

## CHAPTER -1

### Application of Forest (Conservation) Act , 1980.

#### 1.1 Definition.

- (i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgment in NTPC's case) It would also include "Forest " as understood in the dictionary sense (Supreme Court order dated 12.12.1996 in WP No.202/1995-Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership , would require the prior approval of the Central Government.

**Clarification;-** The term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees in these private plantation shall be governed by various State Acts and Rules . Felling of trees in notified private forests will be as per the working plan/management plan duly approved by Government of India.

- (ii) The "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act may be in force in the forest area under question.

#### 1.2 Clarification

- (i) The cases in which specific orders for de-reservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred the Central Government. However, in case where only administrative approval for the project was issued without specific orders regarding dereservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.
- (ii) Harvesting of fodder grasses, legumes etc which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the

Central Government. However, lease of such areas to any organization or individual would necessarily require under the Act.

- (iii) The forest policy, as well as 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 India Forest Act, 1927 or State Forest Act/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. The forest produce so obtained shall be utilized 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 approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used.

**Clarification:-** 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...” Annexure-II A may be referred to. In view of this rights and concessions cannot be enjoyed in the Protected Area (Pas).

### 1.3 Investigation and Survey.

- (i) Investigation and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling, mining etc will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of signing.
- (ii) If, however, investigation and surveys involve clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.

- (iii) Notwithstanding the above, survey, investigation and exploration shall be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

Clarification:- The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries. Annexure-II A may be referred to. In view of this, the State Government should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife ) and Supreme Court.

- (iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.
- (v) Prospecting of any minerals, done under prospecting licence granted under MMDR Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act 1980 would be required. However, test drilling upto 10 bore holes of maximum 4” diameter per 100sq.km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of the Central Government under the Act would be required.
- (vi) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversion of forest land.

#### 1.4 Explanation Regarding Non-Forest purpose.

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

- (ii) Cultivation of fruit-bearing trees or oil-bearing plants 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 a question; and
- (b) Such planting activity is part over all Afforestation programme for the forest area in question.

### 1.5 Tusser Cultivation

- (i) \*Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantation shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.
- (ii) \*Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling or existing trees; provided further that while undertaking such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area
- (iii) Plantation of mulberry for silkworm rearing is a non-forestry activity the provisions of the Act.

### 1.6 Mining

- (i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also

requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.

- (ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal NO>2349 of 1984 dated.7.5.1985 is at Annexure-III
- (iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

#### 1.7 Clarification on Sub-clause 2 (iii) of the Act.

- (i) the Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organization wholly owned, managed or controlled by the concerned State/Union Territory Government and/agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organization or individual.
- (ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency/organization not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

#### 1.8 Clarification on sub-clause 2(iv) of the Act

- (i) Sub-clause 2(iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown

trees and are required to be clear-felled, irrespective of this size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include copping, 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 Plan to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (iii) All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the Regional Office, 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. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20ha. In the plains and 10ha in the hilly region, irrespective of density.
- (iv) In national parks and sanctuaries where felling are carried for improvement of Wildlife and its habitat only, forest would be managed according to a scientifically prepared management plan approved by the Chief Wildlife Warden, provided that the removed forest produce shall be used for meeting bona fide needs of the people living in and around the National Park/Sanctuary and shall not be used for any commercial purposes. But in case where large scale felling/removal of timber and non timber products is required in a national park/sanctuary, which need disposal through sales, approval of the Central Government would be necessary. However, this shall

be subject to the orders of the Supreme Court, which may be referred to at Annexure-II A.

#### 1.9 Clarification of Section 3 B of the Act.

- (i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.
- (ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facie responsible for the contravention of the Act
- (iii) In case it is not possible to fix the responsibility for commission/omission of any action leading to the violation of the Act, a full explanation with relevant document shall appended to the report.

Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in (3) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-C.

- (iv) any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

Clarification :- The provisions of this Section are applicable to the cases where the State Government or any authority passes any order for promoting activities covered by Section 2 of the Forest (Conservation) Act,1980 without prior approval of the Central Government. Cases of illicit felling/encroachment/illegal mining , etc have to dealt under the provisions of the Indian Forest Act,1927, State Acts , Environment (Protection) Act,2986, etc.

