

PART - B

FOREST (CONSERVATION) RULES, 2003 (published in Gazette of India : Extraordinary on the 10th January 2003)

G.S.R. 23(E) - In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

1. **Short title, extent and commencement -**
 - (1) These rules may be called the Forest (Conservation) Rules, 2003.
 - (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
 - (3) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions. -** In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);
 - (b) "Committee" means the 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, authorised by the State government to deal with the forest conservation matters under the Act;
 - (f) "Regional Office" means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
 - (g) "Section" means a section of the Act;
 - (h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.
3. **Composition of the Committee -**
 - (1) The Committee shall be composed of the following members:-
 - (i) Director General of Forests, Ministry of Environment and Forests - Chairperson.
 - (ii) Additional Director General of Forests, Ministry of Environment and Forests-Member.
 - (iii) Additional Commissioner (Soil Conservation), Ministry of Agriculture - Member.
 - (iv) Three eminent experts in forestry and allied disciplines (non-officials) - Members.
 - (v) Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests-Member Secretary.
 - (2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.
4. **Terms of appointment of non-official members shall be as follows -**
 - (i) a non-official member shall hold his office for a period of two years;
 - (ii) a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;

- (iii) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;
- (iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.
- (v) travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

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

5. Conduct of business of the Committee -

- (i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.
- (ii) The meeting of the committee shall be held at New Delhi.
- (iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.
- (iv) The Chairperson shall preside over every meeting of the Committee at which he is present.
- (v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
- (vi) The quorum of the meeting of the Committee shall be three.

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-forest 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 concerned nodal officer authorised in this behalf by the State Government, alongwith requisite information and documents, complete in all respects, well in advance of taking up any non-forest activity on the forest land.
- (2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval under section 2 of the Act, shall send the proposal to the Central Government in the appropriate forms, within ninety days of the receipt of the proposal from the user agency for proposals seeking first time approval under the Act and within sixty days for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier:

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

- (3) The proposal referred to in sub-rule (2) above, involving forest land of more than forty hectare shall be sent by the State Government to the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi - 110 003, with a copy of the proposal (with complete enclosures) to the concerned Regional Office.
- (4) The proposal referred to in sub-rule (2) above, involving forest land up to forty hectare shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.
- (5) The proposal referred to in sub-rule (2) above, involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

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 sub-rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.
- (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 catchment;
 - (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 or the other authority 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 minimise 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 rule 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 person(s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

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

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