

अनुसूची-2

[नियम 8 (2) तथा नियम 9 (4) देखें]

परियोजना जांच समिति द्वारा गैर-वानिकी प्रयोजन के लिए वन भूमि के उपयोग हेतु प्रस्तावों की जांच की समयावधि

क्र.सं.	गैर-वानिकी उपयोग के लिए अनारक्षण/अपयोजन हेतु प्रस्तावित वन भूमि का आकर (हेक्टेयर में)	गैर-वानिकी उपयोग की प्रकृति	समयावधि (कार्य दिवस)
(1)	(2)	(3)	(4)
1.	5 से अधिक और 40 तक	सभी उपयोग (खनन के अतिरिक्त)	60
2.	5 से अधिक और 40 तक	खनन	75
3.	40 से अधिक और 100 तक	सभी उपयोग (खनन के अतिरिक्त)	75
4.	40 से अधिक और 100 तक	खनन	90
5.	100 से अधिक	सभी उपयोग (खनन के अतिरिक्त)	120
6.	100 से अधिक	खनन	150

टिप्पणी 1: परियोजना जांच समिति [(नियम 9(4) (ड.) देखें] द्वारा स्वीकार किए गए प्रस्ताव के अंतिम जमा करने की तारीख से गणना की गई समयावधि (कार्य दिवस)।

टिप्पणी 2: परियोजना जांच समिति या विभागीय वन अधिकारी किसी अनुमोदित विशेष योजना जैसे वन्यजीव प्रबंधन योजना, जलागम क्षेत्र शोधन योजना प्रवाह/नदी संरक्षण योजना इत्यादि के पश्चात ही प्रस्ताव की जांच करेंगे, यदि नियम 9 के उप-नियम (4) के खंड (ज) के अधीन प्रस्ताव की जांच के समय विनिर्दिष्ट संबंधित प्राधिकारियों को प्रस्तुत किया गया हो।

टिप्पणी 3: नियम 9 के उपनियम (4) के खंड (ज) में निहित, खनन और खनन के अलावा सभी प्रस्तावों को, जिनमें 5.0 हेक्टेयर तक वन क्षेत्र सम्मिलित हो, क्रमशः अधिकतम 45 और 30 कार्य दिवस के भीतर संसाधित किया जाएगा।

[फा. सं. एफसी-11/118/2021-एफसी]

रमेश कुमार पाण्डेय, वन महानिरीक्षक

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th June, 2022

G.S.R. 480(E).—In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2003, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. Short title, extent and commencement. - (1) These rules may be called the Forest (Conservation) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

- “Accredited Compensatory Afforestation” means a system of proactive afforestation to be used for obtaining prior approval under section 2 of the Act.
- “Act” means the Forest (Conservation) Act, 1980 (69 of 1980);
- “Advisory Committee” means the Advisory Committee constituted under section 3 of the Act;
- “Chairperson” means the Chairperson of the Advisory Committee;

- (e) “Compensatory Afforestation” means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Act;
- (f) “Compensatory Levies” includes all money and funds specified in clauses (iii) and (iv) of sub-section (3) of section 4 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016);
- (g) “Conservator of Forests” means Conservator of Forests, Chief Conservator of Forests, the Regional Chief Conservator of Forests or an officer equivalent to Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a forest circle having jurisdiction over the forest land for which the prior approval of the Central Government is required;
- (h) “dereservation” means an order issued by the State Government or Union territory Administration or any authority thereof, for change in the legal status of a land statutorily or otherwise recognised as forest to any other category of land;
- (i) “diversion” means an order issued by the State Government or Union territory Administration or any authority thereof for the use of any forest land for non-forest purpose or assignment of a lease of any forest land for non-forest purpose;
- (j) “District Collector” means an officer appointed by the State Government or the Union territory Administration, as the case may be, and includes District Collector, Deputy Commissioner, to hold the charge of the Administration of the revenue district having jurisdiction over the forest land for which the prior approval of the Central Government under the Act is required;
- (k) “Divisional Forest Officer” means Divisional Forest Officer, Deputy Conservator of Forests or an officer equivalent to the Divisional Forest Officer or Deputy Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a Forest Division having jurisdiction over the forest land for which the prior approval of the Central Government under the Act is required;
- (l) “Integrated Regional Office” means an Integrated Regional Office established by, and controlled under the Central Government for the purpose of these rules;
- (m) “Land bank” means the lands identified or earmarked, as the case may be, by the State Government and Union territory Administration for raising Compensatory Afforestation in lieu of forest land proposed for diversion or diverted under the Act;
- (n) “Linear project” means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, etc.;
- (o) “Member” means a Member of the Advisory Committee and includes the Chairperson;
- (p) “member” means a member of the Regional Empowered Committee or Project Screening Committee and includes the chairperson of the Regional Empowered Committee or Project Screening Committee, as the case may be;
- (q) “National Working Plan Code” means a code prepared by the Central Government for the preparation of Working Plans;
- (r) “Nodal Officer” means any officer not below the rank of Additional Principal Chief Conservator of Forests, authorised by the State Government or Union territory Administration, as the case may be, or the senior most officer in the Forest Department of the concerned Union territory, if there is no post of Additional Principal Chief Conservator of Forests or above in the Department, for the purpose of implementation of Act and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;
- (s) “Project Screening Committee” means the Project Screening Committee constituted under rule 8 to screen project proposals for use of forest land for the non-forest purpose for making recommendations to the State Government or Union territory Administration, as the case may be;
- (t) “Regional Empowered Committee” means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;
- (u) “Regional Officer” means head of the Integrated Regional Office appointed by the Central Government;
- (v) “section” means a section of the Act;
- (w) “Survey” means any activity to be taken up prior to initiating commissioning of a project or any activity undertaken for the purpose of exploring, locating or proving mineral deposits including coal, petroleum and natural gas before carrying out actual mining in the forest land, that includes survey, investigation, prospecting, exploration, including drilling therefor, etc.;

