as exclusive beneficiary. The mining company shall cause payments to be deposited in such Escrow Account at the rate computed as indicated at 6.3 above. The amount being deposited will be reviewed with such periodicity as deemed fit by the Coal Controller.

iii) When implementation of the final mine closure scheme is undertaken by the mine owner starting five years before the scheduled closure of mining operations, the Coal Controller may permit withdrawals (four years before

final mine closure date) from the Escrow Account proportionate to the quantum of work carried out, as reimbursement. The withdrawn amount each year shall not exceed 20% of the total amount deposited in the account.

iv) An agreement, outlining detailed terms and conditions of operating the Escrow Account, shall be executed amongst the mining company, the Coal Controller and the concerned bank in order to give effect to this. The agreement shall be executed before the grant of permission by the Coal Controller to open the mine.

8. Responsibility of the Mine owners

It is the responsibility of the Mine owners to ensure that the protective measures contained in the mine closure plan including reclamation and rehabilitation works have been carried out in accordance with the approved mine closure plan and final mine closure plan.

The owner shall submit to the Coal Controller a yearly report before 1st July of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plans (Progressive and Final Closure Plans).

9. Provision for Mine Closure

The mine owner shall be required to obtain a mine closure certificate from Coal Controller to the effect that the protective, reclamation and rehabilitation works in accordance with the approved mine closure plan/final mine closure plan have been carried out by the mine owner for surrendering the reclaimed land to the State Government concerned.

No. 55011-01-2009-CPAM
Government of India
Ministry of Coal

Shastri Bhavan,
New Delhi, the 7th January, 2013

To

1. The Chairman, Coal India Limited, Kolkatta
2. The Chairman-cum-Managing Director, CMPDIL, Ranchi
3. The Chairman-cum-Managing Director, NLC, Neyveli.
4. The Chairman-cum-Managing Director, SCCL, A.P.

SUBJECT: GUIDELINES FOR PREPARATION OF MINE CLOSURE PLAN – REG.

Sir,

I am directed to refer to this Ministry letter of even no. dated 27th August, 2009 regarding Guidelines for preparation of Mine Closure Plan and modified Guidelines vide letter of even number dated **8th September 2009,** 11th January, 2012, **and 25th April, 2012** and to state that **Para 6 of the letter/guidelines and Para 6 and Para 8 of the Annexure of the guidelines has been further amended.** It has been decided by the Government that all coal (including lignite) mining operations in India shall **henceforth** be governed as per **these modified** guidelines listed in the Annexure to this letter, **including the** preparation of Mine Closure Plan**s** (MCP**s**), which shall be incorporated in the Project Report/Mining Plan henceforth, for new **and existing** mine**s**. The Mine Closure Plan**s** (progressive and final) shall be approved along with the approval of Mining Plan**s**/ Feasibility Report / Project Report as applicable.

2 (i) All coal mine owners shall adopt a Mine Closure Plan for each of their mines comprising progressive closure plan and final closure plan duly approved by the competent authority.

2 (ii) All coal mine owners, who are operating coal mines without the approval of any Mine Closure Plan are required to obtain a Mine Closure Plan

approved as per these guidelines within a period of one year from the day **when the original** guidelines came into effect **[i.e. 27th August, 2009]. However, a number of mine owners are yet to comply with the same. In view of this all the mine owners are required to obtain the approval of Mine Closure Plan within a period of one year from the date of publishing of these guidelines failing which Government will take action as appropriate.**

2 (iii) All coal mine owners, who have already been accorded approval of Mining Plans/Project Reports without the Mine Closure Plans as per these guidelines, are also required to prepare and obtain the approval of Mine Closure Plan as per these guidelines within a period of one year from the day **when the original** guidelines **came** into effect **[i.e. 27th August, 2009].**

2 (iv) The competent authority for approval of the Mine Closure Plan shall be the Standing Committee constituted by the Ministry of Coal for the purpose of approval of Mining Plans. In case of projects/mines of Government Companies, the competent authority to approve the MCP **will be the concerned Board of the Company wherever the power is so delegated for approval of the Mining Plan.**

2 (v) Four copies of MCPs of all mines covered at Sub-Para iv) above shall be submitted to Ministry of Coal **within one month of the approval** within the timeframe indicated at (ii) and (iii) referred above. The Companies shall carry out all changes in the Closure Plan including the amount of money to be **deposited** for the proposed Escrow Account as directed by Ministry of Coal.

3. The Mine Closure Plans will have two components viz. i) Progressive or Concurrent Mine Closure Plan and ii) Final Mine Closure Plan. Progressive Mine Closure Plan would include various land use activities to be done continuously and sequentially during the entire period of the mining operations, whereas the Final Mine Closure activities would start towards the end of mine life, and may continue even after the reserves are exhausted and/or mining is discontinued till the mining area is restored to **an acceptable level by the Coal Controller as per the certification by National Environmental Engineering Research Institute (NEERI) or Central Mine Planning and Design Institute Limited (CMPDIL) or any**

other such institute as may be notified by the Government for these purposes to create a self sustained ecosystem. Provided that such restoration shall be completed within the period specified in Mine Closure Plan failing which the amount in the Escrow account shall be forfeited. The details for preparation of Final Mine Closure Plan are given in Annexure.

4. Various project specific activities as per paragraphs 3, 4 and 6 of the guidelines **are enclosed at Annexure** for preparation of Mine Closure Plan shall be adhered to. The total cost estimate is to be assessed based on the activities as mentioned in the paragraphs 3, 4 and 6 of the said guidelines. The money to be **provided** per hectare of total Project Area for the purpose is to be deposited every year after commencement of any activity on the land for the mine after opening **a Fixed Deposit** Escrow Account **prior to obtaining mine opening permission from Coal Controller**. Mining company/owners including all Public Sector Undertakings shall deposit the yearly amount in a Scheduled Bank in accordance with paragraphs 7 of the guidelines Annexed herewith. **If the Mine owners fail to deposit the annual amount required to be deposited, the Government can withdraw the mining permission.**

5. The details of the final Mine Closure Plan along with the details of the updated cost estimates for various mine closure activities and the Escrow Account already set up shall be submitted to the Ministry of Coal for approval at least five years before the intended final closure of the mine.

6. Implementation of the approved Mine Closure Plan shall be sole responsibility of the mine owner. ***Mining is to be carried out in a phased manner initiating afforestation/reclamation work in the mined out area of the first phase while commencing the mining in the second phase i.e. continuation of mining activities from one phase to other indicating the sequence of operations depending on the geo-mining conditions of the mine.*** Up to ***80%*** of the **total** deposited amount **including interest accrued in** the ESCROW account may be released ***after every five years in line with the periodic examination of the Closure Plan as per Clause 3.1 of the Annexure of the Guidelines. The amount released should be equal to expenditure incurred on the Progressive mine closure in past five years or 80% whichever is less. The balance***

amount shall be released to mine owner/leaseholder at the end of the final Mine Closure on compliance of all provisions of Closure Plan. <u>This compliance report should be</u> duly signed by the lessee and certify that said closure of mine complied all statutory rules, regulations, orders made by the Central or State Government, statutory organisations, court etc. and certified by the Coal Controller.

7. The Government may at any time **before the closure of mine** require certain activities to be included in the mine closure plans, which it may consider necessary for the safety and conservation of environment or in compliance with any modification/ amendment in the relevant legislation.

8. *Statutory obligations:* The legal obligations, if any which the lessee is bound to implement like special conditions imposed while execution of lease deed, approval of mining plan, conditions imposed by the Ministry of Environment and Forests, State of Central Pollution Control Board or by any other organisation describing the nature of conditions and compliance position thereof should be indicated here (the copies of relevant documents may be attached as Annexure).

9. It is to be clearly understood that the funds so generated are towards the security to cover the cost of closure in case the mine owner fails to complete the relevant closure activities. The prime responsibility of mine closure shall always lie with the mine owner, and in case these funds are found to be insufficient to cover the cost of final mine closure **including the areas covered in Para 7 above**. The mine owner shall undertake to provide the additional fund **equivalent to the gap in funding before five years of Mine Closure failing which it may be recovered by such other methods as the competent authority may deem fit in this regard.**

10. After the closure of the mine, the reclaimed leasehold area and any structure thereon, which is not to be utilized by the mine owner, shall be surrendered to the State Govt. concerned following a laid down procedure as in vogue at that point of time.

11. These Guidelines **supersede the previous orders and** are without any prejudice to any other relevant rules and regulations, such as those issued by

the State Governments, Ministry of Environment & Forests, Ministry of Labour and Employment etc.

Yours faithfully

Encl: As above.

(V S Rana)
Under Secretary to the Government of India

Copy to: (i) Tech. Director, NIC for putting on the Website of MOC.

(ii) CA-I/CA-II Section for necessary action.

ANNEXURE

GUIDELINES FOR PREPARATION OF FINAL MINE CLOSURE PLAN

1. Introduction

The name of the mine owner, the location and the extent of lease area, the type of lease area (forest, non-forest etc), the present land use pattern, the method of mining and coal-processing operations, should be given in the mines closure plan.

1.1 **Reasons for closure:** The reasons for closure of mining operations such as exhaustion of mineral, lack of demand, uneconomic operations, natural calamity, directives from statutory organization or court etc. should be specified.

1.2 **Statutory obligations:** The legal obligations, if any, which the mine owner is bound to comply with such as special conditions imposed while execution of lease deed, approval of mining plan, directives issued by the Ministry of Coal, conditions imposed by the Ministry of Environment and Forests, State Central Pollution Control Board or by any other organization describing the nature of conditions and compliance position thereof should be clearly indicated in the Plan (the copies of relevant documents to be attached as Annexures).

1.3 Closure plan preparation: The decision on mine closure should have the approval of the Board of Directors of the mining company or of any other equivalent competent authority. Copy of such approval should be incorporated in the final mine closure plan.

2.0 Mine Description

2.1 **Geology:** Briefly describe the topography and general geology indicating rock types available, including toxic elements, if any, at the mine site.

2.2 **Reserves :** Indicate the coal/lignite reserves available category wise (proved, indicated and inferred) in the leasehold area estimated in the

last mining plan/mining scheme approved along with the balance coal/ lignite reserves at the time of proposed mine closure, including its quality (for final mine closure plan only). **Final Mine Closure Plan should also indicate the estimated Extractable coal reserves and coal actually mined out.**

2.3 **Mining Method:** Describe in brief the mining method followed to win the coal/lignite, mining machinery deployed, production level etc.

3. Closure Plan

3.1 **Mined-Out Land:** Describe the proposals/ measures to be implemented for reclamation (both physical and biological) and rehabilitation of mined-out land including the manner in which the actual site of the pit will be restored for post mining land use. The proposals should be supported with relevant plans and sections depicting the method of land restoration / reclamation / rehabilitation **and time frame**.

Mining is to be carried out in a phased manner initiating afforestation work in the mined out area of the first phase while commencing the mining in the second phase i.e. continuation of mining activities from one phase to other indicating the sequence of operations depending on the geo-mining conditions of the mine. Progressive mine closure plan shall be prepared for a period of every five years from the beginning of the mining operations. These plans would be examined periodically in every five years period and to be subjected to third party monitoring by the agencies approved by the Central Government like Central Mine Planning and Design Institute Ltd. (CMPDIL), National Environmental Engineering Research Institute (NEERI), Indian School of Mines (ISM) etc. for the purpose.

3.2 **Water Quality Management:** Describe in detail the existing surface and ground water bodies available in the lease hold areas and the measures to be taken for protection of the same including control of erosion, sedimentation, siltation, water treatment, diversion of water courses, if any, measures for protection of contamination of ground water from leaching etc. Quantity and quality of surface water bodies should also be indicated and corrective measures proposed to meet the water quality conforming to the permissible limits should also be described. Report of hydrological study carried out in the area may also be submitted. The water balance chart

should be given. If there is potential of Acid Mine Drainage, the treatment method should be given.

3.3 **Air Quality Management:** Describe the existing air quality **parameters and** the corrective measures to be taken for prevention of air pollution.

3.4 **Waste Management:** Describe the type, quality and quantity of overburden, coal/lignite rejects etc. generated and their disposal practice. If no utilization of waste material is proposed, the manner in which the waste material will be stabilized should be described. The protective measures to be taken for prevention of siltation, erosion and dust generation from these waste materials should also be described. If toxic and hazardous elements are present in the waste material, the protective measures to be taken for prevention of their dispersal in the air, environment, leaching in the surface and ground water etc. should be described. As far as possible, reclamation and afforestation shall proceed concurrently with the mine activity. The quantity of waste material required to be re-handled or back-filled in the final voids should be specified. All efforts should be made and reflected (in the Project Report/Mining plan) to keep land requirement bare minimum for external over burden dumping to minimise land degradation. This may necessitate increase of dump height to the maximum extent keeping in view the safety requirement with special emphasis on stability analysis. After back-filling of quarry voids, the left out void may be allowed to be filled with water. This will help to recharge and stabilize the water table in the neighbourhood and the local populace will benefit from it.