#### 1.10 Diversion of Forest Land for Regularisation of Encroachments.

- (i) Detailed guidelines issued in this regard vide this Ministry's letter NO>13-1/90-FP(1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.
- (ii) The State Government/UT Administrations may send the proposals as follows:-
  - (a) A consolidated proposal for the whole State in the prescribed application form.
  - (b) Detailed information as per the enclosed Table/format – Annexure – IV A .Division wise proposals, maps, names encroachers, etc. should be kept ready at Division level, which may be made available whensoever required for inspection and need not be appended with the consolidated proposal
  - (c) Detailed compensatory Afforestation scheme with areas proposed for raising compensatory Afforestation Division-wise, phased planning, fund requirement, commitment of the State Government to provide funds for the purpose, etc Maps of proposed areas for compensatory afforestation should be kept already at Division level, which may be made available whensoever required for inspection
  - (d) A time plan for eviction of ineligible encroachers.

Detailed guidelines issued in this regard vide this Ministry's NO>13-1/90-F

#### 1.11 Review of Disputed Claims over Forest Land, arising out of Forest Settlement

Detailed guidelines issued in this regard vide this Ministry's NO>13-1/90-F.P(2) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-B.



### 1.12 Disputes Regarding Pattas/Leases/Grants involving Forest Land – Settlement thereof.

Detailed guidelines issued in this regard vide this Ministry's No.13-1/90-F.P.

(3) dated 18.9.90 shall be strictly followed. These are included in Annexure IV -C

### 1.13 Conversion of Forest Villages into Revenue Villages.

Detailed guidelines issued in this regard vide this Ministry's No.13-1/90-F.P.(5) dated 18.9.90 shall be strictly followed. These are included in Annexure IV-D.

## CHAPTER – 2

### Submission of Proposals

#### 2.1 General

- (i) Rule 6 of the Forest (Conservator) Rules, 2003 prescribes of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specifies the particulars to be furnished with the proposal. Only proposal in the prescribed format, and complete in all respects, will be considered. The user agency, if they so desire, for monitoring purpose only, may submit the proposal along with a copy of the receipt from Nodal Officer of having received complete application to the Assistant Inspector General of Forests (FC)/Director in charge of the Monitoring cell
- (i) All proposals relating to diversion of forest land up to 40 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MOEF by the State/UT government or other authority. All others proposals shall be sent by the State/UT Government or other authority to the Secretary to the Government of India, MOEF mentioning "Attention – FC Division" on covering letter as

well as on envelope .Moreover a copy of all these proposals irrespective of area should also be sent to concerned Regional Office of the MOEF.

For small development and public utility projects involving diversion of forest Land upto 5 hectare, the State Government may authorize the Nodal Officer or any other Officer to submit the proposals directly to the Regional Offices

- (ii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commented upon by the Principal Chief Conservator of Forests/Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasize that a conscious decision has been taken in the matter
- (iii) Wherever re-diversion of forest land becomes essential, State Government should seek the prior permission of the Central Government giving details of the earlier approval and the proposed activity in letter form rather than initiating a fresh proposal.
- (iv) In cases of irrigation projects or projects involving linear diversion of forest land, when during execution, some realignment is needed due to technical reasons and where the re-alignment is of a minor nature, i.e deviation from the original alignment is at a few points and the number of tree to be cut does not exceed the number given in the original proposal, the State Government need not submit a fresh proposal. Rather, they may send this information through a covering letter giving maps of the original alignment and fresh alignment with details of the additional forest land required and the variation in the number of trees which will be affected due to the realignment.
- (v) The State Government is advised not to consider/process cases, which are pending in various Courts or are sub-judice, to avoid all sorts of administrative and legal complications.
- (vi) In order to ensure that the forest lands are diverted only for site specific projects, that too where it is inescapable, so that ecological balance of the

country is well protected, the respective State/UT Administration. Should give due consideration to the following and should submit proposal accordingly after detailed scrutiny.

1. **Diversion of forest land within Reserve Forest:** - As per the State of Forest Report 2001 published by Forest Survey of India, out of 76.84 million hectare of total area, roughly 55% is Reserve Forest area. These forests are considered as good forests with plenty of bio diversity and it is necessary too keep these forests intact. As such, any proposal for diversion in Reserve Forest should be very carefully examined and detailed justification after exhausting all alternatives for locating the project in this forest area should be give while forwarding the proposal.
2. **Regarding Mining proposals:** - 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 make entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicle and coming up of colonies for the workers. It has been observed that whatever area has already been opened up for mining of different minerals, have not been worked and reclaimed systematically and scientifically. There is a tendency to open up new pits without exhausting the existing once to its full depth/potential. 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 lease 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 of minerals. Along with this, the State Government should also submit details of all other mining lease for the particulars minerals with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining lease for that particular mineral. Mining plan should be approved by the competent authority for concerned minerals e.g. for coal it should be approved by Controller of Coal and for majority minerals by IBM and soon.