- (x) “user agency” means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration making a request for dereservation, diversion or assignment of lease of forest land under the provisions of the Act or the rules made thereunder;
- (y) “Working Plan” means the document prepared as per the provisions of the National Working Plan Code published by the Central Government from time to time and having prescriptions for scientific management of the forests of a particular Forest Division for a specified period;

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

3. Constitution of Advisory Committee. - (1) The Central Government may, by an Order, constitute an Advisory Committee to advise with regards to (i) grant of approval under section 2 in respect of proposals referred under sub-clause (b) of clause 5 of rule 9; and (ii) any matter connected with the conservation of forests referred to the Advisory Committee by the Central Government.

(2) The Advisory Committee shall consist of the following persons, namely: -

(1)	(2)	(3)
1.	Director General of Forests, Ministry of Environment, Forest and Climate Change	Chairperson;
2.	Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change	Member;
3.	Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change	Member;
4.	Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare	Member;
5.	Three experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics	Non-official Members;
6.	Inspector General of Forests dealing with Forest Conservation	Member-Secretary.

(3) The Chairperson may co-opt the domain experts as special invitees to a meeting of the Advisory Committee.

(4) The Chairperson shall preside over the meeting of the Advisory Committee and in his absence, the Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change shall preside over the meeting.

4. Terms and conditions of non-official Members of the Advisory Committee. – The terms and conditions of the non-official Members of the Advisory Committee shall be as follows, namely: -

- (a) a non-official Member shall hold his office for a period of two years from the date of his nomination;
- (b) a non-official Member shall cease to hold office if he becomes of unsound mind, or insolvent or is convicted for an offence which involves moral turpitude;
- (c) a non-official Member may be removed from his office if he fails to attend three consecutive meetings of the Advisory Committee without any sufficient cause or reason;
- (d) any vacancy caused by any reason mentioned in clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years; and
- (e) the non-official Members of the Advisory Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group ‘A’ post carrying the same scale of pay:

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

5. Conduct of business of the Advisory Committee.- The Advisory Committee shall conduct its business as follows, namely:-

- (a) the Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once a month;
- (b) the meeting of the Committee shall ordinarily be held at New Delhi provided that in a case where the Chairperson is satisfied that inspection of site of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal referred to the Committee, he may direct that the meeting of the Committee to be held at a place other than New Delhi from where such inspection of site is required;
- (c) every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee, provided that in urgent cases, the Chairperson may direct those documents may be circulated and sent to the members for their opinion within the stipulated time;
- (d) the quorum of the meeting of the Committee shall be five including the Chairperson; and
- (e) the user agency may be allowed to remain present in the meeting of the Advisory Committee for such duration as may be necessary to furnish such information or clarify any issue which may pertain to it.

6. Constitution of Regional Empowered Committee. - (1) The Central Government may, by an Order, constitute a Regional Empowered Committee at each of the Integrated Regional Offices to examine proposals referred to under sub-clause (a) of clause 5 of rule 9 and grant approval or rejection of proposals under section 2.

(2) The Regional Empowered Committee at each of the Integrated Regional Offices shall consist of the following persons, namely: -

(1)	(2)	(3)
1.	Regional Officer	chairperson;
2.	Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines	non-official members;
3.	The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the Integrated Regional Office	member - secretary.

(3) The chairperson of the Regional Empowered Committee may co-opt the domain experts as special invitees to the meeting.

