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

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

Dated: 28th March, 2019

To,

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

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

Sir,

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

This issue with the approval of competent authority.

Yours faithfully,

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

Copy to:

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

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

1/4/19

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)

IndiaCode

Ministry of Environment, Forest and Climate Change

Government of India

2019

डॉ. हर्ष वर्धन
Dr. Harsh Vardhan

सत्यमेव जयते

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



FOREWORD

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

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

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

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

(Dr. Harsh Vardhan)

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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

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PARTA

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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;

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

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

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

[1](cc) "Head of the Regional Office" means senior-most officer in the rank of Additional Principal Chief Conservator of Forests or Chief Conservator of Forests appointed by the Central Government at Regional Office to deal with the forest conservation matters under the Act;

[1](cd) "linear projects"means projects involving linear diversion of forest land for purposes such as roads, pipelines, transmission lines etc.;

(d) "Member" means a member of the Committee;

(e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;

(f) "Regional Office" means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;

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

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

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3. Composition of the Committee

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

(i) Director General of Forests,	
Ministry of Environment and Forests -	Chairperson
(ii) Additional Director General of Forests,	
Ministry of EnvironmentandForests-	Member
(iii) Additional Commissioner (Soil Conservation),	
Ministry of Agriculture-	Member
(iv) Three non-official members who shall be experts	
one each in Mining, Civil Engineering, and	
Development Economics -	Members
(v) Inspector General of Forests (Forest Conservation),	
Ministry of Environment and Forests -	Member Secretary

(2) Additional Director General of Forests shall act as the Chairperson in theabsence of Director General of Forests

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

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

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

moral turpitude;

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

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

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

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

[4]4-A Constitution of Regional Empowered Committee

(l) The Central Government by notification in the Official Gazette, shall constitute a Regional Empowered Committee at each of the Regional Offices.

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

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

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

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

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

5. Conduct of business of the Committee -

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

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

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

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

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

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

[5]**5AConductof Business of the Regional Empowered Committee**

1) The Chairperson of the Regional Empowered Committee shall hold the meeting of the Regional Empowered Committee whenever considered necessary, but not less than once in a month.

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

   Provided that where the Chairperson of the Regional Empowered Committee is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposals referred to the Regional Empowered Committee, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site or sites.

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

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

4) Every proposal referred to the Regional Empowered Committee for advice 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.

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

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

(1) Every User Agency that wants to use any forest land for non-forest purposes, shall make its proposal in the relevant Form appended to these rules, namely; Form 'A' for proposal seeking first time approval under the Act, Form 'B' for proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, and Form 'C' for prospecting of minerals, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requisite information and documents, complete in all respect.

(2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer to the concerned Divisional Forest Officer, District Collector and Regional Office as well as the Monitoring Cell of the Forest Conservation Division of the Ministry of Environment, Forests and Climate Change.

(3) (a) The Nodal Officer of the State Government or the Union Territory Administration, as the case may be, after having received the proposal under sub-rule (1) and on being satisfied that the proposal is complete in all respects and requires prior approval under section 2 of the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector within a period of ten days of the receipt of the proposal.

(b) If the Nodal Officer of the State Government or the Union territory Administration, as the case may be, finds that the proposal is incomplete, he shall return it within a period of ten days to the User Agency and this time period and the time taken by the User Agency to re-submit the proposal shall not be counted for any future reference.

(c) The Divisional Forest Officer shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward his findings in the Format specified in this regard to the Conservator of Forests.

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

[7](e) The District Collector shall-

(i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal;

(ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and

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

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

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

[7](f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal;

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

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

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

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

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

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

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

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

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

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

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

(4) [8] (a) The proposal referred to in clause (l) of sub-rule (3), involving forest land up to forty hectares and all proposals related to linear projects irrespective of the area of forest land involved, shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be along with its recommendations to the concerned Regional Office.

[8] (b) The proposal referred to in clause (1) of sub rule (3), involving forest land of more than 40 hectares, other than proposals related to linear projects shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with itsrecommendations, to the Secretary, Government of India of Ministry of Environment, Forests, and Climate Change.

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

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

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

(c) if the Nodal Officer, finds that the geo-referenced map or the certificate are not in

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

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

order, he shall return the proposal within a period of ten days to the User Agency and the said period taken by the Nodal Officer and the time taken by the User Agency to re-submit the geo-referenced map and the certificate shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the geo-referenced map and certificate submitted by the User Agency and forward the same directly to the State Government or Union territory Administration, as the case may be, or an officer not below the rank of the Nodal Officer, authorized by the State Government or Union territory Administration, as the case may be, to finally dispose of such proposals, within thirty days of its receipt;

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

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

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

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

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

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

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

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

(1) (a) The Regional Office, after having received the proposal referred in clause (a) and clause (c) of sub-rule (4) of rule 6 shall determine the completeness of proposal within five working days.

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

[12](2) (a) The regional office shall after examination of the proposal involving forest land up to 5 hectares other than the proposal relating to mining, encroachments, and hydel projects, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within twenty five days of itsreceipt form the State Government or the United Territory Administration, as the case may be, and communicate the same to the concerned State Government or the United Territory Administration, as the case may be, within next five days.