3.5 **Top Soil Management:** The topsoil available at the site and its utilization should be described.

3.6 **Coal beneficiation and Management of Coal Rejects: The coal beneficiation facilities including process description may be detailed. The proposal regarding future Maintenance or Dismantling of structures of washeries may be given.**

3.6 (i) The steps to be taken for proper functioning of the slurry pond, handling of coal rejects and its utilization, periodic de-silting, arrangement for water re-circulation, measures to prevent water pollution from slurry ponds,

arrangement for surplus water overflow etc. shall be **indicated in the Mine Closure Plan. Rejects dumps should be properly benched and graded on cessation of washery/mining operations and area to be reclaimed biologically. Similarly the slurry ponds should be dismantled and dewatered and area reclaimed at the end of the washery/mining operations.**

3.7 **Infrastructure:** The existing infrastructural facilities available such as roads, aerial ropeways, conveyer belts, railways, power lines, buildings & structures, water treatment plant, water supply sources in the area etc. and their future utilization should be evaluated on case to case basis. If retained, the measures to be taken for their physical stability and maintenance should be described. If decommissioning proposed, dismantling and disposal of building structures, support facilities and other infrastructure such as electric transmission line, water line, gas pipeline, water works, sewer line, telephone cables, underground tanks, transportation infrastructure such as roads, rails, bridges, culverts etc., electrical equipments and infrastructures such as electric cables, transformers should be described in connection with restoring land for further use.

3.8 **Disposal of Mining Machinery:** The decommissioning of mining machineries and their possible post mining utilization, if any, should be described.

3.9 Safety and Security: Describe the safety measures implemented to prevent access to surface openings for underground workings, excavations etc. (such as fencing carried out by barbed wires) and arrangements proposed during the mine abandonment plan and up to the site being opened for general public should be described.

3.10 Economic Repercussions of closure of mine

Manpower retrenchment, compensation to be given, socio-economic repercussions and remedial measures consequent to the closure of mines should be described, specifically stating the following:

i. Number of local residents employed in the mine, status of the continuation of family occupation and **their scope of joining family occupation once again after closure of mine**.

ii. Compensation given or to be given to the employees concerning their sustenance and their family members.

iii. Satellite occupations connected to the mining industry - number of persons engaged therein - continuance of such business after mine closure.

iv. Continued engagement of employees in the rehabilitated status of mining lease area and any other remnant activities.

v. Envisaged expectation of the society on closure of mine.

4. Time Scheduling for abandonment

The details of time schedule of all abandonment operations as proposed in paragraph 3 above should be described. The manpower and other resources required for completion of the proposed job should be described. The schedule of such operations should also be supplemented by bar chart.

5. Abandonment Cost

5.1 Cost is to be estimated (at the time of preparation of Project Report/Mining Plan) based on the activities such as barbed wire fencing all around the working area, dismantling of structures/demolition and cleaning of sites, rehabilitation of mining machinery, plantation, physical/biological reclamation, landscaping, biological reclamation of left out OB dump, filling up of decoaled void, post environmental monitoring for 3 years, supervision charges for 3 years, power cost, protective and rehabilitation measures including their maintenance and monitoring, miscellaneous charges etc.

5.2 It has been estimated that typically closure cost for an open cast mine will come around rupees six lakhs per hectare of the total project area and it would be rupees one lakh per hectare for underground project area at current price level (August 2009) and these rates will stand modified based on

the whole sale price index as notified by Government of India from time to tome.

In case of the Mine Closure Plans which have already been approved earlier on the basis of lease hold area, the project proponents are required to re-calculate the closure cost on the basis of total project area and submit a certificate stating that amount in Escrow account would be deposited as per the recalculated amount.

5.3 Annual closure cost is to be computed considering the total project area at the above mentioned rates and dividing the same by the entire life of the mine in years for new projects and balance life of mine in years for operating/existing mines. An amount equal to the annual cost is to be deposited each year throughout the mine life compounded @5% annually. For example if the annual cost works out to Rs 100, then in the first year the amount to be deposited will be Rs 100, in the second year 100x(1+5%)^1, in the third year 100x(1+5%)^2 and so on.

6. Financial Assurance

All coal mine owners shall strictly adhere to the following:

i) For financial assurance the mining company shall open an Escrow Account with any Scheduled Bank, with the Coal Controller Organisation (on behalf of the Central Government) as exclusive beneficiary **before the permission is given for opening the mine by Coal Controller.** The mining company shall cause payments to be deposited in such Escrow Account at the rate computed as indicated at **5.3** above. The owner of the company may select the Scheduled Bank where the Escrow Account is to be opened and inform the same to Coal Controller, Kolkata. The Escrow Account has to be opened as per the aforesaid guidelines of the Mine Closure Plan. The amount being deposited will be reviewed with such periodicity as deemed fit by the Coal Controller.

ii) ***Mining is to be carried out in a phased manner initiating afforestation/reclamation work in the mined out area of the first phase while commencing the mining in the second phase i.e. continuation of mining activities from one phase to other indicating the sequence of***

operations depending on the geo-mining conditions of the mine. Up to 80% of the total deposited amount including interest accrued in the ESCROW account may be released after every five years in line with the periodic examination of the Closure Plan as per Clause 3.1 of the Annexure of the Guidelines. The amount released should be equal to expenditure incurred on the Progressive mine closure in past five years or 80% whichever is less. The balance amount at the end of the final Mine Closure shall be released to mine owner/leaseholder on compliance of all provisions of Closure Plan duly signed by the lessee to the effect that said closure of mine complied all statutory rules, regulations, orders made by the Central or State Government, statutory organisations, court etc. and duly certified by the Coal Controller.

iii) An agreement, outlining detailed terms and conditions of operating the Escrow Account, shall be executed amongst the mining company, the Coal Controller and the concerned bank in order to give effect to this. The agreement shall be executed before the grant of permission by the Coal Controller to open the mine.

7. Responsibility of the Mine owners

It is the responsibility of the Mine owners to ensure that the protective measures contained in the mine closure plan including reclamation and rehabilitation works have been carried out in accordance with the approved mine closure plan and final mine closure plan.

The owner shall submit to the Coal Controller a yearly report before 1st July of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved mine closure plans (Progressive and Final Closure Plans).

8. Provision for Mine Closure

8.1 The mine owner shall be required to obtain a mine closure certificate from Coal Controller to the effect that the protective, reclamation and rehabilitation works in accordance with the approved mine closure plan/final mine closure plan have been carried out by the mine owner for surrendering the reclaimed land to the State Government concerned.

8.2 ***The balance amount at the end of the final Mine Closure shall be released to mine owner on compliance of all provisions of Closure Plan duly signed by the mine owner to the effect that said closure of mine complied with all statutory rules, regulations, orders made by the Central or State Government, statutory organisations, court etc. and duly certified by the Coal Controller. This should also indicate the estimated extractable coal reserves and coal actually mined out.***

8.3 ***If the Coal Controller has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with mine closure plan, either fully or partially, the Coal controller shall give the mine owner a written notice of his intention to issue the orders for forfeiting the sum assured at least thirty days prior to the date of the order to be issued after giving an opportunity to be heard.***

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F. No. 34011/28/2019-CPAM
Government of India
Ministry of Coal

Shastri Bhawan, New Delhi
The 29th May 2020

Office Memorandum

Subject: Guidelines for Preparation, Formulation, Submission, Processing, Scrutiny, Approval and Revision of Mining plan for the coal and lignite blocks.

Undersigned is directed to state that the guidelines for formulation of Mining plan and Mine Closure Plan has been amended. It has been decided by the Government that all coal (including lignite) mining operations in India shall henceforth be governed as per modified guidelines enumerated below.

1. **Mining Plan:** All coal (including Lignite) mining operation in India shall henceforth be governed as per these modified guidelines listed below and henceforth, the Mine Closure Plan and Final Mine Closure Plan shall be integral part of Mining Plan. Separate approval of Mine Closure Plan/ Final Closure Plan has been done away with. The Guideline/format for formulation of Mining plan is enumerated at **Appendix – I.**

1.1. **Implementation of the approved Mining Plans shall be sole responsibility of the mine owner.** Mining operations shall be undertaken in accordance with the duly approved mining plan. The mining plan once approved shall be valid for the balance life of the Mine, provided that any modification(s) of the mining plan is approved by the competent authority and such approval of the modified mining plan shall remain valid for the estimate balance life of the mining plan. Modification of the approved mining plan during the operation of a mining lease also requires prior approval.

1.2. The mining plan shall cover prescription for different phases of life of the mine as stage plan. The Stage plan for 1st year, 3rd year, 5th year, year of achieving rated capacity of the mine, Final year (i.e. at the end of mine life) and post closure shall be submitted at the time of initial submission of mining plan. The project proponent shall submit a **report/information** consisting **a.** compliance status with respect to approval condition of mining plan and grounds specified at para 1.3A; **b.** stage plan for next five years; **c.** revised balance life of the mine; and **d.** revised calculation of ESCROW amount with respect to revised balance life, to Coal Controller, CCO, Kolkata with a copy of the same to Administrative Section dealing with the allocation/allotment of the block and section dealing with approval of mining plan at MoC/CCO, **for information**. Such report/information must be submitted at least 180(one hundred eighty) days before the expiry of 5 (five) year, starting from the commencement of the Mineral Concession (Amendment) Rules, 2020 or the date of execution of the duly executed mining lease deed, whichever is later. Information desired above must bear certificate of **Qualified Person/ Accredited Mining Plan preparing Agency** and have approval of the respective company board. Non submission of such information during the stipulated time may result in withdrawal of mine opening permission or cancellation of the approved mining plan, as may be decided by CCO.

The Mining Plan approved prior to issue of this Guideline will qualify for submission of such report/information at least 180(one hundred eighty) days prior to expiry of 5 (five) year from the date of notification of the Mineral Concession Amendment Rules 2020.

1.3.**(A)** The mining plan may be modified for **a.** for change in method of mining; **b.** for facilitating increase in sanctioned peak capacity that is in excess of one hundred and fifty per cent of the

sanctioned rated capacity; **c.** change in leased area; **d.** in the interest of safe and scientific mining; **e.** conservation of minerals; **f.** for the protection of environment; **g.** addition of reserve by way of proving of reserve in the existing lease area; **h.** for changes in final mine closure conditions; or **i.** and such other change that may be determined by the Central Government. While submission of revision/ modification of mining plan the reason for revision/ modification shall be specified in writing by the lessee.

(B) Notwithstanding anything contained in clause (A) above, for other minor changes, the project proponent is empowered to make modification with the approval of the respective company board. These minor changes shall cover **a.** changes in land type within the leased area; **b.** changes in HEMM deployment plan; and **c.** changes in location of infrastructure within the leased area. The project proponent shall submit specific report of such minor changes to Coal Controller, CCO, Kolkata with a copy of the same to Administrative Section dealing with the allocation/allotment of the block and section dealing with approval of mining plan at MoC/CCO, for information.

1.4. The Mining Plan submitted for approval shall have prior approval of the concerned Board of the Company.

1.5. The base date of the Mining Plan should be taken as cut-off date on which the extractable reserve, balance life etc. has been quantified.

1.6. The proposed leased area in the Mining Plan shall include the area specified in the mining lease within which mining operations can be undertaken and includes the non-mineralized area required and approved for the activities falling under the definition of mine as referred in The Mines Act 1952.Evacuation route, R&R and Employee Township area outside the block will not be part of the Mining plan.

1.7. Pre-mining land ownership/land type furnished in the mining plan will be of indicative in nature along with data source at its footnote (viz. from topo sheet, cadastral plan etc.).

1.8. The excavation/ mining area envisages in the mining plan must be restricted within the allotted/vested geological block boundary/existing mining lease and if the project area is confined within the allotted block boundary/existing mining lease, a certificate to this effect is to be provided by the **Qualified Person/ Accredited Mining Plan preparing Agency** preparing the mining plan. The certificate must be made on the Conceptual Plan depicting Cardinal Point Co-ordinates (shape co-ordinates) of the project boundary, Lease boundary and Geological Block boundary (binding co-ordinates given in the vesting order).