(4) One representative each from the Forest Department and Revenue Department not below the rank of Director to the Government of India, shall be invited by the Regional Empowered Committee to attend the meeting as a special invitee, in the examination of the proposals.

(5) Terms and conditions of non-official members of the Regional Empowered Committee shall be as follows: -

- (a) a non-official member shall hold his office for a period of two years from the date of his nomination;
- (d) a non-official member shall cease to hold office if he becomes of unsound mind, insolvent, or is convicted for an offence involving moral turpitude;
- (c) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reason;
- (d) any vacancy in the Regional Empowered Committee caused by any reason mentioned in sub-clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years; and
- (e) the non-official members of the Regional Empowered Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post carrying the same scale of pay:

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

7. Conduct of Business of Regional Empowered Committee. - The Advisory Committee shall conduct its business as follows, namely:-

- (a) the chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than twice a month;
- (b) the meetings of the Regional Empowered Committee shall be held at the headquarters of the Integrated Regional Office:

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

- (c) the chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee and in his absence, the senior-most member not below the rank of the Conservator of Forests shall act as the chairperson;
- (d) every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent case, the chairperson of the Regional Empowered Committee may direct that documents may be circulated and sent to the members of the Regional Empowered Committee for their opinion within the stipulated time;

- (e) the quorum of the meeting of the Regional Empowered Committee shall be three; and
- (f) the user agency may be allowed to remain present for such duration during a meeting as may be necessary to furnish such information or clarify any issue which may pertain to it.

8. Constitution of Project Screening Committee. - (1) The State Government and Union territory Administration may, by an Order, constitute a Project Screening Committee to examine the completeness of the proposal submitted under clauses (i), (ii) or (iii) of section 2 of the Act.

(2) The Project Screening Committee shall consist of the following persons, namely:-

(1)	(2)	(3)
1.	Nodal Officer	chairperson;
2.	Concerned Chief Conservator of Forests/ Conservator of Forests	member;
3.	Concerned Divisional Forest Officer	member;
4.	Concerned District Collector or his representative (Not below the rank of Deputy Collector)	member;
5.	Divisional Forest Officer in the office of Nodal Officer	member -secretary.

(3) The Project Screening Committee shall meet at least twice every month and the quorum of the meeting of the Project Screening Committee shall be three.

(4) The Project Screening Committee shall, after examination of the proposals, make recommendation to the State Government or Union territory Administration, as the case may be.

9. Proposals for Prior Approval of the Central Government.- (1) The approval shall be accorded by the Central Government in two stages, namely (i) 'In- Principle' approval; and (ii) 'Final' approval.

(2) The user agency shall make an application to the State Government or Union territory Administration for approval of the Central Government under section 2 of the Act for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease, in the specified online Forms, to be notified by the Central Government.

(3) The copy of the proposal shall be simultaneously forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests, Chief Conservator of Forests and the Nodal Officer of the State Government or Union territory Administration each of whom shall independently and separately undertake preliminary examination of the completeness of documentation of the proposal for the purpose of examination by the Project Screening Committee.

- (4) (a) the Project Screening Committee shall examine the proposal received from the State Government or Union territory Administration, except proposals involving forest land of five hectares or less, without going into the merit of the proposal, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category for the purpose of screening and ascertaining, and the Project Screening Committee may call the user agency for clarification or additional documents, if any, during the meeting and the minutes of the meeting shall be uploaded online;

- (b) the Project Screening Committee shall examine the proposal for its completeness and correctness and ensure that deficiencies in the proposal, if any, are identified and the member-secretary shall inform in this regard to the user agency;
- (c) the user agency shall re-submit the proposal, if returned under clause (b), and the same shall be re-examined by the Project Screening Committee; an incomplete proposal so re-submitted under this sub-clause shall stand deregistered;
- (d) a Proposal Identity Number shall be generated for a proposal which is found complete in all respects by the Project Screening Committee and the Identity Number shall be used for all future references;
- (e) the complete proposal with the proposal Identity Number shall be forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification;
- (f) where the forest land or part thereof included in the proposal is not under the management control of the Forest Department, the District Collector shall get the land schedule and map of the forest land included in the proposal authenticated in the online form through joint verification by officers of Revenue Department and Forest Department;
- (g) in addition to, every proposal verified in the field by the concerned Divisional Forest Officer, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the concerned Conservator of Forests and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer if the proposal;
- (h) the proposal, except proposals involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule II, annexed to these rules, from submission of the completed proposal under clause (c) or clause (e), as the case may be, and the Project Screening Committee shall examine the feasibility of the proposal for the purpose of recommending it to the State Government or Union territory Administration along with mitigation measures to be adopted by the user agency:

Provided that the Project Screening Committee may seek from the user agency any clarification, additional detail or modification of the proposal in terms of change in forest land proposed for diversion on account of reasons such as minimising the requirement of forest land or minimising adverse impact on forest and wildlife, change in Compensatory Afforestation land proposed or change in measures proposed to be adopted by the user agency to mitigate the adverse impact of the project, and for this purpose it may ask the user agency to make a presentation:

Provided further that the proposal shall be considered after submission of the clarification or additional detail provided by the user agency online, and in case the proposal has been modified in terms of the first proviso, within the time period specified in this clause after repeating the steps in clauses (b) to (f) as applicable and in case new forest land has been proposed for diversion in the modified proposal, the steps in clause (g) shall also be repeated.

- (i) Where the user agency fails to submit correct information, additional detail or a modified proposal within the period as specified, the proposal shall stand rejected:

Provided that if the user agency satisfies the Project Screening Committee that the reason for the delay was beyond its control, the Project Screening Committee may reconsider the proposal, after the reasons to be recorded in writing and recommend it to the State Government or Union territory Administration, as the case may be;

- (j) proposal involving forest land of less than five hectares, shall after examination at the level of Divisional Forest Officer be forwarded by him directly to the Nodal Officer and the Nodal Officer shall forward such proposals to the State Government or Union territory Administration along with his recommendations and a copy of the same shall also be forwarded to the Integrated Regional Office;
- (k) proposal involving forest land of five hectares or more, shall be forwarded by the Nodal Officer, with the approval of the Principal Chief Conservator of Forests, to the State Government or Union territory Administration, along with the Project Screening Committee's recommendation and a copy of the same shall be forwarded to the Integrated Regional Office;
- (l) where the State Government or Union territory Administration, as the case may be, decides not to dereserve, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal, the same shall be intimated to the user agency by the Nodal Officer; and
- (m) where the State Government or Union territory Administration agrees 'In-Principle' to dereserve the forest land, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal shall forward its recommendation to the Central Government.

(5) 'In-Principle' approval of the proposal: -

- (a) Except the proposals related to: (i) dereservation (ii) mining involving forest land of more than 5 hectares (iii) regularisation of encroachment and (iv) violation of the provisions of the Act, all other proposals related to: (i) linear projects, (ii) forest land up to forty hectares and (iii) use of forest land having canopy density up to 0.7 irrespective of their extent for the purpose of survey, shall be examined in the Integrated Regional Office and disposed off in the manner specified in clause (c);

Provided that, no approval is required for assignment of Petroleum Exploration licence or Petroleum Mining Lease where neither physical possession nor breaking of forest land is involved, however, for all activities such as the establishment of exploration or developmental wells and connected activities on the forest land, approval under clause (ii) of section 2 of the Act shall be obtained for the actual impact area as per the procedure specified under these rules, subject to provisions of guidelines issued by the Central Government.

- (b) all proposals other than those referred to in sub-clause (a) above shall be examined and shall be disposed of in the manner specified under these rules;
- (c) proposals received under sub-clause (a) shall be examined by the Integrated Regional Office in the following manner:-
- (i) all proposals involving forest land up to five hectares, shall be examined by the Integrated Regional Office for its completeness and after enquiry as deemed necessary and giving due regard to the aspects listed under sub-clause (ii) of clause (e), 'In-Principle' may be granted by the Integrated Regional Office or may be rejected after the reasons to be recorded in writing;
- (ii) all linear proposals involving forest land of more than five hectares, all proposals for use of forest land having canopy density upto 0.7 for the purpose of 'survey' irrespective of their extent and all other proposals involving the use of more than five hectares and up to forty hectares forest land, shall be referred, after examination of its completeness, by the Integrated Regional Office to the Regional Empowered Committee constituted under rule 6;
- (iii) the Regional Empowered Committee shall examine all proposals referred to it under sub-clause (a) above and after further enquiry as deemed necessary and giving due regard to the aspects listed under sub-clause (ii) of clause (e), may grant 'In-Principle' or reject the same by recording reasons;
- (d) site inspection report shall be prepared for proposals specified in sub-clause (b) by the Integrated Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee;
- (e) proposals received by the Central Government shall be examined in the following manner:-
- (i) all proposals received under clause (b) along with the site inspection report as required under clause (d), shall be referred, after examination of its completeness, to the Committee;
- (ii) the Advisory Committee shall examine, all proposals referred to it in clause (b), giving due regards, but not limited to, the following, and after further enquiry, as deemed necessary, shall make recommendation to the Central Government for consideration for approval:-
- (A) the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason;
- (B) the State Government or the Union territory Administration, as the case may be, has certified that it has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;
- (C) the State Government or the Union territory Administration, as the case may be, before making his recommendation, has considered all issues having direct and indirect impacts on the diversion of forest land on the forest, wildlife and the environment;
- (D) concerned mandates under the National Forest Policy;
- (E) whether adequate justification has been given and appropriate mitigation measures have been proposed by the State Government or the Union territory Administration, as the case may be, if the forest land proposed to be used for non-forest purposes forms part of a national park, wildlife sanctuary, tiger reserve, designated or identified tiger or wildlife corridor, or habitat of any endangered or threatened species of flora and fauna or of an area lying in the severely eroded catchment; and