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

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

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

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

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

(e) The Regional Empowered Committee shall within a period of thirty days examine the

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

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

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

(f) The Regional office shall within a period of five days of the receipt of the advice of the Regional Empowered Committee on proposals referred to it under clause (e) above, forward such proposal along with advice of the Regional Empowered Committee to the Secretary, Ministry of Environment, Forests, and Climate Change for obtaining the decision of the Central Government,providedthat time taken in transit of proposal from Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than five days.

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

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

(b) While examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time.

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

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

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

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

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

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

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

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

(e) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under clause (d), namely: -

(i) whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;

(ii) whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;

(iii) whether the State Government or the Union territory Administration, as the case may be, has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose;

(iv)whether the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof;

(v) whether the per unit requirement of forest land is significantly higher than the national average for similar projects; and

(vi) whether the State Government or the Union territory Administration, as the case may be, before making their recommendation has considered all issues having direct and indirect impact of the diversion of forest land on forest, wildlife and environment.

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

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

[15]**8. Submission of report on compliance to conditions stipulated in the in-principle approval and grant of final approval.**

(1)(a) The Nodal Officer shall within five days of receipt of the in-principle approval, endorse a copy of the same to the concerned Divisional Forest Officer and the Conservator of Forests;

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

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

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

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

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

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

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

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

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

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

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

shall forward such report to the State Government or Union territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests:

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

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

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

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

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

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

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

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

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

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

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

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the StateGovernmentor the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval, the Central Government may extend the period for compliance of such conditions by further period as it deems fit.

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

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

(b) Report on compliance to statutes, circulars or directives, as applicable to such proposals, which came into force after grant of in-principle approval, if any, shall also be submitted to the Central Government along with the report on compliance to conditions stipulated in the in-principle approval.

[19](c) In cases, apart from grant of final approval under the Act for diversion of such forest land for original period of mining lease, the central government, shall after considering advice of the Forest Advisory Committee or the Regional Empowered Committee, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or the Union Territory Administration, as the case may be, for renewal of the mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions, or reject the same.

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

Provided such in-principal approval has not already been summarily revoked by the Central Government;

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

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

stipulated in the in-principal approval.

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

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

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

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

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

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

APPENDIX (See Rule 6)

FORM – 'A'

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

PART-I

(to be filled up by user agency)

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

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date: -_____

Place: -_____

State serial No. of proposal_____

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

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PART-II

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

State serial No. of proposal_____

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

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

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

12. Division/District profile:

i) Geographical area of the district.

ii) Forest area of the district.

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

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

(a) forest land including penal compensatory afforestation,

(b) non-forest land.

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

(a) forest land

(b) non-forest land.

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

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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: -_____

IndiaCode

PART-IV

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

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

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

Signature
Name & Designation
Official Seal

Date: -_____
Place: -_____

PART- V

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

18. Recommendation of the State Government:

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

Signature
Name
Official Seal

Date: -_____
Place: -_____

INSTRUCTIONS (for Part-I)

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

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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.

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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: -_____

IndiaCode

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: -_____

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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.

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GENERAL INSTRUCTIONS

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

[20]FORM- 'C'

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

PART – I

(to be filled up by User Agency)

1. Project detail:

i) Name, address and contact details of the User Agency:

ii) Legal status of the User Agency:

iii) Name, designation and full address of the person making application:

iv) Documents in support of the competence or authority of the person making this application to make application on behalf of the User Agency enclosed: (Yes/No)

v) Mineral commodity to be explored:

vi) Short narrative of the activities proposed to be undertaken in both forest and non-forest land:

vii) Details of approvals accorded by the concerned Ministry or Department in the State or Central Government, as the case may be, for grant of prospecting license in favour of the User Agency:

viii) Details of forest land non-forest land included in the prospecting lease:

ix) Total area of forest land required for prospecting: (a) Area of forest land likely to experience permanent change in land use (b) Area of forest land likely to experience temporary change in land use

x) Total period for which the forest land is proposed to be utilised for prospecting:

xi) Estimated cost of the project:

xii) Details of forest land diverted earlier, if any, in favour of the User Agency in the State or Union territory along with current status of the use of such forest land:

xiii) Details of permission accorded earlier, if any, in favour of the User Agency for prospecting of minerals in forest land along with current status of prospecting in each case:

2. Details of Maps enclosed

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

Note 1: In case Survey of India Toposheet in 1: 50,000 scale is not available, especially

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

in case of the areas located near International Borders and other strategic locations, in place of Survey of India Toposheet other maps available in public domain may also be used.

Note 2: Due to technical reasons, while undertaking the prospecting activities, the user agency may vary location of boreholes, sample plots, roads or paths *etc*. up to 300 meters, provided area of forest land proposed to be utilised and number of trees proposed to be cut does not exceed the same given in the proposal.

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

   (ii) Details of alternatives examined;

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

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

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

   (i) Surface sampling

   (a) Grab sampling

   (b) Chip sampling

   (c) Groove sampling

   (d) Channel sampling

   (e) Bulk sampling

   (f) Geochemical grid sampling with sample line spacing

   (ii) Pitting or trenching

   (a) Number and dimension of pits or trenches

   (b) Total volume of excavation

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

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

   (a) Number and diameter of boreholes or wells

   (b) Spacing of boreholes or wells

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

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

   (e) Total meterage of boreholes or wells

   (f) Number of drill core samples

   (g) Volume of drill core samples

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

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

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

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

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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)

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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)

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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-

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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: .....