1.9. Under provisions of Rule 16 of MCR 1960, State Government is custodian of the exploration data. As such in the cases, where the project area extends beyond the block boundary/existing mining lease the Mines and Geology Department of the concerned State Government shall issue a certificate specifying (a) intent of the State Government for grant of lease beyond the vested geological boundary; (b) non-existence of coal/ lignite in the area beyond the vested/allotted geological block boundary/existing mining lease to rule out the issue of encroachment. The application for issue of certificate from the Mines and Geology Department of the State Government must be supported with proof of the non-existence of coal/lignite in the area under reference (along with their Cardinal Point coordinates) duly certified by custodian agency viz. CMPDIL/ SCCL in case of coal and NLCIL in case of lignite.

Where the project area extends beyond the block boundary/existing mining lease, the certificate issued by the Mines and Geology Department of the concerned State Government must be attached in the Mining Plan.

1.10. In case of allotted/auctioned coal/lignite blocks, the mining plan may be revised for extraction of more coal on year to year basis.

Provided that the mining plan shall be revised for extraction of less coal on year on year basis only under following circumstances: a. if the remaining extractable reserve of the coal mine is less than

3(three) times of the rated Capacity of the current Approved Mining Plan; b. Change in method of mining from Opencast to Underground necessitated due to change in geo-mining conditions. However, revision of Mining Plan for extraction of less coal would be subject to prior approval of the Nominated Authority.

1.11. The approval of the revised Mining Plan shall not result in changes in the terms and conditions or efficiency parameters mentioned in the CMDPA/Allotment Agreement signed at the time of allotment/vesting for the auctioned/allotted blocks without prior approval of the nominated authority or Central Government, as the case may be. However, efficiency parameters mentioned in the CMDPA/Allotment Agreement shall be linked to the rated capacity of the mine.

1.12. The project proponent shall envisage the action plan for exploration and liquidation of the balance reserve yet to be projectised.

1.13. The project proponent shall take all necessary precautions regarding safety of mine workings and persons deployed therein and shall adhere to all the statutory clearances with regards to safety.

1.14. Proposed project area envisaged in the mining plan shall not encroach into any other adjacent coal block unless permitted to do so by the Ministry of Coal in writing.

1.15. The approval of the Mining Plan is without prejudice to the requirement of approvals from competent /prescribed authority under the relevant rules/ regulations etc.

1.16. The project proponent shall submit an undertaking that the mine shall be operated as per the Environment Clearance (EC) & Forestry Clearance (FC) for the project.

1.17. **Statutory Obligation:** The legal obligations, if any, which the lessee is bound to implement, like special conditions imposed while execution of lease deed, approval of Mining Plan, conditions imposed by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB),State Pollution Control Board (SPCB), Directorate General of Mines Safety (DGMS) or any other organizations describing the nature of conditions and compliance positions thereof, should be indicated in the Mining Plan.

2. Mine closure Plans: Mine Closure Plans will have two components viz. i) Progressive or Concurrent Mine Closure Plan, and ii) Final Mine Closure Plan. Progressive Mine Closure Plan would include various land use activities to be done continuously and sequentially during the entire period of the mining operations, whereas the Final Mine Closure activities would start towards the end of mine life, and may continue even after the reserves are exhausted and/or mining is discontinued till the mining area is restored to an acceptable level. The Mine closure details of the Mining Plan should be oriented towards the restoration of land back to its original as far as practicable or further improved condition.

2.1. Mining is to be carried out in a phased manner along with reclamation and afforestation work in the mined-out area.

2.2. Progressive mine closure plan shall be prepared for a period of every five years from the beginning of the mining operations. These plans would be examined periodically in every five years period and to be subjected to third party monitoring by the agencies approved by the Central Government, like Central Mine Planning and Design Institute Ltd. (CMPDIL), National Environmental Engineering Research Institute (NEERI), Indian Institute of Technology (IIT-ISM) or any other institutes/ organizations/ agencies specified from time to time for the purpose.

2.3. Various project specific activities viz. mined-out land details & their technical and biological restoration plan, water quality management, infrastructure to be retained and demolished, disposal of mining machinery, etc. shall be furnished in the relevant paras. Where the backfilling of the mine void is being carried out as part of regular mining operation, it shall not be included in the list of progressive mine closure activities. However, in case, where the backfilling of mine void is to be carried out specifically for closure of the mine, quantum of such overburden and the mine closure fund earmarked for the purpose must be included in the list of activities to be taken up for mine closure in the mining plan at the time of submission itself.

2.4. The Government may at any time before the closure of mine require certain activities to be included in the mine closure plans, which it may consider necessary for the safety and conservation of environment, or in compliance with any modification/ amendment in the relevant legislation.

2.5. **Abandonment cost:** The total cost for carrying out such activities shall be estimated for assessment of abandonment cost of the mine involving progressive and final mine closure activities such as barbed wire fencing all around the working area, dismantling of structures/demolition and cleaning of sites, rehabilitation of mining machinery, plantation, physical/biological reclamation, landscaping, biological reclamation of left-out overburden dump, filling up of de-coaled void, post environmental monitoring, supervision charges, power cost, protective and rehabilitation measures including their maintenance and monitoring, miscellaneous charges etc. for the specified post closure period.

2.6. **Escrow Account Calculation:** In August 2009 it was estimated that typically closure cost for an opencast mine was around rupees six lakhs per hectare of the total project area and rupees one lakh per hectare for underground project area at the-then price level. Accordingly vide letter dated 7th January 2013 a guideline for mine closure was issued which needed modification in these rates based on the wholesale price index (WPI) as notified by Government of India from time to time while preparing the Mining plan and Mine Closure Plan. The escalated rate (based on the current base year i.e. 01.04.2019) is Rupees Nine Lakh per hectare in opencast and Rupees one lakh fifty thousand per hectare for underground Mine. These rates will be considered as Base Rate to be applicable from 01.04.2019, which may change as specified from time to time by the Government of India.

[Exemplary Calculation: {(Rs 6 lakhs x 1.561 linking factor for base year 2004-05 x WPI 121.1 as on April 2019) / (WPI as on August 2009)} = Rupees 8.75 lakh, rounded to Rupees 9 (nine) lakhs per hectare in case of Opencast project].

Henceforth, these rates will stand modified based on the wholesale price index (WPI) as notified by Government of India from time to time. Annual closure cost is to be computed considering the total project area of the mine multiplied by escalated rate (at the above mentioned rates) and dividing the same by the balance life of the mine in years. An amount equal to the annual cost is to be deposited each year throughout the mine life compounded @5% annually.

[For example if the annual cost works out to Rs 100, then in the first year the amount to be deposited will be Rs 100, in the second year 100x(1+5%)^1, in the third year 100x(1+5%)^2 and so on.]

Further, in case of the mine, where escrow account is already open, the annual closure cost is to be computed considering the total project area at the above mentioned rates minus the amount already deposited and dividing the same by the balance life of the mine in years and annual cost as arrived should be compounded @5% annually.

2.7. **Financial Assurance:** The Mining Company/ Mine Owner as a part of Financial Assurance will open a Fixed Deposit Escrow account, with the Coal Controller Organization (on behalf of the Central Government) as exclusive beneficiary prior to commencement of any activities on the land/project area of the mine and shall submit the same to Coal Controller Organization (CCO) before the permission is given for opening the mine. The mining company shall cause the payment to be deposited at the rate computed as indicated at Para 2.6. The owner of the company may select the Schedule Bank where the Escrow account is to be opened and inform the same to the Coal Controller, CCO, Kolkata.

2.8. Coal Controller, Kolkata shall get the WPI (used for escalation of closure cost at the time of formulation of Mining plan) updated, at the time of opening of Escrow account. The mine owner/ company including all public/ private sector companies shall deposit the yearly amount in a Schedule Bank in accordance with Para 2.6. Coal Controller, **Kolkata shall also get the**

information, submitted under to para 1.2, verified and get the yearly closure cost modified with respect to the latest WPI in accordance with para 2.6.

2.9. Final Mine Closure: The details of the Mining Plan (covering Final Mine Closure Plan envisaging the details of the updated cost estimates for various mine closure activities and the Escrow Account already set up, shall be submitted to the approving authority for approval at least five years before the intended final closure of the mine.

2.10. Final Mine Closure would be considered to be completed only after acceptance of the third-party audit report by the Coal Controller on the compliance of all provisions of Mine Closure Plan. Any Institute/ Organization/Agency as may be specified by the Government for this purpose may be engaged for Third Party audit to create a self-sustained ecosystem. Failure of restoration within the specified period may result in forfeiture of Escrow Account created as per Para 2.6& 2.7. The details of the Final Mine Closure Plan along with the details of the updated cost estimate for various mine closure activities and escrow account already set up shall be submitted at the time of approval of final mine closure plan.

2.11. **Time Scheduling for abandonment:** The Action plan for carrying out all abandonment operations (progressive and final mine closure) should be furnished in the form of bar chart for a period of life of the mine plus post closure period. Post closure period shall be taken as3 (three) years for Underground mines and Opencast mines having stripping ratio lesser than 6(six) MM^3/Te & 5 (five) years for mines having stripping ratio more than 6(six) MM^3/Te.

2.12. **Implementation of the approved Mine Closure Plan shall be sole responsibility of the mine owner.** Mining is to be carried out in a phased manner i.e. continuation of mining activities from one phase to other indicating the sequence of operations depending on the geo-mining conditions of the mine. Up to 50% of the total deposited amount including interest accrued in the ESCROW account may be released after every five years in line with the periodic examination of the Closure Plan as per Para 2.2. The amount released should be equal to expenditure incurred on the progressive mine closure in past five years or 50% whichever is less. The balance amount shall be released to mine owner/leaseholder at the end of the final Mine Closure on compliance of all provisions of Closure Plan. This compliance report should be duly signed by the lessee and certify that said closure of mine complied all statutory rules, regulations, orders made by the Central or State Government, statutory organisations, court etc. and certified by the Coal Controller.

2.13. **Responsibility of the mine owner:** It is the responsibility of the mine owner to ensure that the protective measures contained in the mine closure plan including reclamation and rehabilitation works have been carried out in accordance with the approved mine closure plan and final mine closure plan.

2.14. The owner shall submit to the Coal Controller a yearly report before 1st July of every year setting forth the extent of protective and rehabilitative works carried cut as envisaged in the approved mine closure plans (Progressive and Final Closure Plans).

2.15. The money to be provided per hectare of total Project Area for the purpose is to be deposited every year on commencement of any development activity on the land for the mine after opening a Fixed Deposit Escrow Account prior to obtaining mine opening permission from Coal Controller. Mining company/owners including all Public Sector Undertakings shall deposit the yearly amount in a Scheduled Bank. If the Mine owners fail to deposit the required annual amount in accordance with Para 2.6, 2.7 & 2.8, the Government can withdraw the mining permission.

2.16. The funds so generated are towards the security to cover the cost of closure in case the mine owner fails to complete the relevant closure activities. The prime responsibility of mine closure shall always lie with the mine owner, and in case these funds are found to be insufficient to cover the cost of final mine closure including the areas covered in Para 2.3 2.6, 2.7, 2.8 & 2.9 above. The mine owner shall undertake to provide the additional fund equivalent to the gap in

funding before five years of Mine Closure failing which it may be recovered by such other methods as the competent authority may deem fit in this regard.

2.17. **Final Closure Certificate:** The Mine owner shall be required to obtain a mine closure certificate from Coal Controller to the effect the protective, reclamation, and rehabilitation work in accordance with the approved Mining plan covering final mine closure provisions/activities have been carried out by the mine owner for surrendering the reclaimed land to the State Government.

2.18. The balance amount at the end of the final Mine Closure shall be released to mine owner on compliance of all provisions of Closure Plan duly signed by the mine owner to the effect that said closure of mine complied with all statutory rules, regulations, orders made by the Central or State Government, statutory organizations, court etc. and duly certified by the Coal Controller. This should also indicate the estimated extractable coal reserves and coal actually mined out.

2.19. If the Coal Controller has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the approved mine closure plan in respect of which financial assurance was given has not been or will not be carried out in accordance with mine closure plan, either fully or partially, the Coal controller shall give the mine owner a written notice of his intention to issue the orders for forfeiting the sum assured at least thirty days prior to the date of the order to be issued after giving an opportunity to be heard.

3. Formulation of Mining Plan by Qualified Person (QP) or Accredited Mining Plan Preparing Agency (MPPA):

3.1. System of granting Recognition to a person for preparation of mining plan u/s 22C of MCR 1960 & preparation of mining plan only by RQP u/s 22B of MCR 1960 shall be done away with, after commencement of the Mineral Concessions (Amendment) Rules, 2020.