- (F) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land as per sub-rule (1) of rule 11 and afforestation thereof, for the purpose of carrying out Compensatory Afforestation;
- (iii) while making recommendations as per sub-clause (ii), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact;
- (iv) the Central Government shall, after considering the recommendation of the Advisory Committee, grant 'In-Principle' approval subject to fulfilment of stipulated conditions or reject and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, and to the user agency;
- (f) (i) in case the proposal is found incomplete or information provided is found to be incorrect after its examination, the Central Government shall inform the State Government or Union territory Administration and user agency for furnishing the required information within a specified period;
- (ii) the State Government or Union territory Administration on receipt of communication under sub-clause (i), may furnish the complete information, after which the proposal shall be considered for 'In-Principle' approval under these rules:

Provided, if the information sought pertains to the user agency, the user agency may directly furnish the requisite information to the Central Government with a copy to the State Government or Union territory Administration, and upon receipt of such information from the user agency, the Central Government, if it considers necessary, may seek comments of the concerned State Government or Union territory Administration, as the case may be, on the information furnished by the user agency or consider granting 'In-Principle' approval.

(6) 'Final' approval of the proposal:-

- (a) (i) the Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the concerned Divisional Forest Officers, District Collectors and Conservator of Forests;
- (ii) on receipt of a copy of the 'In-Principle' approval, the Divisional Forest Officer shall prepare a demand note containing the item-wise amount of Compensatory Levies, as applicable, to be paid by the user agency and communicate the same to the user agency, along with a list of documents, certificates and undertakings required to be submitted by them in compliance with the conditions stipulated in 'In-Principle' approval;
- (iii) the user agency shall, after receipt of the communication, make payment of Compensatory Levies and hand over the land identified for Compensatory Afforestation, a compliance report along with copies of documentary evidence including undertaking and certificate in respect of the payment of Compensatory Levies and handing over of Compensatory Afforestation land to the Divisional Forest Officer;
- (iv) the Divisional Forest Officer, after having received the compliance report and satisfied with the completeness, shall recommend the compliance report for final approval and forward it to the Conservator of Forests;
- (v) the Conservator of Forests, after having received the compliance report as referred to in sub-clause (iv) above, shall make his recommendations on the compliance report and forward the same to the Nodal Officer;
- (vi) the Nodal Officer, after having received the compliance report, ensuring its completeness and obtaining approval of the Principal Chief Conservator of Forests of the State Government or head of the Department in case of Union territory Administration, shall forward such report with his recommendations to the State Government or Union territory Administration, as the case may be.
- (b) (i) the Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under section 2 of the Act and communicate such decision to the State Government or Union territory Administration and the user agency;
- (ii) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

- (c) (i) the final order of dereservation under clause (i) of Section 2 of the Act, wherever accorded, shall be effected through a Gazette notification by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;
- (ii) the whole process of obtaining approval shall be carried out in the online portal developed for this purpose.
- (d) (i) where compliance of condition imposed in the 'In-principle' approval is awaited from the State Government or Union territory Administration, as the case may be, for more than two years, the 'In-Principle' approval shall be deemed to be null and void:

Provided the Central Government may, for the reasons to be recorded in writing, in respect of proposals involving forest land of more than thousand hectares, where 'In-Principle' approval has been obtained, may consider grant of phase-wise 'Final' approval by the competent authority subject to compliance in respect of:

- (1) payment of Compensatory Levies and notification of land identified and accepted for raising Compensatory Afforestation, proportional to the part area for which compliance is submitted; and
 - (2) any other specific condition that the Central Government may deem fit to have been complied with.
- (e) after issue of final approval under sub- clause (ii) of clause (b) and Gazette notification under sub- clause (i) of clause (c), the concerned forest land may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration;
- (f) the concerned Integrated Regional Office shall monitor the compliance of all conditions imposed at the time of granting 'In-Principle' approval and the State Government or Union territory Administration and the user agency shall also monitor, at least once every year, the compliance of conditions imposed during 'In-Principle' approval and upload the monitoring report in the online portal.