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PART – III

(To be filled by the concerned Conservator of Forests)

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

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

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

Signature
(Name in Block letters)
Office Seal

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

PART – IV

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

31. Detailed opinion and specific recommendation of for acceptance or otherwise of the proposal withremarks(While giving opinion, the adverse comments made by the Conservator of Forests or Deputy Conservator ofForests should be categorically reviewed and critically commented upon).

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Signature
Name
Office Seal

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

PART – V

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

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

Signature
Name
Office Seal

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

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

PARTB

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Chapter I

Court Orders and General Clarifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the FC Rules or guidelines issued thereunder.

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

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

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

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

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

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

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

1.18. Explanation - Non-Forest Purpose

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.20. Reopening/reconsideration of Proposals

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

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

b. all the required information has been made available

c. delay in providing the information is satisfactorily explained

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.22. Zoo,Rescue,Rehabilitation Centerand captive breeding facility

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

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2. Compensatory Afforestation

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

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

2.3 Land for CA:

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

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

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

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

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

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

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

2.4. Clarification:

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

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

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

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

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

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

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

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

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

2.5 Special provisions for CA for certain categories of projects:

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

a. Laying of transmission lines;

b. Laying of telephone/optical fibre lines;

c. Mulberry plantation undertaken for silkworm rearing,

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

e. Extraction of minor materials from the river beds,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.7 Identification of land banks for CA

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

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

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

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

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

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

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

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

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

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

(a) The Head of Regional Office - Chairman

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

(c) Representatives of the FSI-member

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

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

2.8. Elements of Schemes for Compensatory Afforestation:

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

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

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

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

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

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

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

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

f) Agency responsible for afforestation.

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

h) Technical and administrative approvals from the competent authority.

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

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

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SAMPLE FORMAT

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

No…… Dated…….

Certificate of Non-availability of Land for Compensatory Afforestation

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

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

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

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

Signature & Official Seal

Chapter 3

Net Present Value

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

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

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

3.4 NPV Rates

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

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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	

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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%

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

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

Chapter 4

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

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

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

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

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

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

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

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

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

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

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

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

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

-No tree felling is involved for the proposed work

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

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

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

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

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

4.3 Critical development initiatives for public

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

a. Schools/Educational Institutes;

b. Dispensary/hospital;

c. Electric and telecommunication lines;

d. Drinking water;

e. Water/rainwater harvesting structures;

f. Minor irrigation canal;

g. Non-conventional sources of energy;

h. Skill up-gradation / vocational training center;

i. Power sub stations;

j. Communication posts;

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

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

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

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

o. Water mills

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

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

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

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general approval will be applicable.

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

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

4.4Public infrastructure in LWE districts

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

a. Schools/Educational Institutes,

b. Dispensaries/Hospitals,

c. Electrical and Telecommunication Lines,

d. Drinking Water,

e. Water/Rain Water Harvesting Structures,

f. Minor Irrigation Canal,

g. Non-Conventional Sources of Energy,

h. Skill up Gradation/Vocational Training Center,

i. Power Sub-stations,

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

k. Communication Posts,

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

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

n. Setting up Medical Colleges by Government Departments

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

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

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

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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.

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

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

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

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

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

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

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

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

(c) Army Infrastructure Development Project(s).

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

4.5.2 Creation ofborder security related :

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

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

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

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

d. within five kilometers of all other International Borders

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Chapter 5

Transfer/Re-diversion

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

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

5.1 Transfer of User Agency:

The following procedure shall be followed:

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

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

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

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

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

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

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

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

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

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

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

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

a. Transfer of leases - Wind Energy projects

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

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

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

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

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

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

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

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

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

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

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

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

5.5 Cancelled allocation of Iron Ore mines:

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

5.6 Re-diversion

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

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

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

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

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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.

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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)	

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

Signature on behalf of User Agency with Date

(B) Recommendation of the State Forest Department:

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

Signature with Stamp and Date

(C) Recommendation of the State Government:

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

Signature with Stamp and Date

Chapter 6
Survey and investigation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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7.5 Mining of minor minerals

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

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

7.6 Coal mining

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

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

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

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

7.7 Petroleum Mining

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

7.8 Mining Proposals:

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

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

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

(b) Open cast mining in forest areas

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

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

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

(c) Land use pattern:

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

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

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

7.9 Safety Zone:

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

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

Further:

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

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

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

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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

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

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

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

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	Not required	2.6
33KV	15	Not required	2.8
66KV	18	Not required	3.4
110KV	22	Not required	3.7
132KV	27	Not required	4.0
220KV	35	Not required	4.6
400KV S/C vertical delta configuration	46	3 twin bundle, 5 triple bundle	5.5
400 KV D/C	46	7	
+/- 500KV 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

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.

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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

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11.2 Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projectssuch as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and where ever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.

11.3 To facilitate phased preparation and processing, the proposals for such projects may be prepared Forest Division/ State-wise subject to submission of a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up

on salient features of the entire project and details of approvals already obtained and/ or sought under the Act for other sections of the project.