Even in the case of renewals, it has been observed that the State Government are not giving complete picture of mining activity in the particular block or compartment of the forest block. Whenever such proposal is sent, complete details of existing or proposed lease in that particular forest area with their present status should be indicated on Survey of India topo-sheet on 1:5,000 scales.

3. **Diversion for non-site specific projects:** - A large 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 person, 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 jurisdiction establishing it's in- escapability for locating the project in forest area.

(4) It has been observed that in respect of many proposals, the Central Government receives representation from NGOs/local public bodies against the diversion of forest land, environment and ecological grounds. It is felt that it is essential to have the opinion of the local people, wherever a project is coming up in that area. Therefore, whenever any proposal for diversion of forest land is submitted, it should be accompanied by a resolution of the 'Aam Sabha' of gram Panchayat/Local Body of the area endorsing the proposal that the project is in the interest of people living in and around the proposed forest land except incase wherever consent of the local people in one form or another has been obtained by the State or the project proponents and the same is indicated in the proposal explicit. However, it would be required where the project activity on forest land is affecting quality of life of the people residing in nearby areas of the site of diversion; like mining projects, displacement of people in

submergence area, etc. It is further clarified that such resolution would not be required in following cases.

- a. Project requires public hearing in order to get environment clearance. However, a copy of public hearing may be furnished along with the proposal in such cases.
- b. For projects like construction of roads, canals, laying of pipelines/optical fibres are transmission lines etc., where linear diversion of forest land in several villages are involved.
- c. Proposals involving diversion of private forests lands.
- d. In case of small public utility projects like drinking water, schools, hospitals which are for the welfare of local people.

## **2.2 Particulars to be furnished along with the Proposal.**

- (i) Map of the forest area required showing boundary of the adjoining forests, etc., is to be furnished along with the prescribed form. This should normally be on 1:50,000 scale original Survey of India toposheet. However, if maps on 1:50,000 scales are not available, map on 1" = 1 mile or 1" = 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.
- (ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For areas, species wise and diameter class-wise abstract of trees may be computed either from the working plan or by standard sampling methods.
- (iii) The projects for roads and railway line construction will be processed in their entirety. Therefore, proposals in piecemeal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposal.

- (iv) The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposals may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with proposal.
- (v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.
- (vi) All proposals seeking prior approval of the Central Government should invariably contain the following information.
  - (a) Extents of forest cover in the concerned district/State.
  - (b) Extent of forest land diverted so far under Forest (Conservation) Act 1980 in the concerned district/State.
  - (c) Extent of forest land diverted for same/similar purpose/project so far in the concerned district/State.
  - (d) Progress of compensatory afforestation in the concerned district/State under earlier forest clearance.

However, the State/UTs may submit the above information on a consolidated, calendar year basis every year as per the proforma at Annexure-VII so as to avoid duplication/reiteration in each proposal.(NO.11-30/96-FC (Pt) dated 28.6.2001)

- (vii) Mining Proposals in forest areas in respect of coal and other minerals should be accompanied with the following documents :-

**1. 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 forest and surface and their mitigation. The maximum tensile strain of 20 mm per metre and thereby the surface cracks of width of about 200 - 300 mm is to be

permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of 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; ISM, Dhanbad, any of the IITs located at Delhi, Kanpur, Mumbai, Kharangpur, Madras, Roorkee & Guwahati, or M/S CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining areas should be designed so as to use minimum possible land, and wherever feasible, the surface facilities should be planned over non-forest areas

2. **Open cast mining in forest areas.**

In respect of open cast mining in forest areas, a comprehensive study of soil 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.

3. **Use of Fly ash in reclamation of open cast mines.**

Wherever feasible, depending upon the characteristic of fly ash and its availability nearby, use of fly ash in reclamation of open pits should be looked into and planned. Fly ash for purpose should be characterized from the point of view of leaching potential with special reference to heavy metals.