3.2. After commencement of Mineral Concession (Amendment) Rule 2020, no mining plan shall be accepted unless it is prepared by Qualified Person (QP) or Accredited Mining Plan Preparing Agency (MPPA).

3.3. Quality Council of India (QCI) or National Accreditation Board for Education and Training (NABET) shall be engaged for accrediting following entities:

(i) Accredited Prospecting Agency (APA) for undertaking prospecting operations and preparation of geological reports for Coal and Lignite Mines, and

(ii) Mining Plan Preparing Agency (MPPA) for preparation of mining plan (for Coal, Lignite Mines and Sand for Stowing)

3.4. The Quality Council of India (QCI) or National Accreditation Board for Education and Training (NABET)shall grant accreditation in accordance with such standards and procedures as specified in schedule VI of Mineral Concession (Amendment) Rule 2020.

3.5. Qualified Agency (QP) or Mining Plan Preparing Agency (MPPA) who prepares mining plan for a block/mine, shall have recognition from the concerned company board that the qualification of the QP or accreditation of the MPPA has been duly verified and is in line with the relevant provision of the MCR 1960.

4 Submission, Processing and Scrutiny of Mining Plan

4.1 **On and from the date of publication of order and upto the expiry of period of nine months from the commencement of the Mineral Concession (Amendment) Rules, 2020**, every mining plan submitted for approval/modification shall be accompanied with a non-refundable application fee specified from time to time in this regard, for the project area specified in the mining plan.

4.2 **On and from the expiry of period of nine months from the commencement of the Mineral Concession (Amendment) Rules, 2020**, every mining plan submitted for approval/modification

shall be accompanied with a non-refundable application fee specified from time to time in this regard, for the project area specified in the mining plan and peer/expert review done by any accredited mining plan preparing or reviewing agency at their (applicant's) own cost. During examination of the Mining Plan by the internal committee of MoC, if it is felt that a review by expert or by specialized agency is required, the committee may recommend referring the mining plan to such expert/agency with the approval of the MP approving authority. Charges for the expert review shall be borne by the applicant.

4.3 All pages (including cover page, plates and Annexures) shall bear the signature & stamp furnishing details of the QP/Accredited Mining Plan preparing Agency (MPPA) in physical mode of submission and e-signature/digital signature during the online system of submission.

4.4 Ministry of Coal is in process of development of on-line portal for submission and approval of mining plan. system of acceptance of Physical copy shall be continued till the development/operationalization of online portal for submission and approval of mining plan.

4.4.1 **Submission to Physical Copy Mining Plan to Ministry of Coal:**

4.4.1.1 The project proponent shall submit one soft copy and four hard copies of Mining Plan (draft)- one each to the concerned Administrative Section of the Ministry of Coal for the concerned block, Section of MoC/CCO dealing with approval of Mining plan, Coal Controller, CMPDIL/ Extended office of CCO & the dispatch receipt of the speed post (confirming that the draft Mining Plan has been sent).The contact details and correspondence address of the section dealing with the approval of Mining plan, administrative section for the mine, members of the committee etc. shall be updated time to time, on the website of the Ministry of Coal/Coal Controller Organisation.

4.4.1.2 The project proponent shall incorporate the observation (if any) and submit the mining plan (after incorporating the compliance to the observation) to section of MoC/CCO dealing with approval of Mining plan, concerned administrative section of the Ministry of Coal, Coal Controller and CMPDIL/ Extended office of CCO.

4.4.1.3 **Submission of Mining Plan (after incorporating compliance) to Ministry of Coal:** The project proponent shall submit 04 (Four) hard copies & 01 (one) soft copy of modified Mining Plan and the compliance to the observations along with copy of the dispatch receipt of the Speed Post (confirming that the modified Mining Plan has been sent to section of MoC/ CCO dealing with approval of Mining Plan, concerned administrative section of the Ministry of Coal, Coal Controller, and CMPDIL/ Extended office of CCO).

4.4.1.4 The procedure of submission at Para 4.3.1 will be replaced by process of submission at para 4.3.2 on development of portal for online submission and approval of Mining Plan.

4.4.2 **Online System of Submission of Mining Plan for Approval:**

4.4.2.1 Project proponent shall register online, using registered official mail ID.

4.4.2.2 For the purpose of preparation of Mining plan through a QP or MPPA, project proponent shall share a temporary login with QP/MPPA. This temporary login shall be valid till the preparation and approval of mining plan only.

4.4.2.3 The QP/MPPA shall upload the Mining plan through the temporary login and submit it to the project proponent; QP/MPPA once submits the mining plan to the project proponent, he shall not be able to modify.

4.4.2.4 The Project Proponent shall make payment of processing charges/fees online as specified from time to time by Ministry of Coal;

4.4.2.5 The Project Proponent shall after incorporating relevant company board approvals submit the mining plan to the Approving Authority; The mining plan submitted to approving authority shall become visible to Administrative Section for the respective block, section of MoC/CCO dealing

with approval of Mining plan, members of the Internal Committee, Coal Controller, CMPDIL/ Extended office of CCO, simultaneously. System of SMS alerts shall be available at all stages;

4.4.2.6 Observations of the Committee Members shall be uploaded online and the project proponent shall also submit Mining Plan, after incorporating compliance, online

5 Scrutiny & Processing of Mining Plan

5.1.1 The current system of getting the mining plan scrutinized through CMPDI, Ranchi shall continue. Ministry of Coal is in process of creating an extended office of Coal Controller Organization at Delhi which shall be delegated with the work of processing and scrutiny of mining Plan. A letter to this effect shall be issued separately.

5.1.2 CMPDIL/Extended office of CCO at Delhi shall scrutinize the mining plan and submit comments to section of MoC/CCO dealing with approval of Mining plan within Fifteen (15) days of receipt of the Mining Plan. Non-submission of comments within the stipulated time may be presumed as "no comment" from CMPDIL/Extended office of CCO; CMPDIL/ Extended office of CCO at Delhi, if consider necessary to make a physical verification of the site/site visit for scrutiny of the mining plan, may make such site visit/physical verification of the site, however, no relaxation in the time line as specified above may be given.

5.1.3 Administrative Section of the Ministry of Coal (dealing with the block) shall scrutinize the mining plan with respect to Vesting order/ allotment order and CMDPA signed with allottee at the time of allotment and submit observations to section of MoC/CCO dealing with approval of Mining plan (till the development of portal for Mining plan approval) within Fifteen (15) days of receipt of the Mining Plan. Non-submission of comments within the stipulated time may be presumed as "no comment" from the administrative section;

5.1.4 Members of the Internal Committee shall examine the mining plan from Technical and administrative angle based on the observations of the Administrative Section (dealing with the respective block) and CMPDIL/Extended office of CCO and the peer/expert review report submitted with the mining plan and submit observations to section of MoC/CCO dealing with approval of Mining plan (till the development of portal for Mining plan approval) within Fifteen (15) days of receipt of the Mining Plan. Non-submission of comments within the stipulated time may be presumed as "no comment" from the administrative section. Members of the internal committee, CMPDIL/Extended office of CCO may raise observation twice only. The observation raised shall be communicated directly to the project proponent for incorporating the same in the mining plan. The project proponent shall make presentation in the meeting of the internal committee for scrutiny.

5.1.5 Section of MoC/CCO dealing with approval of Mining plan shall communicate the observation (if any) to the project proponent for compliance till the development of online system for submission, processing, and approval of mining plan.

5.1.6 Subsequent, to development of online portal for submission, processing, and approval the observations of the internal committee members shall be uploaded directly on the portal, which will be visible to the project proponent. A timeline of 15 days shall be available for the internal committee members to upload the comments. Non-submission of comments within the stipulated time may be presumed as "no comment".

6 Timeline for submission of Compliance:

Once the observation of the Scrutiny of the mining plan is communicated either in hard copy, mail or online, the Project Proponent is required to submit the mining plan after incorporating the compliance to the observation within a period of 15 days of the communication, failing which the mining plan submitted for approval shall be rejected.

Provided that any such application may be entertained after the said period of 15 Days, if the applicant satisfies the approving authority that he had sufficient cause for non-submission of mining plan (after incorporating the compliance) in time. However, in any case this period may not be extended beyond 30 days from the date of receipt of communication of the observation.

7 Approving Authority:

7.1 On and from the date of publication of order and up to the expiry of period of nine months from the commencement of the Mineral Concession (Amendment) Rules, 2020, the powers to approve mining plan for all categories of coal and lignite mines and sand for stowing shall be exercisable by Project Adviser, Ministry of Coal.

7.2 On and from the expiry of period of nine months from the commencement of the Mineral Concession (Amendment) Rules, 2020, the power to approve mining plan for all categories of coal and lignite mines including sand for stowing shall be exercisable by the Coal Controller, CCO, Kolkata, a subordinate office of Government of India in the Ministry of Coal.

7.3 The person delegated to approval of Mining Plan under sub-section (1) of section 26 read with clause (b) of sub-section (2) of section 5 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter, the 'Act') may seek help of an Internal committee constituted for the purpose.

7.4 The approving authority shall dispose of the application for approval of the Mining Plans within a period of 30 days from the date of receiving of such application (The Mining Plan received on or before 30th of Current Month will be considered in the ensuing meeting). Provided that the aforesaid period of 30 days shall be applicable only if the Mining Plan is complete in all respect, and in case of any modifications subsequently suggested after the initial submission of the Mining Plan for approval, the said period shall be applicable from the date on which modified mining plan is re-submitted.

8 Internal Committee for Scrutiny of Mining Plan:

8.1 Members of the Internal Committee shall examine the mining plan from Technical and administrative angle based on the observations of the Administrative Section dealing with the respective block & CMPDIL/ Extended office of CCO.

8.2 The internal committee shall recommend the mining plan for "Approval" or "Rejection". In case of recommendation for Rejection, the committee shall record the reason for Rejection.

8.3 Till the opening of CCO office at Delhi, the internal committee shall consist of:

1. Director (Technical), MoC, Member Secretary
2. Director/ Deputy Secretary, MoC of the section dealing with the allocation/allotment of the respective block, Member
3. Coal Controller or his representative, Member
4. Director level officer of CMPDIL, Member
5. Director/Deputy Secretary, Nominated Authority, Member

8.4 After opening of CCO office at Delhi, the internal committee shall consist of:

1. Director level officer of CCO having relevant working experience., Member
2. Director/ Deputy Secretary of the section dealing with the respective block, Member
3. Head of Regional Coal Controller Office (having relevant working experience in mine planning), CCO Regional Office New Delhi, Member Secretary
4. Any other technical person having working experience of not less than 15 (fifteen) years in mine planning, Member

9 Communication of Approval:

9.1 In case of allotted/auctioned mine, section dealing with approval of Mining Plan shall communicate the decision of the approving authority within a period of 5 (five) working days in form of a letter confirming "in-principle approval" of the Mining Plan to the project proponent

with a copy of the same to the Nominated Authority, Govt. of India. Final approval of the Mining Plan in such cases shall be communicated by the section dealing with approval of Mining Plan, only on receipt of applicable payments and its confirmation from the Nominated Authority, Govt. of India.

9.2 While for mines other than auctioned/allotted mines, section dealing with approval of Mining Plan shall communicate the decision of the approving authority within a period of 5 working days.

10 Revision:

10.1 Any person aggrieved by any order made or direction issued in respect of mining plan by an officer competent to approval mining plans shall within 30 days of the communication of such order or direction, apply to the Secretary (Coal), Ministry of Coal for a revision of such order or direction thereon.

10.2 On receipt of any application for revision the authority shall give the aggrieved person a reasonable opportunity of being heard and may within 30 days confirm, modify or set aside the order or direction and his decision thereon shall be final.

11 **This Guideline** supersedes the previous orders and are without any prejudice to any other relevant rules and regulations, such as those issued by the State Governments, Ministry of Environment, Forest and Climate Change, Ministry of Labour and Employment, etc.

(Hitlar Singh)
Under Secretary to the Government of India

To,

All the existing Coal and Lignite block allocates

Copy to: -

1. All Joint Secretaries, MoC.
2. Coal Controller, Coal Controller's Office, 1- Council House Street, Kolkata.
3. CMD, CIL, Newtown, Rajarhat, Kolkata-700156, W.B
4. CMD, NLCIL, Cuddlore, Distt. Neyveli- 607801 (Tamil Nadu).
5. CMD, Singareni Collieries Company Limited (SCCL), Kothagudem Collieries, Khammam Distt.(A.P).
6. Tech. Director (NIC) - with the request to place it to Website of the Ministry of Coal.

