

THE FOREST (CONSERVATION) RULES, 2003

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 Advisory Committee constituted under section 3 of the Act.
- (c) "**Chairperson**" means the Chairperson of the Committee.
- (d) "**Member**" means a member of the Committee.
- (e) "**Nodal Officer**" means any officer not below the rank of Conservator of Forests, authorized 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 Forest 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, organization 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 Act or the rules.

1[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
..... Member.
- (v) the Inspector General of Forests (Forest Conservation), Ministry and Environment and Forests-Member Secretary. Member.

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

1[3 -A. 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 Forest or the Deputy Conservator of Forest in the regional office
... Member Secretary

(2). The term of appointment of non official members shall be as specified in rule four of these rules.]

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 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) Traveling and daily allowance shall be payable to 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 traveling 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.

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 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 there.

1[6. Submission of the proposals seeking approval of the Central Government

Under section 2 of the Act - (1) Every user agency, who wants to use any forest land for non-forestry purposes shall make his proposal in the appropriate 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 earlier, 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 Bhavan, CGO Complex, New Delhi – 110003.

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

(b) The Nodal Officer of the 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 concerned D.F.O. within a period of 10 days of the receipt of the proposals.

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

(c) If the Nodal Officer of the State Govt. 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 Forest, shall forward the proposal to the State Govt. or the Union Territory Administration, as the case may be, along with his recommendations, within a period of 90 days of the receipt of such proposals from the Divisional Forest Officer for the Conservator of Forests.

(ii) The State Govt. or the Union Territory Administration, as the case may be shall forward the complete proposals, along with its recommendations to the regional office or the ministry of environment and forests, Paryavaran Bhavan, C.G.O. complex, New Delhi 3, as the case may be in the specified forms within a period of sixty days of the receipt of 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, along with its recommendations, to the regional office for the Ministry of Environment of Forest, as the case may be.

(f) If the proposals along with the recommendations, is not received from the concerned State Govt. or the Union Territory Administration, as the case may be, till fifteen days of the expiry of the time limit as specified under Clause (a), it shall be construed that the concerned State Government or as the case may be, the Union Territory Administration, has rejected the proposal and the concerned State Government or the Union Territory Administration shall inform the User Agency accordingly.

Provided that in case the State Government or the Union Territory Administration, as the case may be, subsequently forward the proposal, along with its recommendations, to the regional office or the Ministry of Environment of Forest, as the case may be, the proposal shall not be considered by the Central Govt. unless an explanation for the delay to satisfaction of the Central Govt. 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 up to 40 hectares shall be forwarded by the concerned State Govt. or as the case may be, the Union Territory Administration, along with its recommendations, to the Chief

Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment & Forest, Govt. of India, who shall within a period of 45 days of the receipt of the proposal from the concerned State Govt. or the Union Territory Administration, as the case may be (a) decide the diversion proposal up to five hectares other than the proposal relating to mining and encroachments, and (b) process, scrutinize and forward diversion proposal of more than five hectares and up to forty hectares including all proposals relating to mining and encroachments up to forty hectares, along with recommendations, if any to the ministry of Environment and Forest, Paryavaran Bhavan, C.G.O. complex, New Delhi -110003, for obtaining the decision of the Central Govt. and inform the State Govt. 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 forest land up to forty hectares other than the proposal relating to mining and encroachment, within 45 days of the receipt of such proposal from the State Govt. or the Union Territory Administration, as the case may be:

Provided that the Central Govt. 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 forests land of more than forty hectares shall be forwarded by the concerned State Govt. or as the case may be, the Union Territory Administration, along with its recommendations to the Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. complex, New Delhi-110003.

(7) Committee to advise on proposals received by the Central Government:-

(1)The Central Government shall refer every proposal, complete in all respects, received by it under ¹[Sub-rule (6) of the rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.

²[(1-A) 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.]

(2) 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 sub-rule (1), namely:

- a) 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 catchments;

- b) 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;
 - c) Whether the State Government ³[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; and
 - d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.
- (3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose, which in its opinion would minimize adverse environmental impact.

8. Action of the Central Government on the advice of the Committee:-The Central Government shall, after considering the advice of the Committee tendered under the 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within sixty days of its receipt.

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 persons(s) prima-facie found guilty of offence under the Act or the violation of the rules made there under, 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 (ies) 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 be filled 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 there under, 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.