

F.No. 5-1/98-FC(Pt.II)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated: 29th March 2005.

To

The Principal Chief Conservator of Forests,
Sikkim,
Gangtok, Deorali-737102.

Sub: Disposal of the trees standing on the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980; clarification - regarding.

Sir,

With reference to the subject mentioned above, kindly refer to your letter No. 795(870) FCA/FEWMD dated 05.01.2005 seeking clarification regarding disposal of the trees standing on the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980. The matter has been considered holistically, and I am directed to furnish following opinion of the Ministry in this regard -

Sl. No.	Category of land/forests	Operational Works (felling of trees, dragging of timber, etc.)*	Disposal of timber and sale proceeds*
1.	Notified Forests	<ul style="list-style-type: none">Operational cost to be deposited by the User Agency directly in the name of the concerned Divisional Forest Officer or the Nodal Officer.Such operation shall be carried out by the State Forest Department.	<ul style="list-style-type: none">Timber shall be disposed of by the State Forest Department in the manner as deemed fit by it and the sale proceeds shall also accrue to the department.
2.	Forests/Plantations as Protected Forests on the lands owned by Government Departments (other than Forest Department).	<ul style="list-style-type: none">The User Agency shall be responsible for the operation at the project cost under supervision of the land owning Government Department, orAccording to any other arrangement reached between the User Agency and the land owning Government Department.	<ul style="list-style-type: none">Timber shall be disposed of by the land owning Government Department in consultation with the State Forest Department, and the sale proceeds shall also accrue to the land owning department, orAccording to any other arrangement reached between the User Agency and the land owning Government Department in consultation with the State Forest Department.
3.	Government land other than Notified Forests.		
4.	Private land	<ul style="list-style-type: none">The User Agency shall be responsible for the operation at the project cost under supervision of the land owner, orAccording to any other arrangement reached between the User Agency and the land owner.	<ul style="list-style-type: none">Timber shall be disposed of by the land owner in consultation with the State Forest Department, and the sale proceeds shall also accrue to him, orAccording to any other arrangement reached between the User Agency and the land owner in consultation with the State Forest Department.

* In all cases, felling and transit regulation framed/adopted by the concerned State/UT Government shall apply.

Yours faithfully,

(Sandeep Kumar)
Assistant Inspector General of Forests

Copy for information to:-

1. The Secretary (Forests), All State/UT Governments.
2. The Principal Chief Conservator of Forests, All States/UTs.
3. Nodal Officers, O/o the PCCFs, All States/UTs.
4. All Regional Offices, Ministry of Environment & Forests, New Delhi.
5. RO(HQ)/Monitoring Cell, MoEF, New Delhi.
6. All AIGs (FC) / Director(FC).
7. Guard File.



(Sandeep Kumar)

Assistant Inspector General of Forests