Moreover, in case of linear projects involving both forest as well as non-forest land, work on non-forest land may be executed subject to submission of details of all stretches involving forest lands along with alternate alignments identified to bypass the forest land. To prevent occurrence of *fait accompli* situations, User Agency needs to undertake that in case diversion of forest land is denied, project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of diversion of forest land under the Forest (Conservation) Act, 1980. Work on non-forest land will not confer any right on the User Agency with regard to grant of approval under the Act. Further, in case approval under the Act is declined for widening of road, width of the portion of road falling in the forest land will be maintained at its existing level.

The above facilitation is not applicable to the roads falling in the Protected Areas and the Eco-sensitive zones around the Protected Areas where impact on wildlife is to be considered.

11.4 Roads/Railways/Canals: Non-forest lands which were acquired by the concerned Government departments for construction of roads/railways/canals and the vacant areas in the Right of Way (RoW) were subsequently planted and notified as Protected Forests for management purposes will attract the provisions of Forest (Conservation) Act, 1980. Similarly, breaking of any land, recorded as forest, for conversion of meter gauge railway line to broad gauge railway line or road widening even if such forest land falls within the existing RoW will require prior approval of the Central Government under the FC Act, 1980.

11.5 Railway projects passing through the notified ESZ or located within 10 km radius of PAs (Protected Areas) or Tiger Reserves (TR) are not required to obtain Wildlife Clearance from the NBWL as these projects do not need Environment Clearance. However, railway projects passing through the areas linking one TR with another PA or TR diversion cannot be allowed for ecologically unsustainable use, except in public interest with the approval of NBWL on the advice of NTCA as provided under section 38 (O) (1) (g) of WLPA 1972

11.6 Repair and maintenance of roads constructed in forest lands: The up-gradation of roads, constructed in forest areas prior to 25th October 1980, from 'Kutcha to Pucca' is permissible without attracting the provisions of FC Act, 1980 and black topping and bituminous work of forest roads (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) is permitted subject to fulfillment of the following conditions:

(a) Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.

(b) The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.

(c) The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.

(d) The user agency shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.

(e) The user agencyshall provide side drains for proper drainage.

(f) No tree felling is involved.

(g) No widening of road should be undertaken without prior approval of the Central Government under the Forest (Conservation) Act, 1980

11.7 Approach/Exit Roads to Fuel stations for distribution of petrol, diesel, LPG, CNG etc.: Fuel stations should generally be part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops, etc. Proper planning should be done by the User Agencies, in advance, for construction of such complexes along the highways so that destruction of road side forests is minimized.

Requirement for diversion of forest land for construction of acceleration/de-acceleration lane and exit/entry opening shall be based on the approved layout plan provided in the extant guidelines issued by the Ministry of Road Transport and Highways in this regard.

However, if approach/exit road for a fuel station involves forest land already diverted for construction/widening of a road, fresh approval for re-diversion of such forest land for construction of approach/exit for fuel station will be required only if it involves clearing of or felling of any tree.

If two or more fuel station are to be constructed in close proximity or adjacent to each other for some reasons, diversion of forest land for a common access/exit shall only be approved.

11.8 Infrastructure ancillary to Forest Management: According to the explanation in the Act, any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check- posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the FC Act. As such all States Government should ensure that the basic spirit and essence or the Forest (Conservation) Act, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required.

11.9 Residential Projects: The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction of residential or dwelling houses in the MDDA areas of Uttarakhand subject to fulfillment of following conditions:

(a) Construction activity for residential purpose in private forest shall be allowed only for domestic purpose and shall not be extended to any institutional buildings or commercial development

(b) The construction activates shall be restricted to a maximum of 250 square meter of built up area in each case.

(c) The construction of residential building in private forest is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bonafide residential buildings.

Above stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand, where non-forest land is not available.

11.10 Eco-tourism: Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non-forestry activity. In such cases, prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required.

11.11 Construction of schools in hilly areas: The Central Government has conveyed approval for construction of Governmentschools in hilly areas, over an area of 4 acres or 1.62 ha, where non-forests land is not available with the following conditions:

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

11.12 Passenger Ropeways:

a. The alignment of ropeways should be such that it involves least tree-cutting
b. The route alignment through the forest areas should not have any line deviation and it should be above tree height with minimum clearance of 5 meters from the highest tree.
c. The land required for construction of terminal stations, line towers, etc. will be included for diversion under FCA.
d. Forest land under the ropeway, in the alignment of ropeways where no felling is involved, will also need diversion as this area cannot be diverted to any other project. However, for such areas no CA charges shall be levied, but NPV has to be paid in full as applicable.
e. The minimum clearance prescribed for maintaining the distance between the cables and trees in the width of right of way be exempted as there is no electricity passing through the cables

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

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CHAPTER – 12
Projects in/near Protected Areas, Tiger Reserves, Elephant Reserves, Eco-sensitive Zones, Zoos

12.1 Protected areas – National Park or Wildlife Sanctuaries etc. are notified and managed under the provisions of the Wildlife (Protection) Act, 1972 and may comprise of RFs and other areas of ecological, faunal, floral, geo-morphological, or zoological association or importance.