10. Proposal seeking prior approval of the Central Government for working plan.- (1) (a) The Nodal Officer of the State Government or Union territory Administration shall submit the draft Working Plan of a Forest Division, duly prepared in accordance with the provisions of the National Working Plan Code, along with the recommendation of the State Consultative Committee, in the online portal for prior approval of the Central Government;

- (b) the draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon;
- (c) the draft Working Plan submitted to the Central Government shall be examined by the concerned Integrated Regional Office for its conformity with National Working Plan Code, the National Forest Policy, 1988 and the Integrated Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord 'In-Principle' approval along with modification of the provision contained in the draft Working Plan and for a period as it deems fit, or reject the same by recording the reasons therefor;
- (d) the State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the 'In-Principle' approval has been accorded by the Integrated Regional Office with respect to all or specific provision of the Working Plan and for the period for which the Working Plan has been approved;
- (e) the State Government or Union territory Administration shall undertake a mid-term review of the approved Working Plan and submit the review report along with its recommendation to the Integrated Regional Office and the Integrated Regional Office may, after examination, modify the condition of 'In-Principle' approval or issue a fresh prior approval by modifying the provision of the previously approved Working Plan for the remaining period or reject the recommendations of mid-term review by recording reasons therefor; and
- (f) the Integrated Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.

(2) (a) all proposals under clause (iv) of section 2, irrespective of the size of forest land involved, shall be submitted online by the State Government or Union territory Administration to the concerned Integrated Regional Office;

- (b) proposals received under clause (a) of sub-rule (1) shall be examined by the Integrated Regional Office and may grant 'In-Principle' approval after enquiry or reject the same by recording the reasons thereof;

- (c) proposals involving whole or part of forest land bearing a canopy density of 0.4 or more or proposals involving clear-felling of forest land of size more than twenty hectares in plains and ten hectares in hills irrespective of canopy density, shall be forwarded to the Regional Empowered Committee and the Regional Empowered Committee shall deal in the manner specified under these rules and while examining the proposal, the Integrated Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, 1988, and the National Working Plan Code;

Explanation.- For the purpose of these rules “clear-felling of forest land” means removal of all natural vegetation in whatever form occurring, by felling, uprooting or burning them and removing them from the forest land over one hectare in size or more, but other types of felling of trees of specified size or species, including their selection felling or coppice felling shall not be considered as clear felling.

11. Creation of Compensatory Afforestation.- (1) (a) An user agency shall provide land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising Compensatory Afforestation over such land and the requirement of Compensatory Afforestation land shall be as per the Schedule I annexed to these rules:

Provided that in case the non-forest land or portion thereof provided by the user agency is not fit for raising Compensatory Afforestation of a specified density, then additional Compensatory Afforestation shall be raised on a degraded notified or unclassified forest land under the management control of the Forest Department which is twice in size of such shortfall in the given Compensatory Afforestation land and the user agency shall also bear the additional cost on such account:

Provided further that if the non-forest land being made available for Compensatory Afforestation already bears vegetation of 0.4 canopy density or more, there shall not be an additional requirement of planting of trees on such land but a programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner:

Provided further that in exceptional circumstances when the suitable land required for Compensatory Afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the Compensatory Afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided further that in exceptional circumstances when the suitable land required for Compensatory Afforestation under this clause is not available, and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the Compensatory Afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of State Public Sector Undertakings for captive coal blocks on case to case basis:

Provided further that in case the user agency acquires any non-forest land for the execution of the project, the exceptions in case of Central Government agencies, Central Public Sector Undertakings and State Public Sector Undertakings as above shall not be applicable.

Explanation.- The specified density for raising Compensatory Afforestation under this clause shall be such as to develop, a forest of a minimum canopy density of 0.4 or more in the fifth year of start of Compensatory Afforestation operation, and the area has sufficient vegetation stock to enable it to mature into land with canopy density of minimum 0.7;

- (b) The land specified under clause (a), shall be demarcated by concrete pillars of suitable size and handed over, free from all encumbrances to the State Forest Department or Union territory Forest Department and the same shall be notified as protected forest under Section 29 of Indian Forest Act, 1927 (Act No. 16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Act;
- (c) The land identified and earmarked for Compensatory Afforestation shall be treated and afforested by the State Government or Union territory Administration or user agency as per the Compensatory Afforestation plan approved as part of the said forest diversion proposal and the work of Compensatory Afforestation shall start within one year of issue of order of diversion of the corresponding forest land and the Central Government may issue guidelines on the modalities of Compensatory Afforestation, including agencies that may undertake Compensatory Afforestation;
- (d) Subject to the consent of concerned State Governments or Union territory Administrations, in case the forest land to be diverted is in a hilly or mountainous State or Union territory having forest cover of more than two-third of its geographical area or situated in any other State or Union territory having forest cover of more than one-third of its geographical area, the Compensatory Afforestation under this sub-rule may be taken up in another State or Union territory, having forest cover less than twenty per cent of its total

geographical area. Similarly, the Accredited Compensatory Afforestation or Land bank may be taken up in another State or Union territory:

