

F. No. 2-1/2003-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003
Dated: 6th January, 2011.

To

The Chief Secretary / Administrator,
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving Forest as well as Non-forest Lands.

Sir/Madam,

Instances have come into the notice of the Ministry that para 4.4 of the guidelines on the Forest (Conservation) Act, 1980 regarding provisions involving forest as well as non-forest lands have been causing confusions leading to non-start of the project work even on the non-forest land. As the domain of applicability of the Forest (Conservation) Act, 1980 does not spread beyond the forest areas, therefore, it has been decided to issue a clarification on the provisions of para 4.4 of the guidelines as under -

The last sentence of para 4.4 which reads -

'... It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.'

is now substituted with

'...It has, therefore, been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.'

So, the modified para 4.4 of the Guideline on Forest (Conservation) Act, 1980 shall now read as -

"4.4 Project involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments / project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically

been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may proved to be infructuous if diversion of forest land involved is not approved. *It has, therefore, been decided that if a project involves forest as well as non-forest land, it is advisable that work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.*"

Yours faithfully,


(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary (Forests), All States / UTs
2. All PCCF/Nodal Officers (All States/UTs).
3. All Regional Offices.
4. All concerned officers of F.C. Division.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.


(Umakant)

Assistant Inspector General of Forests