12.2 In pursuance of order dated 13.11.2000 in Writ Petition (C) No. 337 of 1995 of the Supreme Court, there shall be no de-reservation / de-notification of forests, National Parks and Sanctuaries without approval of the Supreme Court. Further, in pursuance of the orders of the Hon'ble Supreme Court all mining operations in National Parks and Sanctuaries shall continue to remain suspended, and no mining activity is permissible within 1 km of the boundary of a PA.

12.3 Any proposal for taking up non-forest activity in Protected Areas is required to be cleared by the Standing Committee of National Board for Wildlife (NBWL) under the provisions of Wildlife (Protection) Act, 1972, apart from prior approval of Central Government under the Forest (Conservation) Act, 1980. The proforma for such proposals seeking clearance for Standing Committee of NBWL for non-forestry activities within Protected Areas are enclosed in Annexure-I. Such proposals for non-forest use of PA areas may be processed concurrently for prior approval of diversion of forest land under FCA, 1980 and seeking prior recommendation of the standing Committee on NBWL However, clearance in one aspect will not confer any right upon the UA and complete clearance is obtained when all requisite clearances have been obtained by the UA(User Agency).

12.4 In case the entire forest land involved in the proposal, is located within one or more PAs, the Central Government shall refer such proposals, complete in all respects, along with site inspection reports, wherever necessary, to the forest Advisory Committee (FAC) or Regional Empowered Committee, as the case may be, only after use of such forest land for non-forestry purpose has been recommended by the Standing Committee of NBWL.

12.5 Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 is also required for taking developmental activities in/over an area falling within eco sensitive zones around notified PAs in addition to prior approval of diversion of forest land for non-forest purposes if such area involved is "Forests" as defined by Hon'ble Supreme Court in their order of 12.12.96.

12.6 Zoo/Rescue Centers: Establishment/Re-location of zoosor rescue centers in forest area, including rescue centers in a zoo/wild life safari or otherwise where wild animals are kept also for exhibition to the public, requires diversion of forest land with prior approval of Central Government under FCA, 1980. However, establishment of a rescue centerinside the forest by the State Government purely for rehabilitation and recapitulation and not for public display and enjoyment is not treated as a non-forest activity (Explanation b under Section 2 of the FCA, 1980)

The establishment of Zoo and Wildlife Safari whether stationary or mobile, where captive animals are kept for exhibition to the public that does not include a circus and an establishment of a licensed dealer in captive animals, are non-site specific and requires diversion of forest land with prior approval of Central Government under FCA 1980.

Proposals of construction of Zoo shall be entertained under the provisions of FCA 1980 only when accompanied by CZA approved plan along with mandatory documents

It is empirically arrived at that not more than 15% of the activities in the establishment of a new zoo shall be non-forestry in nature. Therefore, the following general conditions are arrived at for approving new Zoos:

a. The State Government shall ensure that the non-forestry activities should be limited to the minimum, and in any case should not be more than 15% of the diverted area

b. The conditions imposed by Central Zoo Authority shall be strictly adhered to

c. NPV at the rate of 15% of the entire diverted area under Section 2(ii)and (iii) shall be charged.

d. Compensatory afforestation shall be raised as per dispensation specified in guidelines 2.5 (v).

12.7 Activities required to be done in a Zoo as per the approved Management Plan will not attract the provisions of Forest (Conservation) Act provided such activities are necessary for management of animals and imparting education & have the prior approval of CZA.

12.8 Relocation of villages from Protected Areas: Diversion of forest land under FCA for relocation of villages from National Parks/Sanctuaries are to be approved without payment of NPV subject to final orders in I.A. No 566 regarding NPV.

12.9 The legal status of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Wildlife Sanctuaries/Tiger Reserves will cease to be a forest land in accordance with Hon'ble Supreme Court order dated 28th January, 2019.

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

12.11 Felling of trees in Eco-Sensitive Zone: In accordance with the extant guideline, permission for tree felling in non-forest land in eco-sensitive zone of protected area for widening of a highway which involve forest and non-forest land may be accorded only after in-principle approval under FC Act 1980 for diversion of forest land required for widening of such highway is obtained. Felling of trees in the Eco Sensitive Zone of the Protected Areas, is subject to following:

(a) There shall be no felling of trees on the forest, non-forest land or government or revenue or private lands falling within the Eco Sensitive Zone of Protected Ares without prior permission of the competent authority duly notified by the State Government.

(b) In case there is no Competent Authority notified by the State Government in such interim period, the Principal Chief Conservator of Forests in-charge of the territorial forests shall be the competent authority for this purpose and will grant permission for tree felling on the recommendation of the Divisional Forest Officer in whose jurisdiction the ESZ falls who will recommend in accordance with the existing provisions of the Central or State Act and rules made thereunder by the State Government for protection of trees in the State.

12.12 Transmission Lines: For laying of 11KV transmission lines for supply of electricity to rural areas passing through Protected Areas, the project shall not be referred to Supreme Court for their approval after obtaining approval from NBWL as per Hon'ble SC order dated 14.9.2007in IA no 1220 and IA No. 548 of WP©202/1995. In all other cases approval from the Supreme court is required.