While forwarding the proposals, the State Government may also bear in mind the Para 7.13 of The National Minerals Policy, 1993 (For non-fuel & non-atomic minerals) wherein it states that “---Mining operation shall not

ordinarily be taken up in identified ecologically fragile and biologically rich area.....”

#### 4. **Mining Plan**

Ministry of Environment and Forest is receiving a large number of proposals for grant of /renewal of mining lease. In order to take a holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal along with map of forest area on printed original copy of Survey of India topo sheet 1.50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet.

#### 2.3 Proposal Requiring Clearance from Environmental Angle.

- (i) The projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall required clearance separately from Environment angle, as per procedure laid down by the Environment Wing of the Ministry of Environment and Forests. Environmental clearance where required should be applied for separately and simultaneously.
- (ii) Notwithstanding the above, if in the opinion of Ministry or the Advisory Committee, any proposal should be examined from the environmental angle, it may be required that the project proponent refer the case to the Environment Wing of the MOEF.
- (iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.

#### 2.4 **Simplified Procedure for Certain Categories of proposals.**

- (i) In respect of proposals for laying of trans mission lines, pipelines for drinking water supply, laying to telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not involve any



drilling or cutting of tree, only the following particulars may be furnished in the prescribed form :

- (a) Map of the area required along with geographical location of the project.
- (b) Purpose for which forest land is required to be used.
- (c) Extent of forest area to be diverted.
- (d) Legal status of forest land.
- (e) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve forms part of the habitat of any endangered or threatened species of flora and fauna.
- (f) Whether no alternative alignment is possible to avoid or minimize use of forest land and, this regard is to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.
- (g) Compensatory afforestation scheme.
- (h) A certified stating specifically that no cutting or felling of trees is involved.
- (ii) Other cases involving forest area up to 2 ha. Which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposals for mining and regularization encroachments.

## **2.5 Diversion of Forest Land for Widening or Expansion or Realignment of Road/Rail /Canal**

- (i) Such lands which has been acquired by Government Departments like Railways, Irrigation, PWD. Etc. for specific purposes like laying of roads, railways lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forests(Conservation) Act,1980 for the purposes of widening or expansion or re-alignment. However, the

concerned agency will seek permission under local laws, if any from appropriate authority.

Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Officer shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.

- (iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/modernization under intimation to the local State Forest Department and Central Government.

Clarification : This guideline is applicable to only such projects, where plantation have been raised on the lands acquired by the user agency and subsequently notified as Protected Forest. These guidelines will not be applicable if the forest land involved in reserved/protected forests belonging to the Forest Department.

## **2.6 Cost-benefit Analysis.**

- (i) while considering proposals for dereservation or diversion of forest land for non-forest use, it is essential that ecological and environmental losses and socio-economic distress caused to the people who are displaced are weighed against economic and social gains.

- (ii) Annexure VI (a) details the types of projects for which cost-benefit analysis will be required.

Annexure VI (b) lists the parameters according to which the cost aspect will be determined, while

Annexure VI (c) gives the parameters for assessing the benefits accruing.

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

## 2.7 Plan for Rehabilitation of Oustees.

- (j) If the project involves displacement of people, a detailed rehabilitation plan shall be submitted along with the proposal for diversion of forest land. The Scheduled Tribe and Scheduled Caste population should be separately considered, and a plan for their rehabilitation should be in consonance with the socio-economic, cultural and emotional lifestyle.
- (k) The Government of India do not allow diversion of forest lands for rehabilitation of people. However, such diversion may be considered as special case, if diversion of forest land is essentially required for the rehabilitation of persons bellowing to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of national Park or reserve.

## 2.8. Transfer of lease

Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no objection certificate form such transfer and; the new user agency has to submit and undertaken that they abide by all the

condition on which the forest lands was leased to the original user agency and any other condition which may be stipulated by the Central Government /State Government in future.

#### 2.9. Participation of private sector through involvement of mg and forest department in Afforestation/Rehabilitation of degraded Forest Department

Detailed guidelines issued in this regard vide this Ministry's letter No.8-21/96-FC dated 07.06.1999 shall be strictly fallow. These are included in Annexure VIII.

#### 2.10. Cluster Mining.

Detailed guidelines issued in this regard vide this Ministry's letter NO.11-8/2001-FC dated 15.11.2001 shall be strictly be fallow. These are included in annexure IX