DETAILS TO BE FURNISHED IN THE MINING PLANS FOR COAL/LIGNITE BLOCKS

A. Cover Page

The Cover page should contain the following information:

(i) Name of the Mining Plan and Mine Closure Plan /Final Mine Closure Plan

(ii) Indication, if it is a Modified Mining plan seeking approval under Rule 22E of MCR 1960, it should be marked as **"Modified Mining Plan with Modification No"** i.e. First Modification, Second Modification etc.

(iii) Name of the Coal/Lignite Block area (Acre/Hectare/Sq. Km.)

(iv) Name of the Coalfield and its location i.e. District and State

(v) Name and address of the Applicant

(vi) Targeted capacity

a. Rated capacity : ____ Mty)

b. Peak Capacity (@ 150% of the rated capacity) : in ____Mty,

(vii) Name of the **Qualified person/ Accredited Mining Plan preparing agency (MPPA)**preparing the mining plan with details

B. Index of Chapters of the Mining Plan (Including Mine Closure Plan) / Mine Closure Plan or Final Mine Closure Plan

Sl No.	*Chapters*	***Page No***
1	Checklist	
2	Project Information	
3	Exploration, Geology, Seam Sequence, Coal Quality and Reserve	
4	Mining	
5	Safety Management	
6	Infrastructure Facilities proposed and their Location	
7	Land Requirement	
8	Environment Management	
9	Progressive & Final Mine Closure Plan	

C. Index for List of Annexure

D. Index of List of Plans/ Drawing Attached enclosed as Plates

E. List of Abbreviations used.

(viii) All Plans must be colored distinctly with proper legends.

CHECKLIST

Details		(✔ / ✖)
	Expert-review Report	
Text	Project Information	
Text	Exploration, Geology, Seam Sequence, Coal Quality and Reserve	
Text	Mining	
Text	Safety Management	
Text	Infrastructure Facilities proposed and their Location	
Text	Land Requirement	
Text	Environment Management	
Text	Progressive & Final Mine Closure Plan	
Annexure	Copy of allotment order /Vesting order.	
Annexure	Certificate of **Qualified person/ Accredited Mining Plan preparing agency (MPPA)**if the project area is confined within the vested/allotted block boundary/**existing mining lease** and Where the project area extends beyond the block boundary, a certificate of **Qualified person/ Accredited Mining Plan preparing agency (MPPA)**should be supported with a certificate of State Government mines and Geology department must be attached, which should specify (a) intent of the state government for grant of lease beyond the vested geological boundary/**existing mining lease**; (b) non-existence of Coal/ Lignite in the area beyond the vested/allotted geological block boundary/**existing mining lease** to rule out the issue of encroachment and use of coal bearing area (beyond the vested/allotted block boundary/**existing mining lease**) in the mining plan	
Annexure	Approval of the Company Board	
Annexure	Copy of earlier approval of mining plan.	
Annexure	Plan / chart showing schedule of Implementation of Mine closure activities (progressive and final closure) with duration of important activities	
Annexure	**Expert-Review Report carried out be an Accredited Mining Plan Preparing Agency (MPPA)**	

Details		(✔ / ✖)
Annexure	Other document (if any)	
Plates	Location plan	
Plates	Plan certified by **Qualified person/ Accredited Mining Plan preparing agency (MPPA)**if the project area is confined within the vested/allotted block boundary/**existing mining lease** and where the project area extends beyond the block boundary, a Plan certified by **Qualified person/ Accredited Mining Plan preparing agency (MPPA)**should be supported with a plan with cardinal co-ordinates duly certified by the Mines and Geology Department of the concerned State Government. **Plan in support of Annexure - II**	
Plates	Printed copy of the KML file superimposed in the recent (not older than one year from the base date) dated satellite Image duly certified by Accredited Agency should also be attached. Note: The soft copy of the KML file shall also be part of the Soft copy of the mining Plan.	
Plates	Cadastral plan showing approved block boundary vis-à-vis proposed/existing mining lease & Mine boundary superimposed over it in distinct color, showing land use and infrastructure etc..	
Plates	Geological plan showing all the boreholes drilled and proposed to be drilled showing allotted block boundary and required lease area	
Plates	Representative Graphic Litholog	
Plates	Surface Plan showing drainage system, Contour, preferably at 3m interval, location of BH (borehole)	
Plates	Conceptual plan showing infrastructure facilities including colony, boundary of mining area, mine entries, roads including road diversion alignment etc.	
Plates	Tentative land use plan showing land type (Govt., forest and tenancy land) with its data source	
Plates	Floor contour plan and seam folio plan, iso-grade plan	
Plates	Cross-section showing coal/lignite seam(s)	
Plates	Plan showing existing and proposed surface layout(s)	
Plates	Plan showing total coal thickness and overburden thickness and stripping ratio (in case of opencast (OC) Mines)	
Plates	Final stage quarry plan showing haul road alignment (in case of OC Mines)	

Details		(✔ / ✖)
Plates	Plan showing mode and location of entries and surface layouts (in case of underground (UG) Mines)	
Plates	Layout of the panel for each system (like Longwall, Continuous Miner, Bord& Pillar, road header etc.) should be given (in case of UG Mines)	
Plates	Layout of pillar extraction (in case of UG Mines)	
Plates	Support system (in case of UG Mines)	
Plates	Haulage and transport system (in case of UG Mines)	
Plates	Post mining land use plan	
Plates	Progressive mine closure plan/ stage plans	
Plates	Reclamation plan	

Chapter 1 : Project Information

	Parameters	*Details*
1.1	**INTRODUCTION**	
1.1.1	Name of Coal / Lignite Block	
1.1.2	Name of the Coalfield/ Lignite Field	
1.1.3	Base date of Mining Plan/ Mine Closure Plan	
1.1.4	Linked End Use Plant	
1.1.5	Distance of End use plant from the pit head of the project in "km"	
1.1.6	Mode of Coal Transport	

1.2 LOCATION, TOPOGRAPHY AND & COMMUNICATION

1.2.1	Location of coal deposit (District and State)	
1.2.2	Communication: PWD roads, railway lines, Air	
1.2.3	Availability of power supply, water etc.	
1.2.4	Prominent physiographic features, drainage pattern, natural water courses, rainfall data, highest flood level	
1.2.5	Important surface features within the project area and major diversion or shifting involved	

1.3 DETAILS OF THE ALLOTTMENT AGREEMENT

1.3.1	Name the Allottee	
1.3.2	Details of allotment/vesting order	
1.3.3	Name and address of the applicant	
1.3.4	Name of the Previous allottee of the Block	
1.3.5	Starting Date of the Mine as per CMDPA	
1.3.6	Rated Capacity as per CMDPA	
1.3.7	Production Schedule as per opening permission (meeting provisions of CMDPA if any)	
1.3.8	End Use of Coal/Lignite as	

	Parameters	*Details*
	per allotment order if any	
1.3.9	Cardinal Points co-ordinates of the Block boundary	

ID	Latitude	Longitude
1	° ' " N	° ' " E
2	° ' " N	° ' " E
	° ' " N	° ' " E
	° ' " N	° ' " E

1.4 DETAILS OF THE PREVIOUS APPROVAL OF MINING PLAN

1.4.1	Date of Approval	
1.4.2	Conditions, if any	
1.4.3	Scheduled year of start of production	
1.4.4	Proposed year of achieving the targeted production	
1.4.5	Date of actual commencement of mining operations, if operations already started	
1.4.6	Likely date of mining operations, if operations not yet started & reasons for non-commencement of operations	
1.4.7	**Planned production and actual levels achieved in last 3 years (Coal in Mte, OB in MM^3, SR in MM^3/te)**	
1.4.8	**Statutory obligations vis-à-vis compliance status in a tabular form**	
1.4.9	Reasons for difference between the planned and actual production levels	

Year	Coal "**Mte**"		OB **MM^3**	**SR "MM^3/te"**
	UG	OC		

1.5 PARAMETERS OF APPROVED MINING PLAN VIS-À-VIS PROPOSED MINING PLAN

		Approved Mining Plan	**Proposed Mining Plan**
1.5.1	Block Area in "Ha"		
1.5.2	Block Area Projectised "Ha"		
1.5.3	Lease area "Ha"		
1.5.4	Project Area "Ha"		
1.5.5	Life of the Project "Yrs"		
1.5.6	Minimum and Maximum Depth of working "m"		

	Parameters	*Details*	
1.5.7	Net Geological Block "Ha"		
1.5.8	Production Target "MTPA"		
1.5.9	Seams Available "As per GR"		
1.5.10	Seams not considered for Mining with Reasons		
1.5.11	Gross Geological Reserve "Mt"		
1.5.12	Net Geological Reserve "Mt"		
1.5.13	Blocked Reserve "Mt"		
1.5.14	Minable Reserve "Mt"		
1.5.15	Extractable Reserves "Mt"		
1.5.16	% of Extraction/ recovery		
1.5.17	Reserve Depleted (till the base date) Reserves " Mt"		
1.5.18	Balance Extractable reserve "Mt"		
1.5.19	Average Grade		
1.5.20	OB in MM3		
1.5.21	SR MM3/te		
1.5.22	Mining Technology		
1.5.23	Coal Beneficiation envisaged		
1.5.24	Handling of Rejects		
1.5.25	Land use pattern " Ha"		
1	Excavation Area		
2	Top Soil Dump		
3	External Dump		
4	Safety Zone		
5	Other Use		
6	Infrastructure area		
7	Green Belt		
8	Undisturbed Area		
	Total		
1.5.26	**Reasons for revision**		

<table>
<tr><th></th><th>Parameters</th><th colspan="2">Details</th></tr>
<tr><td>2.1</td><td colspan="3">DETAILS OF THE BLOCK</td></tr>
<tr><td>2.1.1</td><td>Particulars of adjacent blocks: North, South, East, West</td><td>North :
South:</td><td>East:
West:</td></tr>
<tr><td>2.1.2</td><td>Location of the Block
District / State</td><td colspan="2"></td></tr>
<tr><td>2.1.3</td><td>Area of the Block "Ha"</td><td colspan="2"></td></tr>
<tr><td>2.1.4</td><td>Area of the geological block projectized "in Ha" (Area of the geological block considered for liquidation of coal reserve)</td><td colspan="2"></td></tr>
<tr><td>2.1.5</td><td>Balance area yet to be projectized "Ha"</td><td colspan="2"></td></tr>
<tr><td>2.1.6</td><td>Likely Reserve in the area yet to be projectized "Mte"</td><td colspan="2"></td></tr>
<tr><td>2.1.7</td><td>Cardinal Point Co-ordinates of the non-coal/lignite bearing area/existing mining lease outside the allotted Geological Coal/Lignite block

(Duly certified in line with para 1.9 of the Guideline, if fresh inning lease required)</td><td colspan="2">Cardinal Points Co-ordinates of the Proposed area outside the non-coal/lignite bearing area outside the allotted Geological Coal/Lignite block
<table>
<tr><th>ID</th><th>Latitude</th><th>Longitude</th></tr>
<tr><td>1</td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td>2</td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td></td><td></td></tr>
</table></td></tr>
<tr><td>2.1.8</td><td>Certificate of Qualified person/ Accredited Mining Plan preparing agency (MPPA)if the project area is confined within the vested/allotted block boundary/existing mining lease and

Where the project area extends beyond the block boundary, a certificate of Qualified person/ Accredited Mining Plan preparing agency (MPPA)should be supported with a certificate of State Government mines and Geology department must be attached, which should specify (a) intent of the state government for grant of lease beyond the vested geological boundary; (b) non-existence of Coal/ Lignite in the area beyond the vested/allotted geological block boundary/existing mining lease to rule out the issue of encroachment and use of coal bearing area (beyond the vested/allotted block boundary/existing mining lease) in the mining plan

The Project area, Lease area and geological block area in "Ha" shall also be envisaged.</td><td colspan="2">Cardinal Points Co-ordinates of the Proposed LeaseArea considered in the Mining Plan
<table>
<tr><th>ID</th><th>Latitude</th><th>Longitude</th></tr>
<tr><td>1</td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td>2</td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td>° ' " N</td><td>° ' " E</td></tr>
<tr><td></td><td></td><td></td></tr>
</table>
Note: Certificate should be given on conceptual plan envisaged in the proposed mining plan depicting OB area, infrastructure locations and cardinal point co-ordinates of the lease area, block area, project area;

In case the project boundary extends beyond the allotted geological block boundary/existing mining lease certificate of non-occurrence of coal should be clearly shown.