12.12.1 In case of transmission lines passing through National Parks, Wildlife Sanctuaries and Wildlife Corridors, insulated conductors shall only be used to prevent electrocution of animals In case of transmission lines passing through elephant reserves/corridors, additional clearances of at least 6 m shall be provided over and above minimum clearance [as stipulated under Central Electricity Authority (Measures relating to safety & Electricity Supply) Regulations, 2010] above the ground from the lowest conductor of the transmission lines".

12.13 Eco-Tourism: Ecotourism is a non-forestry activity, and will be allowed in Protected Areas if the said activities are part of the Management Plan/ Tiger Conservation Plan and are duly approved by the Central Government.

12.14 Roads Passing through Protected Areas: The Standing Committee of NBWL has clarified regarding consideration of proposals for roads within PA as follows.

(a) The principles provided in the report of the sub- committee (*Refer F. No 6-62/2013WL dated 22 December 2014*) have been adopted as generic principle.

(b) New roads shall not be proposed inside National Park & Wildlife Sanctuary.

(c) The cases of resurfacing and strengthening of existing roads, not involving widening within protected area will be possible without reference to Standing Committee of National Board for Wildlife.

(d) The cases of widening of existing roads, if unavoidable due to reasons of purpose and alignment, could be placed before the Standing Committee, which shall consider such cases keeping in view the feasibility of mitigation measures irrespective of cost.

12.15 CA and NPV will be regulated as per the guidelines related to CA & NPV and Supreme Court orders.

(Annexure-I)

Proforma for proposals seeking clearance from Standing Committee of NBWL for NBWL for taking up non-forestry activities in National Parks & Sanctuaries.

FORMS

(All documents to be submitted in triplicate and signed in Blue ink)

PART-I

Proposal for investigation and Survey in the National Park/ Sanctuary

(Details to be provided by the Applicant)

1. Name of the Organization:
2. Aims and Objectives of the proposed Project:
3. Location and Map (1:150000) scale) of the area duly authenticated by the competent authority to be investigated/surveyed.
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer in Charge of the N.P./WLS (Attach signed copy)
7. Opinion of the Chief Wild Life Warden (Attach signed copy).

   The following be included in the opinion:

   (i) Brief history of the Protected Area:

   (ii) Current status of Wildlife:

   (iii) Current status of pressures on Protected Areas:

   (iv) Projected impacts of projects on wildlife habitat management and access/use of resource by various stakeholders.

   (v) Contiguous wildlife areas which would benefit wildlife if added to National Park/ Sanctuary.

   (vi) Other areas in the State which have been recommended by theState Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in Protected Area network.

Signed Project Head

Officer in Charge of the NP/WLS

CWLW

Office Seal

Date of submission to Govt. of India by the CWLW: -

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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

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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.

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(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

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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.

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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.

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Signed by

The Principal Secretary

Name

State

Official Seal

Date of submission to the Central Government.

Annexure II

Ensuring compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The Forest (Conservation) Rules 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016]vide Rule (3) (a) provides that after having received the proposal for diversion of forest land for non-forest purpose the Nodal Officer of the concerned State Government or the Union territory Administration, and on being satisfied that the proposal is complete in all respects and requires prior approval under the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector.

Rule 6 (3) (e) of the above rules requires the District Collector to complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal, obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and forward his findings to the Conservator of Forests.

In compliance of the above mentioned, the District Collector shall submit a certificate along with other specified documents in respect of (a) plantations that were raised on non-forest land and notified as "protected forest" on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census; (b) linear projects involving forest land other than plantations covered in (a); and (c) projects other than linear projects and plantations covered in (a) and (b); in the formats enclosed as Form I, Form II, and Form III respectively.

Passenger Ropeway project shall be considered as linear project for the purpose of submission of evidences for having initiated and completed the process of settlement of rights under ST &OTFD (RoR) Act 2006

FORM –I

(for linear projects other than Plantations)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….

Office of District Collector …….

No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of …… (name of user agency) for …… (purpose for diversion of forest land) in the district falls within the jurisdiction of……. …… village(s) …… in……..... …… tehsils. It is further certified that:

(a) the complete process of recognition and vesting of forest rights under the FRA has been carried out for the entire .....hectares of forest land proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachment .....to attachment …….;

(b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA, 2006 have been completed and the Gram Sabhas have given their consent to it;

(c) the proposed area does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

FORM-II

(for projects other than linear projects and plantations)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….
Office of District Collector …….
No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of …… (name of user agency) for ……. (purpose for diversion of forest land) in the district falls within the jurisdiction of ……. village(s) …… in…… …… tehsils. It is further certified that:

(a) the complete process of recognition and vesting of forest rights under the FRA, 2006 has been carried out for the entire ....……hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachment .....to…… attachment …….;

(b) the proposal for such diversion (with full details of the project and its implications, vernacular/ local language) have been placed before each concerned Gram Sabha or forest-dwellers, who are eligible under the FRA, 2006;

(c) each of the concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. Copies of certificate issued by the Gram Sabha(s) of ……. villages(s) are enclosed as attachment .....to attachment……;

(d) the discussion and decisions on such proposals had taken pace only when there was a quorum of minimum 50 % of the members of Gram Sabhas present;

(e) the diversion of forest land for facilities managed by the Government as required under Section 3 (2) of tine FRA have been completed and the Gram Sabhas have given their consent to it;

(f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per Section3 (1) of the FRA, 2006.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

FORM- III

(for plantations on non-forest land and notified as "protected forest" on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of …….

