

Ministry of Environment and Forests

NOTIFICATION

New Delhi, the 03rd February, 2004

G.S.R. 94 (E) – In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government hereby makes the following rules to amend the Forest (Conservation) Rules, 2003, namely :-

1. (1) These rules may be called the Forest (Conservation) Amendment Rules, 2004.

(2) Rules 1,2,3,5,6 (except sub-rule (5) of rule 6) and 7 of these rules shall come into force on the date of their publication in the official Gazette; whereas, rule 4 of these rules and sub-rule (5) of rule 6 of the principal rules, as contained in rule 5 of these rules, shall come into force on the expiry of 180 days from the date of such publication.

2. In the Forest (Conservation) Rules, 2003 (hereinafter referred to as the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely :-

‘ (b) “Committee” means the Forest Advisory Committee constituted under section 3 of the Act.’

3. In the said rules, for rule 3, the following rule shall substituted, namely :-

“3. Composition of the Forest Advisory Committee :-

(1) The Forest Advisory Committee shall be composed of the following members, namely :

(i) the Director General of Forests, Ministry of Environment and Forests – Chairperson.

(ii) the Additional Director General of Forests, Ministry of Environment and Forests – Member.

(iii) the Additional Commissioner (Soil Conservation), Ministry of Agriculture – Member.

(iv) three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics - Members.

(v) the Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests – Member Secretary.

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

(4) In the said rules, after rule 3, the following rule shall be inserted, namely : -
Constitution of the Regional Empowered Committee : –

(1) A Regional Empowered Committee shall be constituted at each of the Regional Offices and shall consist of the following members, namely :

(i) the Regional Principal Chief Conservator of Forests (Central) - Chairperson.

(ii) three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics - Members.

(iii) the Conservator of Forests or the Deputy Conservator of Forests in the Regional Office - Member Secretary.

(2) The term of appointment of non-official Members shall be as specified in rule 4 of these rules.

5. In the said rules, for rule 6 , the following rule shall be substituted, namely –

“ 6. **Submission of proposals seeking approval of the Central Government under section 2 of the Act**

(1) Every User Agency who want to use any forest land for non-forestry purposes, shall make its proposal in the relevant Form appended to these rules, i.e. Form ‘A’ for proposals seeking first time approval under the Act, and Form ‘B’ for proposals seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Nodal Officer of the concerned State Government or the Union territory

Administration, as the case may be, along with requisite information and documents, complete in all respects.

(2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer, to the concerned Divisional Forest Officer or the Conservator of Forests, Regional Office, as well as the Monitoring Cell of the Forest Conservation Division of the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi - 110003.

(3) (a) After having received the proposal, the State Government or the Union territory Administration, as the case may be, shall process and forward it to the Central Government within a period of two hundred and ten days of the receipt of the proposal including the transit period.

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

Provided that on the determination regarding completeness of the proposal or the expiry of ten days, whichever is earlier, the question of completeness or otherwise of the proposal shall not be raised.

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

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

this regard to the Nodal Officer within a period of ninety days of the receipt of such proposal from him.

(e) (i) The Nodal Officer, through the Principal Chief Conservator of Forests, shall forward the proposal to State Government or the Union territory Administration, as the case may be, alongwith his recommendations, within a period of thirty days of the receipt of such proposal from the Divisional Forest Officer or the Conservator of Forests.

(ii) The State Government or the Union territory Administration, as the case may be, shall forward the complete proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110003, as the case may be, in the specified Forms within a period of sixty days of the receipt of the proposal from the Nodal Officer :

Provided that all proposals involving clearing of naturally grown trees on the forest land or a portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan or Management Plan.

Provided further that the concerned State Government or as the case may be, the Union territory Administration, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be.

(f) If the proposal, alongwith the recommendations, is not received from the concerned State Government or the Union territory Administration, as the case may be, till fifteen days of the expiry of the time limit as specified under clause (a), it shall be construed that the concerned State Government or as the case may be, the Union territory Administration, has rejected the proposal and the concerned State Government or

the Union territory Administration shall inform the User Agency accordingly :

Provided that in case the State Government or the Union territory Administration, as the case may be, subsequently forward the proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be, the proposal shall not be considered by the Central Government unless an explanation for the delay to the satisfaction of the Central Government is furnished, together with action taken against any individual held to be responsible for the delay.

(4) The proposal referred to in clause (e) (ii) of sub-rule (3), involving forest land upto forty hectares other than the proposal relating to mining and encroachments, shall be forwarded by the concerned State Government or as the case may be, the Union territory Administration, alongwith its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests, Government of India, who shall within a period of forty five days of the receipt of the proposal from the concerned State Government or the Union territory Administration, as the case may be (a) decide the diversion proposal upto five hectares and (b) process, scrutinise and forward diversion proposal of more than five hectares and upto forty hectares, along with the recommendations, if any, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110003, for obtaining the decision of the Central Government and inform the State Government or the Union territory Administration, as the case may be, and the User Agency concerned.

(5) The Regional Empowered Committee shall decide the proposal involving diversion of forest land upto forty hectares other than the proposal relating to mining and encroachments, within forty-five days of the receipt of such proposal from the

State Government or the Union territory Administration, as the case may be:

Provided that the Central Government may, if consider it necessary, enhance or reduce the limit of the area of the forest land.

(6) The proposal referred to in clause (e) (ii) of sub-rule (3), involving forest land of more than forty hectares, and all proposal relating to mining and encroachments irrespective of the area of the forest land involved, shall be forwarded by the concerned State Government or as the case may be, the Union territory Administration, alongwith its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi - 110003.”

6. In the said rules, in rule 7, :-

(i) in sub-rule (1) for the words, brackets and figures “sub-rule (3) of rule 6”, the words, brackets and figures “sub-rule (6) of rule 6” shall be substituted.

(ii) After sub-rule (1), the following sub-rule shall be inserted, namely :-

“ (1A) These proposals shall be processed and put up before the Committee and the recommendations of the Committee shall be placed within a period of ninety days of the receipt of such proposals from the State Government or the Union territory Administration, as the case may be, before the Central Government for its decision.”

(iii) in sub-rule (2), in clauses (c) and (d), at both places, for the words, “or the other authority”, the words “or the Union territory Administration, as the case may be,” shall be substituted.

7. In the said rules, rule 8 shall be omitted.

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

(Dr. V.K. BAHUGUNA)

Inspector General of Forests (Forest Conservation)

Note : The Principal rules were published in the Gazette of India vide number G.S.R. 23 (E) dated the 10th January, 2003.