Certificate should envisage that the Geo-reference Co-ordinates considered for preparation of Mining plan is in line with Vesting/allotment order and does not encroach</td></tr>
</table>

	Parameters	*Details*
		any other adjacent block, and non-coal bearing certificate of the area in case any proposed infrastructure or OB dump is outside the block area;
2.1.9	KML file of the Proposed lease area, Project Area and geological block.	**Note:** Printed copy of the KML file superimposed in the recent (not older than one year from the base date) dated satellite Image duly certified by Accredited Agency should also be attached. Note: The soft copy of the KML file shall also be part of the Soft copy of the mining Plan.
2.1.10	Whether the proposed project area is confined within the allotted block boundary/**existing mining lease**, if not, the reason for deviation from allotted block boundary, may be given.	
2.1.11	If the project area extends outside the allotted block boundary/**existing mining lease**, confirmation about non-occurrence of coal/lignite in the area under reference needs to be furnished	
2.1.12	Type of the Project (Operating / under Implementation) and year of Starting.	
2.2	**EXPLORATION, GEOLOGY AND ASSESSMENT OF RESERVE**	
2.2.1	Regional geological set up of the area, local geology, structure, stratigraphic sequence, characteristics of the litho-logical units (coal seams /partings/overburden).	(In Maximum 500 Words)
2.2.2	Local geology, Structure, Stratigraphic sequence, Characteristics of the litho-logical units (coal seams /partings/overburden).	(In Maximum 500 Words)
2.2.3	Geological Block Area " Ha"	
2.2.4	Status of Exploration of the block	
2.2.5	Area covered by 'detailed' exploration within the block (sq. km)	
2.2.6	Whether entire lease area has been covered by 'detailed' exploration.	
2.2.7	No. of boreholes drilled within the block	
2.2.8	Whether any further exploration/study is required or suggested and time frame in which it is to be completed	
2.2.9	Year wise future programme of exploration	
2.2.10	Overall borehole density within the block (no./ sq. km) approx	
2.2.11	No of Seams available as per GR (Geological Report)	
2.2.12	Seams not considered for Mining with Reasons	
2.2.13	Dip of the Seam	
2.2.14	Seam wise thickness, depth and reserve	

	Parameters	Details

Seam	Thickness Range 'm'	Depth Range 'm'	Net Geological Res "Mte"	Blocked Reserve below					Min Res " Mte"		Mining losses
				Highwall/ Batter	Nala/ River/Road	Barrier	Un-economi	Total Blocked	UG	OC	
Seam											
P											
Seam											
P											
Seam											
P											
Seam											
Total											

Seam	Ext Res "Mte"			As on base date "Mte"							Reason not considered for mining
				Depletion of Reserve			Balance Reserve				
	UG	OC	Highwall	UG	OC	Highwall	UG	OC	Highwall	Total	
Seam											
Seam											
Seam											
Seam											
Total											

Note : Break-up of the geological reserve for the block, considered in the proposed mining plan, to be projected later and that likely to be sterilized to be given seam wise along with the relevant plans.

2.2.15	Methodology of reserves estimation (also mention if any software package has been used).	(In Maximum 500 Words)
2.2.16	Average GCV "KCal/kg"	
2.2.17	Gross Geological Reserve of the block "Mte"	
2.2.18	Net Geological Reserve of the block "Mte"	
2.2.19	Minable Reserve of the block "Mte"	
2.2.20	Blocked Reserve "Mte	
2.2.21	Corresponding extractable reserve of the block "Mte"	
2.2.22	Percentage of Extraction	
2.2.23	Reserve already depleted (Base date of Mining Plan)	
2.2.24	Balance Reserve (as on Base Date)	

	Parameters	*Details*
3.1	**MINING METHOD**	
3.1.1	Existing method of mining if the mine is under operation	
3.1.2	Proposed method of mining with justification on suitability of method of mining	• Seams to be worked, Choice of Mining Method and justification for Optimization of targeted capacity, sequence of mining, production scheduling, equipment configuration etc. • Behavior of coal roof & floor and support system for strata control including, Geo-technical investigations, rock mechanics study carried out already, if any, Scheme of mine development in tandem with production, transport and winding system in underground for coal and rock (if required) and personnel; Sources of stowing material (if applicable) • Brief description of all operation e.g. winning, transport, blasting, overburden removal and disposal, Life of the mine furnishing the assumptions made and the detailed computations • **Location of Mine Opening:** In case of opencast mines location of Access trench & reason for selection of site thereof the mining system (geometry and bench parameters and its sequence of development, along with a drawing) and quarry parameters (surface area, floor area), thickness range of each seam and parting, minimum and maximum depth. Quarry stage plans including OB dumps for 1st year, 3rd year, 5th year, year of achieving rated capacity of the mine, Final year (i.e. at the end of mine life) and post closure subsequently, also indicating the volume of excavation for coal and OB, area of excavation volume of internal and external dump and the area, in hectare, for internal and external dumps and height. Seam wise calendar programme of excavation, timeframe for commencement of Backfilling & justification therefor. • In case of underground mining, number and location, length & depth of shafts, inclines, and other mode of entries to be shown in the plan, e.g. Shaft 1, Shaft -2 etc.), HFL of the area, gassiness of the seams, Technology tie-ups if any. • Seams to be worked, method of working, optimization of coal roof & floor and support system for strata control including, Geo-technical investigations, rock mechanics study carried out already, if any, Scheme of mine development in tandem with production, extent of working for 1st year, 3rd year, 5th year, year of achieving rated capacity of the mine, Final year (i.e. at the end of mine life) and post closure, (all stages may be marked in distinct color in the working plan of each seam), transport and winding system in underground for coal and rock (if required) and personnel; Sources of stowing material (if applicable). • Adequacy of ventilation system taking into account the

<table>
<tr><th></th><th>Parameters</th><th>Details</th></tr>
<tr><td></td><td></td><td>development works with supporting calculations, specifications of Main Mechanical Ventilator, blasting requirements and requirement of explosives, pumping requirements and standby arrangements.
(In Maximum 2000 Words)</td></tr>
<tr><td>3.1.3</td><td>Coal production capacity proposed “Mtpa”</td><td></td></tr>
<tr><td>3.1.4</td><td>Justification for optimization Coal production capacity</td><td>(In Maximum 500 Words)</td></tr>
<tr><td>3.1.5</td><td>Calendar year from which the production will start</td><td></td></tr>
<tr><td>3.1.6</td><td>Year of Achieving rated production</td><td></td></tr>
<tr><td>3.1.7</td><td colspan="2">Tentative Coal production Plan “MT”
<table>
<tr><th colspan="2">Year</th><th colspan="3">Coal Production Schedule</th><th rowspan="2">OB “MM3”</th><th rowspan="2">SR</th></tr>
<tr><th>Year of Operation</th><th>Calendar Year</th><th>UG</th><th>OC</th><th>Total</th></tr>
<tr><td colspan="2">Up to 31.03.2019</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Y-1</td><td>2019-20</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Y-2</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Y-3</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Y-4</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Y-5</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table>
Note: Calendar Plan / Production Plan for the entire life of the mine.</td></tr>
<tr><td>3.1.8</td><td colspan="2">Rated Capacity “Mtpa”</td><td></td></tr>
<tr><td></td><td>- By OC</td><td></td></tr>
<tr><td></td><td>- By UG</td><td></td></tr>
<tr><td></td><td>- Overall</td><td></td></tr>
<tr><td>3.1.9</td><td colspan="2">Life of the mine: “Years”</td><td></td></tr>
<tr><td></td><td>- By OC</td><td></td></tr>
<tr><td></td><td>- By UG</td><td></td></tr>
<tr><td></td><td>- Overall</td><td></td></tr>
<tr><td>3.1.10</td><td>Whether the proposed external OB dump site is coal/ lignite bearing: If so, whether coal/lignite below waste disposal area is extractable.</td><td></td></tr>
<tr><td>3.1.11</td><td>Whether negative proving for coal / lignite in the proposed site for OB dump/ infrastructure has been done.</td><td></td></tr>
<tr><td>3.1.12</td><td>Results of any investigation carried out for scientific mining, conservation of minerals and protection of</td><td></td></tr>
</table>

	Parameters	*Details*
	environment; future proposals.	
3.1.13	Type of Equipment/ HEMM proposed	

Chapter 4 : Safety Management

	Parameters	*Details*
4.1	**Safety Management**	
4.1.1	**Important safety aspects:** Major Risks and uncertainties to the project viz. Proximity to river, adjacent working, geo-mining disturbances, slope stability and remedial measures suggested. It should also include proposed overall slope of the quarry and OB dump, dump height, strata control, fire and spontaneous heating, gas monitoring, disaster management, danger from inrush of water etc.	(In Max 500 Words)
4.1.2	A Commitment from the Company Board that entire mining operation will be carried out as per the Statutory provision given under Mines Act 1952, Coal Mine Regulation 2017 and & wherever specific permission will be required the company will approach the concerned authorities.	(To be furnished as a Part of Annexure)

Chapter 5 : Infrastructure Facilities

	Parameters	*Details*
5.1	Mine infrastructure required e.g. Equipment maintenance planning, Office buildings, Workshop, Power supply arrangement, Water supply etc.	**(Tabular Form)** ***(Location to be shown in Conceptual Plan/Plates)***
5.2.	Power supply & illumination.	***(Max 500 Words)*** ***(Location to be shown in Plates)***
5.3	Drainage & Pumping : Assessment of Volume of Water for Pumping, Pumping Capacity and Pump Selection	***(Max 500 Words)*** ***(Location to be shown in Plates)***
5.4	Coal Handling Arrangement: Brief detail of the CHP/ Mode of Dispatch, Coal quality and Coal staking and handling arrangement	***(Max 500 Words)*** ***(Location to be shown in Plates)***
5.5	Coal washing and the proposed handling/ disposal of rejects.	***(Max 500 Words)*** ***(Location to be shown in Plates)*** Annual Raw coal Feed plan and product with reduction in ash% from feed to product must be furnished in a tabular form

	Parameters	*Details*
6.1	**LAND REQUIREMENT**	
6.1.1	Total Land requirement for the mine in "Ha"	***Break up of pre-mining land type*** (indicative) ***and source of data.***

Land Type		Area
Tenancy	Agricultural	
	Township	
	Grazing	
	Barren	
	Water Bodies	
	Road	
	Community/other use	
Govt Non Forest	Agricultural	
	Township	
	Grazing	
	Barren/other use	
Forest	Reserve	
	Protected	
FreeHold		
Total		

6.1.2 During mining Land use details:

Type	Land use (Proposed)	Land Use (End of Life)	Land Use (Post Closure)						
			Agricultural land	Plantation	Water Body	Public/ Company Use	Forest Land (Returned)	Undisturbed	Total
Excavation Area									
Backfilled Area									
Excavated Void									
Without plantation									
Top Soil Dump									
External Dump									
Safety Zone									
Haul Road between quarries									
Road diversion									
Diversion/ below River/Nala/canal									
Settling pond									
Road & Infrastructure area									
Rationalization area									
Garland drains									
Embankment									

	Parameters	Details
	Green Belt	
	Water Reservoir near pit	
	UG entry	
	Undisturbed/ Mining right for UG	
	Resettlement	
	Pit head power plant	
	Water harvesting	
	Agricultural land	
	Total	
6.1.3	Surface features over the block area	
6.1.4	No. of villages/Houses to be shifted	
6.1.5	Population to be affected by the project	
6.1.6	Proposed Rehabilitation programme	
6.2	**DETAILS OF LEASE**	
6.2.1	Status of Lease	
6.2.2	Existing Lease Area "Ha"	
6.2.3	Period for which Mining Lease has been granted/is to be renewed/ is to be applied for.	
6.2.4	Date of expiry of earlier Mining Lease, if any	
6.2.5	Whether the lease boundary/ required boundary is same as mentioned in the allotment order	
6.2.6	Lease Area (applied/ required) as per the Mining Plan under consideration (Ha)	
6.2.7	Whether the applied lease area falls within the allotted block	
6.2.8	Area (Ha) of lease which falls outside the delineated Block Boundary/Existing Mining Lease	
6.2.9	**Details of outside area:**	
	□ Whether forms part of any other coal block	
	□ Whether it contains any coal/lignite reserves	
	□ Purpose for which it is	

	Parameters	*Details*
	required, e.g. roads/ OB dumps/ service buildings/ colony/ safety zone/ others (specify)	
6.2.10	**Whether some part(s) of the allotted block has not been applied for mining lease.**	
	- Total area in Ha of such part(s).	
	- Total reserves in such part(s). (Mt)	
	- Brief reasoning for leaving such part(s)	

Chapter 7 : Environmental Management

	Parameters	*Details*
7	**ENVIRONMENTAL MANANGEMENT**	
7.1	**Commitment from the project proponent that the company will comply Environment and Forest Condition stipulated in the respective clearances**	

	Parameters	*Details*
8.1	***Land Degradation and restoration Schedule***	

8.1.1

Tentative Land Degradation and Technical Reclamation (Commutative Area "Ha")

Year/Stage (Life of the mine plus post closure period)		Land Degraded				Technically Reclaimed Area			
		Excav	Dump (Extn + Top Soil)	Infra/ others	Total	Backfill	Dump (Extn + Top Soil)	Others	Total
Up to Base year *									
Y-1	19-20								
Y-3	21-22								
Y-5	23-24								
Y-10	28-29								
Y-15	33-34								
Y-20									
Y-25									
Y-30									
Y-33*									
Post Closure									
Y-36									

* - Considering Base year i.e. 2018-19 and life of 33 years in this case

Note: For the purpose of preparation of Stage plan and action plan for restoration and assessment of life of mine and escrow account, the year in which any activity over the proposed land is envisaged, should be considered as 1st year **i.e First year of development.**

Stages of reclamation and restoration of land should be given for 1st, 3rd, 5th and subsequently every five year for the entire life of the project and for 3 years post closure.