Office of District Collector …….

No. .....……Dated…….

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that …… hectares of forest land proposed to be diverted in favour of ……(name of user agency) for ……(purpose for diversion of forest land) in the district falls within the jurisdiction of …….. village(s) …… in…… …… tehsils having no recorded population of Scheduled Tribes as per Census of India 2001 and 2011. It is further certified that:

a) The Protected Forest (s) namely _____ involved in the above villages are plantations raised on non-forest land on or after 13th December 1930 and were notified as PF vide notification no (s)…… dated……;

b) Therefore, these PFs neither have residing Scheduled Tribes nor have Other Traditional Forest Dwellers (residing in the PFs for more than 75 years) having rights recognized under Forest Rights Act, 2006.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

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Annexure III

Conducting cost-benefit analysis for projects involving forest diversion

(i) While considering proposal for diversion of forest land for non-forestry use, it is essential that ecological and environmental losses and eco-economic distress caused to the people who are displaced are weighted against economic and social gains.

(ii) Whenever the forest land is involved in the development projects, the cost of ecosystem services and fragmentation of habitat of wildlife and economic distress caused to people dependent on forests and the cost of settlement of people dependent on forest should also be added as the cost of forest diversion in addition to the standard project cost which would have been incurred by the user agencies without involvement of forest land while conducting the cost benefit analysis of the project. Similarly, the benefits from the project accruing due to diversion of forest land and used in the project should also be accounted for in the benefits component in addition to the standard benefits of the project which would have been accrued without involvement of forest land while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).

(iii) The cost of compensatory afforestation and its maintenance in future and soil & moisture conservation at present discounted value and future benefits from such Compensatory Afforestation accruing over next 50 years monetized and discounted to the present value should be included as cost and benefits respectivelyof compensatory afforestation while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).

(iv) **Table-A** lists the details the types of projects involving forest land for which cost-benefit analysis will be required. **Table-B** lists the parameters according to which the cost aspect of forest land diverted for the development projects will be determined, while **Table-C** lists the parameters for assessing the benefits accruing to the project using of forest land.

(v) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for forest clearance under the Forest Conservation Act.

Table-A: Cases under which a cost-benefit analysis for forest diversion are required

S. No.	Nature of proposal	Applicable/ not applicable	Remarks
1	All categories of proposals involving forest land upto 20 hectares in plains and upto 5 hectare in hills.	Not applicable	These proposals may be considered on a case-to-case basis and value judgment.
2	Proposal for defence installation purposes and oil prospecting (prospecting only).	Not applicable	In view of national Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land is diverted for non-forest use.

3	Habitation, establishment of industrial units, tourist lodges complex and other building construction.	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4	All other proposals involving forest land more than 20 hectares in plains and more than 5 hectares in hills including roads, transmission lines, minor, medium and major irrigation projects, hydro projects, mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centers, TV towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use in the overall public interest.

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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.

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PART C

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The following are general and standard conditions pertaining to different categories of project. These conditions may be incorporated in all cases along with different specific conditions recommended by the RO/REC/FAC/State Government (for general approval projects)

Hydro Electric Project (HEP)

In-principle/Stage-I approval.

1. Compensatory afforestation:
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …….. ha Non-forest land / degraded forest land (Compartment no. / Khasra No. ……., Village-……., Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
   - **a)** The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
   - **b)** Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. **Copy of approved Catchment Area Treatment (CAT) Plan, if applicable shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(*https://parivesh.nic.in/*)*.
8. The compliance report shall be uploaded on ***e-portal*** *(*https://parivesh.nic.in/*)*.

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
7. **The Catchment Area Treatment Plan (CAT) shall be implemented as per approved scheme.**
8. **User agency shall undertake afforestation along the periphery of the reservoir.**
9. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.
12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. User agency shall provide free water for forestry related activities/ projects.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

B. Industry Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

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

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal (****https://parivesh.nic.in/****).***

7. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal /Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest/ degraded forest land (Compartment/ Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer.**
8. No labour camp shall be established on the forest land.
9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
11. The forest land shall not be used for any purpose other than that specified in the project proposal.
12. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
13. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
14. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
15. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
16. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

C.Irrigation Project

In-principle/ Stage-I approval

1. Compensatory afforestation:
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra

No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

5. **Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.**

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

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

8. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost

of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
7. **User agency shall undertake afforestation along the periphery of the reservoir.**
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

D Mining Project

In-principle/ Stage-I approval

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the

original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

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

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

7. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The User Agency either itself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter**

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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.

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17. To minimize disturbance to the wildlife, user agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concerned State Forest Department.

18. The user agency and the State Government shall ensure compliance to provisions of the MoEF&CC Guidelines F. No. 11-96/2009-FC dated 4th July, 2014 issued by the Ministry regarding drilling in the forest land.

19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dated 29/01/2018.

20. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

F. Railway Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
   - **a)** The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

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b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *(https://parivesh.nic.in/).*
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.**
10. **The user agency shall provide suitable under/ over passes in ProtectedArea/ Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
13. No labour camp shall be established on the forest land.
14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
22. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected areas/ Forest Areas.**
6. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be demarcated on ground at the project cost as per the directions of the concerned DFO.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

G. Road Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**

a) Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

5. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** ***(https://parivesh.nic.in/)***.

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

9. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**

10. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**

11. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**

12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

13. The layout plan of the proposal shall not be changed without prior approval of Central Government.

14. No labour camp shall be established on the forest land.

15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

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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 by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……., Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. User agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
7. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**
8. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
9. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.

12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The forest land shall not be used for any purpose other than that specified in the project proposal.
17. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

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H. Thermal Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha. Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566

in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

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

6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(*https://parivesh.nic.in/*).*

7. The compliance report shall be uploaded on ***e-portal*** *(*https://parivesh.nic.in/*).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.

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

3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

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

5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.

6. **The State Govt. shall ensure that no non-forest / construction activity shall be carried out by the user agency within specified distance beyond HFL of …… River*****, if thermal power plant is located on the bank of river.***

7. **The user agency shall ensure that ash produced due to the unit shall not pollute the air and water of the nearby areas for which, green belt shall be maintained around the proposed unit and necessary plantation in the nearby villages/ habitation should be carried out in consultation with the local people.**

8. **User agency shall undertake afforestation along the periphery of the reservoir, *if thermal power plant is reservoir based project.***

9. **The user agency shall also utilize the ash generated by supplying for construction of road project within the 100 Km radius and also facilitate supply of ash to brick industries as per latest fly ash notification.**

10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

11. The layout plan of the proposal shall not be changed without prior approval of Central Government.

12. No labour camp shall be established on the forest land.

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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.

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I. Transmission Line Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.**
10. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
11. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
14. No labour camp shall be established on the forest land.
15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……., Village-……., Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

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18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

J. Underground Gas / water pipeline / OFC Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
   - **a)** Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
   - **b)** The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
   - **a)** The State Government shall charge the Net Present Value(NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

   - **b)** Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

   - **c) Full exemption of NPV in case of laying of underground OFC cable provided no felling of trees is involved and area proposed for diversion is outside of Protected Area as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**

d) Full exemption of NPV in case of laying of underground drinking water pipeline 4" dia provided no felling of trees is involved, non-commercial project, area proposed for diversion is outside of Protected Area and total forest land required for project is less than 1.00 ha as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.

6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No labour camp shall be established on the forest land.
13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
16. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
21. The compliance report shall be uploaded on *e-portal (https://parivesh.nic.in/).*

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-…….., District- ……..) at the cost of

the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
8. No labour camp shall be established on the forest land.
9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
11. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
12. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
17. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

K. Forest Village Relocation

Formal approval

1. **Legal status of the forest land diverted under the Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Sanctuaries/ Tiger Reserves shall ceases to be forest land.**
2. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
3. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
4. **Land vacated in the protected area due to relocation of Village shall be developed as per approved Wildlife Management Plan / NTCA guideline / CWLW.**
5. **No fragmentation of forests should take place due to the relocation project.**

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6. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
7. The forest land shall not be used for any purpose other than that specified in the project proposal.
8. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
10. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

L. Wind Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:
   a) Compensatory afforestation shall be taken up by the Forest Department over …….. ha Non-forest land / degraded forest land (Compartment no. / Khasra No. ……, Village-……, Tehsil- ……., District-……) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
   b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
   a) The State Government shall charge the Net Present Value (NPV) for the …… ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
   b) **The State Government shall charge 50% of the minimum rate of NPV irrespective of eco-class in which the project lies provided minimum tree**

felling is involved as per MoEF&CC guideline No. 5-3/2007-FC dated 05/02/2009 and the orders of Hon'ble Supreme Court of India order dated 24/04/2008.

c) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees to minimum number of trees shall be deposited by the User Agency with the State Forest Department.

5. **The State Government shall charge a lease rent at the rate of Rs.30,000/- per MW from user agency as a lump-sum onetime payment for the entire period of lease as per MoEF&CC guideline No. 8-84/2002-FC dated 16/12/2005.**

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

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/).*

8. The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/).*

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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 by the user agency.

3. **Compensatory afforestation**

a) Compensatory afforestation shall be taken up by the Forest Department over …… ha non-forest / degraded forest land (Compartment / Khasra No. ……, Village-……, Tehsil-……., District- ……..) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

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

5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.

6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.

7. **User Agency shall demarcate the project area as per the directions of concerned Divisional Forest Officer.**

8. **The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.**

9. **The lease period shall be for a period of 30 years as per MoEF&CC guideline F. No. 8-84/2002-FC dated 14/05/2004.**

10. Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.

11. **The layout plan of the proposal shall not be changed without the prior approval of the Central Government.**

12. **The State Government and user agency shall undertake implementation of mitigation measures to be obtained by the user agency from BNHS/ WII or any other National level reputed agency dealing with bird conservation.**
13. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
14. The State Government and user agency shall complied with the other standard conditions in vogue as per this MoEF&CC guidelines as amended from time to time for Wind Power Project.
15. No labour camp shall be established on the forest land.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests &wildlife. The State Government shall ensure compliance of all the above conditions.

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