

F. No. 11-327/ 2015-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 001
Dated: 14th August, 2015

To

The Principal Secretary (Forests)
All State / Union Territory Governments

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Processing of proposals seeking approval for use of forest land in Protected Areas and Eco-sensitive Zone of Protected Areas- *reg.*

Sir,

I am directed to say that apart from prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) use of forest land in Protected Areas (PAs) requires prior recommendation of Standing Committee of National Board for Wildlife (NBWL) and the prior leave of the Hon'ble Supreme Court also.

2. The proposals seeking prior approval of Central Government under the FC Act and to obtain prior recommendation of Standing Committee of NBWL for use of forest land for non-forest purpose in Protected Areas may be processed concurrently, subject to following conditions:

- (i) Pending receipt of recommendation of Standing Committee of NBWL and prior leave of the Supreme Court, State Governments and Union territory Administrations may receive and process proposals seeking prior approval of Central Government under the FC Act for use of forest land for non-forest purpose in Protected Areas on merit of each case and forward the same to the Central Government;
- (ii) In case the entire forest land indicated in a proposal is located within one or more Protected Areas, the Central Government will refer such proposal, which is complete in all respect, along with site inspection report, wherever required, to the Forest Advisory Committee (FAC) only after use of such forest land for non-forest purpose has been recommended by Standing Committee of the NBWL. The FAC will examine such proposals and make appropriate recommendations on merit of each case. In case the FAC decides to recommend grant of approval under the FC Act for diversion of the whole or a part of such forest land, approval of the competent authority to accept such


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recommendation will be sought only after prior leave of Supreme Court for use of such forest land for non-forest purpose is obtained by the concerned user agency. In case, as per the provisions of the Forest (Conservation) Rules, 2003, as amended, decision on such proposal is required to be taken by the Regional Empowered Committee (REC), such proposal will be referred to the REC only after prior leave of Supreme Court for use of such forest land for non-forest purpose is obtained by the concerned user agency;

- (iii) In case a proposal involves use of forest land both within and outside Protected Area(s), processing of such proposals and grant of approval under the FC Act by the Central Government for diversion of forest land falling outside the PAs will not be linked to recommendation of Standing Committee of NBWL and prior leave of the Hon'ble Supreme Court. All such proposals, which are complete in respect, along with site inspection report, wherever required, will be referred to the FAC or REC, as the case may be, without waiting for approval of the Standing Committee of NBWL and the Hon'ble Supreme Court. The FAC and REC will examine such proposals and make appropriate recommendation or decision on diversion of forest land which is located outside the PAs, on merit of each case. Central Government will examine recommendation of the FAC in respect of the forest land located outside the PAs and will take decision on merit of each case, without waiting for approval of Standing Committee of NBWL and the Hon'ble Supreme Court. In such proposals, procedure stipulated in clause (ii) will be followed to recommend and grant approval under the FC Act for use of forest land falling within PAs.

This issues with approval of the Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director), South Block, New Delhi.
2. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
3. Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, New Delhi.
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi.

5. Chairman, Railways Board, Rail Bhawan, New Delhi.
6. Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi.
7. Director General, Border Roads Organization, New Delhi.
8. Principal Chief Conservator of Forests, all States/UTs.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
10. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
11. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
12. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
13. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
14. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
15. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
17. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
18. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
19. Guard File.


(H.C. Chaudhary)
Director