8.1.2

Tentative Biological Reclamation (Cumulative in "Ha")

Year/Stage (Life of the mine plus post closure period)		Biologically Reclaimed Area					Forest land (Return)	Un Disturbed/ To be left for Public/com Use	Total
		Agriculture	Plantation	Water Body	Public/ Company Use	Total			
Up to Base year *									
Y-1	19-20								
Y-3	21-22								
Y-5	23-24								
Y-10	28-29								
Y-15	33-34								
Y-20									

	Parameters	Details

Y-25										
Y-30										
Y-33*										
Post Closure										
Y-36										

Stages of reclamation and restoration of land should be given for 1st, 3rd, 5th and subsequently every five year for the entire life of the project and for 3 years post closure.

8.2	**Post Closure Water Quality management:**	**(Max 200 Words)** (Existing water bodies available in the lease hold area; Measures to be taken for protection of the same including control of erosion, sedimentation, siltation, water treatment, diversion of water course if any; Measures for protection of contamination of ground water from leaching etc;)
8.3	**Post Closure Air Quality management**	**(Max 200 Words)**

8.4 **Waste Management** (Figures in MM3) (Tentative)

Year/Stage (Life of the mine plus post closure period)		OB Removal (Cumulative)			External Dump (Cumulative)		Internal Backfilling (Cumulative)		Embankment (Cumulative)	
		Top Soil	OB	Total	Top Soil	OB	Top Soil	OB	Top Soil	OB
Up to Base year *										
Y-1	19-20									
Y-3	21-22									
Y-5	23-24									
Y-10	28-29									
Y-15	33-34									
Y-20										
Y-25										
Y-30										
Y-33*										
Post Closure										
Y-36										

* - Considering Base year i.e. 2018-19 and life of 33 years in this case

Stages at 1st, 3rd, 5th and subsequently every five year for the entire life of the project and for 3 years post closure

	Parameters	*Details*
8.5	**Top Soil Management – (Including Action plan for Top Soil management) (Tentative)**	

(All Figures are Cumulative and in MM3)

Year/Stage (Life of the mine plus post closure period)		Top Soil Removal Plan	Top Soil Used				
			Spreading Over Embankment	Spreading over Backfill area	Spreading over External OB Dump area	Used in Green Belt area	Total Utilised
Up to Base year *							
Y-1	19-20						
Y-3	21-22						
Y-5	23-24						
Y-10	28-29						
Y-15	33-34						
Y-20							
Y-25							
Y-30							
Y-33*							
Post Closure							
Y-36							

Stages at 1st, 3rd, 5th and subsequently every five year for the entire life of the project and for 3 years post closure

8.6	**Management of Coal Rejects.**	**(Max 150 Words)** **Proposal regarding future maintenance and dismantling of structures, slurry pond and rejects**
8.7	**Restoration of Land used for Infrastructure**	(Infrastructure to be retained and to be dismantled are to be presented in a tabular form envisaging measures to be taken for their physical stability and maintenance for the retained infrastructure facilities)
8.8	**Disposal of Mining Machinery**	
8.9	**Safety & Security**	**Measures to be implemented to prevent access to surface opening for underground working, excavation etc**
8.10	**Abandonment Cost and Financial Assurance**	
8.10.1	**Abandonment Cost: Cost of Activities to be taken up for closure of the mine**	

Parameters	Details

Head		Unit	Quantity	Rate Rs/ Unit	Amount "Rs. Cr"
Progressive closure	Water quality management	LS			
	Air quality management	LS			
	Waste Management	M Cum			
	Barbed wire fencing around dump	m			
	Barbed wire fencing around the Pit	m			
	Filling of Void - Rehanding of Crown Dump	MM3			
	Top Soil management	MM3			
	Technical and Biological Reclamation of Mined out of land and OB Dump	Ha.			
	Plantation over virgin area including green belt	Ha			
	Manpower Cost and supervision				
	Toe Wall around the dump	m			
	Garland drain	m			
	Garland Drain around the dump	m			
	Any other Activity				
Dismentaling of Infrastructure & Disposal/ rehabilitation of Mining machinery	Dismentaling of workshop	LS			
	Rehabilitation of the dismentaled Facilities	LS			
	Dismentaling of pumps and Pipes/ other facilitites	LS			
	Dismentaling of stowing bunker, provisioning of pumps for borewell pumping arrangement				
	Dismentaling of UG equipment				
	Rearranging water pipeline to dump top park/ Agricultural land	LS			
	Dismentaling of Power lines				
Safety and security	Barbed wire fencing around dump				
	Barbed wire fencing around the Pit	m			
	Barbed wire fencing with masonary pillars				
	Concrete wall with Masonalry pillars around the pit	m			
	Securing air shaft and installation of borewell pump				
	Securing of Incline				
	Concrete wall fencing around the water body				
	Boundary wall around the water body				
	Stabilisation(viz benching, pitching etc) of side walls of the water body				
	Toe Wall around the dump				
	Garland drain				
	Garland Drain around the dump				
	Drainage Channel from main Ob dump				
Technical and Biological Reclamation of Mined out of land and OB Dump	Filling of Void	Ha			
	Top Soil management	MM3			
	OB Rehandling for backfilling	MM3			
	Terracing, blanketing with soil and vegetation of External OB Dump	Ha			
	Paripheral road, gates, view point, cemented steps on bank				
	Expenditure on development of Agricultural land				
	Landscaping and Plantation	LS			
Post Closure management and supervision	Power Cost	LS			
	Post Mining Water quality management	LS			
	Post Mining Air quality management	LS			
	Subsidence monitoring for 5 years	LS			
	Waste Management	LS			
	Manpower Cost and supervision	LS			
Others	Enterprenuership development (vocational/skill development training for sustainable income of affected people				
	Golden Handshake / Retrenchment benefits to 100 employees of OC				
	Golden Handshake / Retrenchment benefits to 200 employees of UG				
	Onetime financial grant to societies / institutions /organisations which is dependent upon the project;				
	Provide jobs in other mines of the company				
	Continuation of other services like running of schools etc.				
Total					

	Parameters	Details

8.10.2 Financial Assurance : Amount to be deposited in Escrow account as a security against the mine activities to be carried out for the closure of the mine

WPI as on	Apr-19		121.10
WPI as on base date *	Apr-19		121.10
Escalation rate of Closure cost			1.00

	UG	OC
Base Rate of Closure Cost "Rs. Crs./Ha"	0.015	0.09
Closure Cost "Rs. Crs/Ha"	0.015	0.09
Project Area	1000.00	885.53
Amount to be depostied into Escrow Account "Rs. in Crs"	15.00	79.70
Amount already deposited into Escrow Account "Rs. in Crs"	5.00	8.87
Net Amount to be depostied into Escrow Account "Rs. in Crs"	10.00	70.83

Rate of componding of Annual Closure Cost		5.00%
Balance Life of the project "in Yrs"	10	33
Annual Closure Cost	1.000	2.146
in Crs"		184.42

* - Base date considered in the example is 01.04.2019 and the life of theOC mine considered is 33 years and UG mine conisdered is 10 years. Rs 8.87 and RS 5.0 crs have been deposited in escrow account for OC and UG mine resepctively.

Amount to be deposited into Escrow

Year	OC	Year	UG	Total
1	2.146	1	1.000	3.146
2	2.254	2	1.050	3.304
3	2.366	3	1.103	3.469
4	2.485	4	1.158	3.642
5	2.609	5	1.216	3.824
6	2.739	6	1.276	4.016
7	2.876	7	1.340	4.216
8	3.020	8	1.407	4.427
9	3.171	9	1.477	4.648
10	3.330	10	1.551	4.881
11	3.496			3.496
12	3.671			3.671
13	3.854			3.854
14	4.047			4.047
15	4.249			4.249
16	4.462			4.462
17	4.685			4.685
18	4.919			4.919
19	5.165			5.165
20	5.424			5.424
21	5.695			5.695
22	5.979			5.979
23	6.278			6.278
24	6.592			6.592
25	6.922			6.922
26	7.268			7.268
27	7.631			7.631
28	8.013			8.013
29	8.414			8.414
30	8.834			8.834
31	9.276			9.276
32	9.740			9.740
33	10.227			10.227
Total	171.839		12.578	184.417

ANNEXURES

	Parameters	*Details*	
I	Copy of allotment order /Vesting order.	**Mandatory Document**	**Annexure - I**
II	Certificate of **Qualified person (QP) / Accredited Mining Plan preparing agency (MPPA)**if the project area is confined within the vested/allotted block boundary **/existing mining lease area** Where the project area extends beyond the block boundary, a certificate of **Qualified person (QP)/ Accredited Mining Plan preparing agency (MPPA)**should be supported with a certificate of State Government mines and Geology department must be attached, which should specify (a) intent of the state government for grant of lease beyond the vested geological boundary; (b) non-existence of Coal/ Lignite in the area beyond the vested/allotted geological block boundary/**existing mining lease** to rule out the issue of encroachment and use of coal bearing area (beyond the vested/allotted block boundary/**existing mining lease**) in the mining plan	**Mandatory Document** **Note:** Certificate should be given on conceptual plan envisaged in the proposed mining plan depicting OB area, infrastructure locations and geo-reference co-ordinates of the lease area, block area, project area; In case the project boundary extends beyond the allotted geological block boundary certificate of non-occurrence of coal should be clearly shown. Certificate should envisage that the Cardinal Point Co-ordinates considered for preparation of Mining plan is in line with Vesting/allotment order and does not encroach any other adjacent block, and non-coal bearing certificate of the area in case any proposed infrastructure or OB dump is outside the block area; The Project area, Lease area and geological block area in "Ha" shall also be envisaged.	**Annexure - II**
III	**Approval of the Company Board Approval**: ,	**Mandatory Document** **Board approval must Specify:** • Approvals of Mining Plan form the Board of the company giving undertaking for correctness of data used in preparation of Mining Plan; • Details of the **Qualified person (QP)/ Accredited Mining Plan preparing agency (MPPA)** with certification that the eligibility of Qualified person/	**Annexure - III**

	Parameters	Details	
		Accredited Mining Plan preparing agency has been verified. • Acceptance of the Mining Plan by the company board with recommendation for approval; • Undertaking that the mine will be developed as per the approval of the mining plan from Ministry of coal and all other approvals, as required will be obtained from relevant authorities • Commitment that entire mining operation will be carried out as per the Statutory provision given under Mines Act 1952, Coal Mine Regulation 2017, EP Act 1986 and FC Act 1980 and & wherever specific permission will be required the company will approach the concerned authorities. • Financial Assurance for implementation • Undertaking that the reclamation & rehabilitation work shall be carried out in accordance with the approved Mine Closure Plan and any modification /amendments which may be made in the mine Closure Plan by Ministry of Coal, from time to time. • Undertaking that the protective measures contained in the mine closure plan including reclamation and rehabilitation works will be carried out in accordance with the approved mine closure plan and final mine closure plan and undertake to submit a yearly report before 1st July of every year to the Coal Controller setting forth the extent of protective and rehabilitative works carried cut as envisaged in the approved mine closure plans (Progressive and Final Closure; • Undertaking that they will obtain a mine closure certificate from Coal Controller to the effect that the protective, reclamation and rehabilitation works carried out in accordance with the approved mine	