Provided that, the money towards Compensatory Afforestation in such cases shall be transferred to the State Compensatory Afforestation Fund of the State or Union territory in which the Compensatory Afforestation land has been identified and the remaining money of the Compensatory Levies shall be deposited in the Compensatory Afforestation Fund Management and Planning Authority Fund of the State Government or Union territory Administration in which the forest land has been proposed to be diverted.

(2) (a) A State Government or Union territory Administration as the case may be, may for the purpose of Compensatory Afforestation create a Land bank under the administrative control of the Department of Forest;

(b) The minimum size of the Land bank shall be a single block of twenty five hectares:

Provided that in case a Land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 (16 of 1927) or under any other law for time being in force, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land;

(c) The lands covered under Accredited Compensatory Afforestation earned under sub-rule (3) may be included in the Land bank.

(3) (a) The Central Government may formulate an Accredited Compensatory Afforestation mechanism to be used for obtaining prior approval under section 2;

(b) Accredited Compensatory Afforestation may be earned by a person if he has established afforestation over land on which the Act is not applicable and is free from all encumbrances;

(c) an afforestation shall be counted towards Accredited Compensatory Afforestation if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old;

(d) Accredited Compensatory Afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall be no Accredited Compensatory Afforestation for developing an area below 0.4 canopy density or below one-hectare land;

(e) Accredited Compensatory Afforestation may be swapped for Compensatory Afforestation proposed under sub-rule (1):

Provided the Accredited Compensatory Afforestation cover a block of minimum of ten hectares and has been fenced as per norms specified for Compensatory Afforestation in that area:

Provided further that Accredited Compensatory Afforestation over land of any size situated in the continuity of land declared or notified as forest under any law, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, may be swapped for Compensatory Afforestation.

(f) Accredited Compensatory Afforestation earned out of vacation of non-forest lands on account of voluntary relocation of a village from a National Park, Wildlife Sanctuary or Tiger Reserve and designated or identified tiger or wildlife corridors shall qualify for Compensatory Afforestation as per Schedule –I annexed to these rules, and this provision may also be used by a user agency in lieu of Compensatory Afforestation under sub-rule (1);

(g) Accredited Compensatory Afforestation identified under this rule shall be demarcated with concrete pillars of suitable size and handed over, free from all encumbrances to Forest Department of the State Government or Union territory Administration and the same shall be notified as Protected Forest under section 29 of Indian Forest Act, 1927 or under the provision of any other law for the time being in force before the Final approval is granted under the Act;

(h) The Central Government may issue detailed guidelines on creation of Accredited Compensatory Afforestation, its stock registry and management for the purpose of its swap for Compensatory Afforestation land and cost of maintenance thereof up to a period specified by the Central Government.

12. General Instructions.-

(1) Felling of trees on forest lands approved for use for the non-forest purpose under these rules shall be restricted to a bare minimum and to an unavoidable number and shall be done under the supervision of the local Forest Department and the forest produce obtained therefrom shall be handed over to the local Forest Department for disposal in the manner specified by the State Government or Union territory Administration which shall give preference to distribution to local villagers for meeting their domestic bonafide requirement.

- (2) Forest land diverted for non-forest purpose under these rules shall be appropriately surveyed jointly by the user agency and the Forest Department or the land-owning Department, demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency and handed over by the Forest Department or land-owning Department to the user agency prior to starting of any non-forest use.
- (3) For the purpose of forest cover under these rules, the figures and description used in the latest India State of Forest Report published by Forest Survey of India shall be referred.
- (4) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government Union territory Administration and may decide to refund the Compensatory Levies deposited, on case to case basis.
- (5) The conditions imposed by Central Government for diversion of forest land for the non-forest purpose shall not be changed or modified after a period of two years from the date of grant of final approval unless some exceptional circumstances arise or the Central Government considers it necessary to impose any additional clause of compliance.

