

## **Forest (Conservation) Rules, 2003**

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## **Forest (Conservation) Rules, 2003**

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

### **1. Short title, extent and commencement :-**

(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: <sup>1</sup>

(b) "Committee" means the Forest 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.

1. Substituted by The "Forest (Conservation) Amendment Rules, 2004", Published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2004 .

### **3. Composition of the Forest Advisory Committee :-**

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

1. Substituted by The "Forest (Conservation) Amendment Rules, 2004", Published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2004 .

### **3A. Constitution of the Regional Empowered Committee :-**

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

1. Inserted by The "Forest (Conservation) Amendment Rules, 2004", published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2004 .

### **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.

(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 proposals seeking approval of the Central Government under Section 2 of the Act :-**

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(1) Every User Agency who want to use any forest land for non-

forestry purposes, shall make its proposal in the relevant form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act, and Form 'B' for proposals seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requisite information and documents, complete in all respects.

(2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer, to the concerned Divisional Forest Officer or the Conservator of Forests, Regional Office, as well as the Monitoring Cell of the Forest Conservation Division of the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi - 110 003.

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

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

1. Inserted by The "Forest (Conservation) Amendment Rules, 2004", published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2004 .

**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 (6) of Rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.

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

(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.

1. Inserted by The "Forest (Conservation) Amendment Rules, 2004", published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd February, 2004 .

**8. Action of the Central Government on the advice of the Committee :-**

Omitted by Forest (Conservation) Amendment Rules, 2004

**9. Proceedings against persons guilty of offences under the Act :-**

(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.