	Parameters	*Details*	
		closure plan/final mine closure plan and will surrender the reclaimed land to the State Government concerned.	
IV	Copy of earlier approval of mining plan.	**Mandatory Document**	**Annexure - IV**
V	Plan / chart showing schedule of Implementation of Mine closure activities (progressive and final closure) with duration of important activities	**Mandatory Document**	**Annexure - V**
VI	Non-refundable Application Fee	**Proof of the payment**	**Annexure - VI**
VII	Expert-Review Report	**Carried out by Accredited Mining Plan Preparing Agency (MPPA)**	**Annexure - VII**
VIII	Other document (if any)		**Annexure - …**

PLANS/ PLATES

I	Location plan	
II	Plan certified by **Qualified person (QP) / Accredited Mining Plan preparing agency (MPPA)**if the project area is confined within the vested/allotted block boundary and Where the project area extends beyond the block boundary, a Plan certified by **Qualified person (QP) / Accredited Mining Plan preparing agency (MPPA)**should be supported with a plan with cardinal point co-ordinates duly certified by the State Government mines and Geology department. **Plan in support of Annexure - II**	**Plan in support of Annexure - II** **Note:** Certificate should be given on conceptual plan envisaged in the proposed mining plan depicting OB area, infrastructure locations and cardinal Point co-ordinates of the lease area, block area, project area; In case the project boundary extends beyond the allotted geological block boundary certificate of non-occurrence of coal should be clearly shown. Certificate should envisage that the cardinal point Co-ordinates considered for preparation of Mining plan is in line with Vesting/allotment order and does not encroach any other adjacent block, and non-coal bearing certificate of the area in case any proposed infrastructure or OB dump is outside the block area;
III	KML file of the Proposed lease area, Project Area and geological block.	**Note:** A printed copy of the KML file superimposed in the recent (not older than one year from the base date) dated satellite Image duly certified by Accredited Agency should also be attached. The soft copy of the KML file shall also be part of the Soft copy of the mining Plan.
IV	Cadastral plan showing approved block boundary vis-à-vis proposed/existing mining lease & Mine boundary superimposed over it in distinct color, showing land use and infrastructure etc.	
V	Geological plan showing all the boreholes drilled and proposed to be drilled showing allotted block boundary and required lease area	
VI	Graphic Litholog	
VII	Surface Plan showing drainage system, Contour, at minimum 3m interval, location of BH	
VIII	Conceptual plan showing infrastructure facilities including colony, boundary of mining area, mine entries, roads including road diversion alignment etc	
IX	Tentative land use plan showing land type (Govt., forest and tenancy land)	

	with its data source	
X	Floor contour plan and seam folio plan, ISO-grade plan	Seam / Floor Contour / Seam Folio
XI	X-section showing coal/Lignite seams	
XII	Plan showing existing and proposed surface layout	
	OPENCAST (OC) MINES	
XIII	Plan showing total coal thickness and overburden thickness and stripping ratio	**OC**
XIV	Final stage quarry plan showing haul road alignment	**OC**
	UNDER GROUND (UG) MINES	
XV	Plan showing mode and location of entries and surface layouts	**UG**
XVI	Layout of the panel for each system (like Longwall, Continuous Miner, Bord & Pillar, road header etc.)	**UG**
XVII	Layout of pillar extraction	**UG**
XVIII	Support system	**UG**
XIX	Haulage and transport system	**UG**

CLOSURE PLAN

XX	Post mining land use plan	
XXI	Progressive mine closure plan/ stage plan indicating stages at 1st,3rd, 5th, year of achieving rated capacity of the mine and end of life (showing area, volume, dump height etc. for OC and seam-wise layout projects and ventilation system in UG)	Year / Plate No: 1st; 3rd; 5th; PRC; End of Life
XXII	Reclamation plan	

F. No. MPS/02/2022-MPS
Government of India
Ministry of Coal
[MPS Section]
*****

Shastri Bhawan, New Delhi
Dated: 28th October, 2022

OFFICE MEMORANDUM

Subject: Guidelines for the Management of Mines discontinued/abandoned/closed before the year 2009

A large number of coal mines were discontinued/abandoned/closed before 2009 when 1st mine closure guidelines were issued by the Ministry of Coal. However, these guidelines were silent about them. There is a need to close these mines scientifically in such a manner that they provide benefit to the community, prevent illegal mining, ensure the safety and repurposing of the mined-out land. Therefore, the following guidelines are being issued to provide guidance to all coal companies (including lignite) having discontinued/ abandoned/ closed mines after the nationalization of coal mines till 27th August 2009 (date of issuance of first coal mines closure guidelines). The guidelines intend to only provide an overall framework for the closure of mines and the details of final implementation plans are to be finalized and approved by the respective Company Boards. The overall goal of the guidelines is to restore the mined-out land as far as possible to its pre-mining stage, bring ecological balance and purposefully reutilise the land for the benefit of the country.

1. Categorisation of non-operational mines -

In continuation to various circulars issued by DGMS and industry-accepted norms, the following categories will now be defined as specified below -

1.1. Discontinued Mines: Discontinued mines mean such working in a mine as have been discontinued for any reason and are inaccessible or rendered inaccessible but are likely to be worked again. These mines can be re-opened as per provisions of CMR (Reg.-6) and Colliery Control Amendment Rule-2021 (Rule no.9 (ii)).

1.2. Abandoned Mines: Abandoned mines mean such working as have been abandoned with no intention of working in the future for which the owner of the mine has already submitted a notice to the Chief Inspector of Mines, Regional Inspector, and District Magistrate about abandonment in the prescribed format (Reg. no. 5 of CMR, 2017).

1.3. Closed Mines: Closed mines are those mines for which the owner/agent/manager has submitted notice of closure in the prescribed format (under CMR-2017, Reg.-5) to the Chief Inspector of Mines, Regional Inspector and District Magistrate and has also obtained the mine closure certificate from Coal Controller (As per mine closure guidelines-2020).

However, prior to the implementation of Mine Closure guidelines-2009, closed mines may be considered as those mines for which the owner of the mine has already submitted a notice to the Chief Inspector of Mines, Regional Inspector and District Magistrate about the closure in the prescribed format (Form-1 of Regulation – 6 of CMR-1957), and the extractable reserve as per mining plan has been exhausted.

2. Steps to be taken by mine owners to manage the non-operational mines -

2.1. Discontinued/Abandoned mines -

2.1.1. Mine re-operationalization: The owner of the mine shall explore possibilities to operationalize the concerned mines through various models, additional exploration if required and prepare a detailed action plan after due consultation ensuring transparency and objectivity. EC if required may be obtained following the guidelines of MoEFCC for reopening the mines.

2.1.2. Approval of the re-operationalization plan: The re-operationalization plan must be approved by the company board.

2.1.3. Modification in Mining Plan: Concerned Coal Company will modify the mining plan within 1 year of coming into force these guidelines if required.

2.1.4. Temporary mine closure plan: If the mine cannot be operationalized after initiatives taken under Para 2.1.1, then the owner of the mine shall prepare a temporary mine closure plan. A temporary mine closure plan would contain the mine closure activities such as protective works, safety measures, and any other required activity as per Para 8.10.1. of the Guidelines of preparation of Mining Plan & Mine Closure Plan dated 29th May 2020, in such a manner that if technology permits in the future, mining can be restarted. Mine owners should include short-term economic activities in the temporary closure plan without damaging the seams/reserves available.

2.1.5. Approval of temporary mine closure plan: The temporary closure plan must be approved by the company board. Also, the plan must include details of efforts undertaken to operationalize mine as per Para 2.1.1. The coal mine owners are required to obtain the approval for Temporary mine closure plan within one year from the date of issuance of these guidelines. In case temporary mine closure plan is not prepared by CMPDI, then it may be vetted by a third-party expert agency approved by the central government, like Central Mine Planning and Design Institute Ltd. (CMPDI), National Environment Engineering Research Institute (NEERI), Indian Institute of Technology (IIT-ISM) etc. before submitting it to the Company Board.

2.1.6. Implementation of temporary closure plan: After the approval of the mine closure plan, the owner of mine will carry out mine closure activities as detailed in the temporary mine closure plan within 3 years, failing which appropriate action would be taken against the mine owner.

2.1.7. The Government may at any time before the closure of the mine, require certain activities to be included in the mine closure plans, which it may consider necessary for the safety and conservation of the environment or in compliance with any modification/ amendment in the relevant legislation.

2.2. Closed Mines -

2.2.1. Final mine closure plan: In the case of closed mines, the owner of the concerned mine shall prepare a Final mine closure plan. The Final Mine closure plan should be prepared as per the Guidelines for preparing the Mining Plan & Mine Closure plan dated 29th May 2020. However, only the mine closure part is to be prepared in case of these mines.

2.2.2. **Approval of Final mine closure plan:** The Final mine closure plan has to be approved by the company board. The mine owners shall ensure mine closure as per the mine closure plan approved by the Company Board. The coal mine owners are required to obtain the approval of the Final mine closure plan within one year from the date of issuance of these guidelines. In case final mine closure plan is not prepared by CMPDI, then it may be vetted by a third-party expert agency approved by the central government, like Central Mine Planning and Design Institute Ltd. (CMPDI), National Environment Engineering Research Institute (NEERI), Indian Institute of Technology (IIT-ISM) etc. before submitting it to the Company Board.

2.2.3. **Implementation of Final mine closure plan:** After the approval of the Company Board, the owner of mine will carry out mine closure activities as detailed in the Final mine closure plan within 5 years failing which appropriate action would be taken against the mine owner.

2.2.4. **Alternate use of reclaimed Land:** After the closure of the mine, on the reclaimed land various project-specific economic repurposing activities can be carried out or reclaimed land to be leased out as per Ministry of Coal policy guidelines dated 22nd April 2022 for use of land acquired under the Coal Bearing Area (Acquisition & Development) Act, 1957.

2.2.5. The Government may at any time before the closure of the mine require certain activities to be included in the mine closure plans, which it may consider necessary for the safety and conservation of the environment or in compliance with any modification/ amendment in the relevant legislation.

3. Social support measures -

3.1. The air, water, and soil quality of the region surrounding 5 km of the discontinued/ abandoned/ closed mines should be monitored as per MoEFCC/CPCB defined acceptable standards and it is mandated to ensure that the closure plan must include all such activities needed to control the pollution from the concerned mines.

3.2. The health camps must be organized on monthly basis to monitor the health of the population residing within 5 km of the discontinued/ abandoned/ closed mines with a special focus on respiratory diseases such as silicosis etc. The identified patients must be linked to local health administration for further treatment if required.

3.3. A careful consideration is to be given to provide reskilling to the willing workers as per their need for their gainful employment.

4. Financial provision-

The financial provision for the closure activities of both temporary and final mine closure plans of the mines is to be made by the respective Coal Companies. Closure cost is to be estimated based on the required activities as per para 8.10.1 of guidelines for the preparation of the Mining Plan and Mine Closure Plan dated 29th May 2020 for implementing the approved closure plan. However, Coal India Ltd. may consider to levy additional fee on per tonne basis to be paid by the coal consumers to meet the cost of mine closure with the approval of Board and to provide funding for those subsidiaries which are not able to fund the closure of these mines.

5. Exceptions -

5.1. In certain cases, there are more than one mine below the same surface land. One mine may have been closed due to exhaustion of resources but other mines are running. In such cases, final mine closure activities related to surface land may have to be deferred till the closing of all the mines.

5.2. A mine can be planned and worked covering only a part of a Coal Block. The present mine can be extended to cover the remaining part of the Coal Block in the future. Hence, Final Mine Closure activities for the present mine area may be deferred.

5.3. However, progressive closure activities are to be carried out as per Mine closure guidelines 2020 for both the above cases.

6. Maintenance of records & submission of returns -

The owner shall maintain all the records of works done for the closure of the mine and keep them available till the final closure certificate is obtained from the competent authority. DGPS survey of Abandoned/Discontinued mines linked to the national grid to be kept available.

7. Monitoring -

CCO to carry out the inspection of all the mines, check the records maintained by the owner of the work done and give written observation. Concerned mine authorities should submit compliance to the observations made. Also, Coal companies are to submit a quarterly report of work done towards closure to CCO. The Ministry of Coal will do a quarterly review of the progress of the closure of mines.

8. Nothing in present guidelines shall absolve the owner of the mine from fulfilling various statutory requirements under other applicable statutes and obligations. Further, guidelines are without any prejudice to any other relevant rules and regulations, such as those issued by the state government, Ministry of environment, forest & climate change, Ministry of Labour, and employment.

28/10/22

(M. Nagaraju)
Additional Secretary to the Government of India

To,

Mine Owners

Copy to:

1. **Secretary, MoEF&CC**
2. **DG, DGMS**
3. **Coal Controller**