SCHEDULE I

[See rule 11 (1) and rule 11 (3)]

Provisions for the requirement of land related to Compensatory Afforestation

Sl. No.	Description of Compensatory Afforestation Land	Size of Compensatory Afforestation land as compared to forest land to be diverted for non-forest purpose
(1)	(2)	(3)
1.	Land to which provisions of the Act are not applicable.	Equivalent.
2.	Land recorded as 'forest' in Government record but does not fulfill all of the following conditions:- (a) notified as forest under any other law for the time being in force (b) managed as forest by Forest Department. <i>(This dispensation is allowed to proposals of Central Government and State Government or Union territory Administration only.)</i>	Two times.
3.	Degraded notified or unclassified forest land. <i>(This dispensation is in case of State Public Sector Undertakings for captive coal blocks on case to case basis and Central Government Agencies/Central Public Sector Undertakings on case to case basis)</i>	Two times
4.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), provided is of size of twenty-five hectares or more in one block. Compensatory Afforestation land of less than ten hectares shall not be accepted unless the requirement of Compensatory Afforestation land is less than ten hectares in which case the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five per cent. less for every additional block size of ten hectares or part thereof subject to a maximum of twenty-five per cent rebate.
5.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), that is less than 25 hectares size but more than 10 hectares size in one block. If the requirement of Compensatory Afforestation land is less than twenty-five hectares but more than ten hectares in size, the provision of excess land for Compensatory	Five per cent. more for every five hectares smaller block size or part thereof.

	Afforestation shall not be applicable but the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	
6.	Land qualifying for Compensatory Afforestation under Sl. No. (1) above and is located within the notified boundary of a protected area	Twenty-five <i>per cent.</i> less
7.	Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors.	Fifteen <i>per cent.</i> less.
8.	Land qualifying for Compensatory Afforestation under Sl. No. (1) or (2) and is located adjacent to a forest land notified as forest under Indian Forest Act, 1927 (16 of 1927) or any other law. Accredited Compensatory Afforestation land of any size may be accepted in case it is contiguous to a forest land notified under any law.	Ten <i>per cent.</i> less
9.	Compensatory Afforestation land made available from complete and voluntary relocation of a village/ habitation (situated in non-forest land) from a Wildlife Sanctuary, National Park or Tiger Reserve, to a non-forest land outside such Sanctuary, Park or Reserve or area linking protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors, as the case may be.	(a) Exemption from payment of Net Present Value of forest land equivalent to the Compensatory Afforestation land by way of vacation of village or habitation from National Park/Wildlife Sanctuary/ Tiger Reserve. Note: "Net Present Value" shall have the same meaning as assigned in clause (j) of section 2 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016). (b) Accredited Compensatory Afforestation in the ratio of 1:1.25 (Non-forest land: Accredited Compensatory Afforestation earned) so vacated by a village by way of voluntary relocation (<i>provided that the same shall be notified as part of the Wildlife Sanctuary, National Park or Tiger Reserve and also notified as Protected Forest or Reserved Forest</i>). (c) Additional Accredited Compensatory Afforestation at the rate of 0.5 ha per relocated family.

Note 1: The user agency or Accredited Compensatory Afforestation developer shall ensure that relocation is voluntary.

Note 2: No compensation under relevant schemes of the Central Government or State Government would be payable to relocatees or user agency or Accredited Compensatory Afforestation developer.

Note 3: The State Government can also use this provision, provided no central assistance on such scheme is availed.

SCHEDULE-II**[See rule 8 (2) and rule 9(4)]**

Time Period of examination of proposals for use of forest land for non-forest purpose by the Project Screening Committee

Sl. No	Size of forest land proposed for de-reservation/diversion for non-forest purpose (in hectares)	Nature of non-forest use	Time Period (Maximum Working Days prescribed)
(1)	(2)	(3)	(4)
1.	More than 5 and upto 40	All usage (except mining)	60
2.	More than 5 and upto 40	Mining	75
3.	More than 40 and upto 100	All usage (except mining)	75
4.	More than 40 and upto 100	Mining	90
5.	More than 100	All usage (except mining)	120
6.	More than 100	Mining	150

Note-1: Time period (working days) counted from the date of final submission of proposal as accepted by the Project Screening Committee [see rule 9(4) (e)].

Note-2: Project Screening Committee or the Divisional Forest Officer shall examine a proposal only after an approved special plan, such as Wildlife Management Plan, Catchment Area Treatment Plan Stream/River Protection Plan, etc. , if specified at the time of screening of proposal under clause (h) of sub-rule (4) of rule 9, has been submitted to the concerned authorities.

Note-3: All proposals related to mining and proposals other than mining involving forest area upto 5 ha specified under sub clause (j) of clause (4) of rule 9, shall be processed within maximum working days of 45 and 30, respectively.

[F. No. FC- 11/118/2021-FC]

RAMESH KUMAR PANDEY, Inspector General of Forests