

**F. No. 11-09/1998-FC (Pt.)**  
Government of India  
Ministry of Environment, Forests & Climate Change  
(Forest Conservation Division)

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**Indira Paryavaran Bhawan,**  
Jor Bagh Raod, Aliganj,  
New Delhi: 1100 03,  
Dated: 8<sup>th</sup> November, 2016.

To

The Principal Secretary /Secretary (Forests),  
All State / UT Governments.

**Sub.: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 - Guidelines for construction of community toilet for the benefit of the people-reg.**

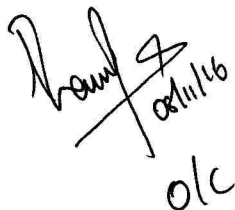
Ministry of Environment & Forests at New Delhi has received proposals from Maharashtra, seeking general approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for construction of community toilet in rural and urban areas under *Swachh Bharat Abhiyan* of the Government of India which involve wholly or partly the forest land for the benefit of the people.

The Ministry has examined the issue of granting general approval to the State Government under section 2(ii) of Forest Conservation Act 1980 for construction of government approved community toilet involving forest land up to 1.00 ha.

I am directed to convey the general approval of Central Government under section 2(ii) of F C Act 1980 granted for construction of government approved community toilets on land involving partly or fully the forest lands (Government, private and deemed and other forests) not exceeding 1.00 ha of forest land subject to approval of gram panchayat in rural areas and urban local body in urban areas to utilise the forest land on the following condition.

The general approval shall be subject to fulfilment of following conditions.

1. The forest land to be diverted for community toilet should be less than one hectare in each case.
2. The clearance shall be subject to the condition that the same is need based. The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect.
3. The legal status of the land shall remain unchanged i.e., shall remain Reserved / Protected / Village / Un-classed other types of forests/forest as the case may be.

  
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4. The User Agency shall submit the project proposal to the State/UT Government in the prescribed format online with DGPS coordinates of each individual community toilet to be constructed
5. The project should not involve felling of more than fifty (50) trees per hectare. Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.
6. The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect.
7. The User Agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests, from the State/UT Government.
8. The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5<sup>th</sup> of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
9. The User Agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees, planted in surrounding area, will belong to State Forest Department.
10. The compensatory levies such as NPV and Compensatory Afforestation cost (at least **1000 plants per ha or 10 times the tree to be felled, whichever is greater** to be planted in the degraded forest identified by the Forest Department) and other charges as specified in FC approval letter shall be borne by the authority who applies for diversion under FC Act.
11. The User Agency shall be responsible for any loss to the flora and fauna in the surroundings and therefore shall take all possible measures to conserve the same.
12. The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
13. The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980.
14. The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request for such changes shall be made to the Regional Officer by the Nodal Officer (Forest Conservation) of the State/UT.

  
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15. The State Forest Department, State Government, or the concerned Regional Office may impose from time to time any other condition in the interest of conservation, protection and or development of Forests.

It may also be noted that this general approval under Section-2 of Forest (Conservation) Act, 1980 is subject to the NOC issued by competent authority under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

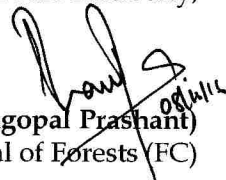
The general prior approval is not extended to forest land in National Parks and Wildlife Sanctuaries and other protected areas under Wildlife Protection Act 1972.

Since the community toilet will be required in several locations within the administrative control of the government and urban local body, separate application under FC Act will require lot of paper work therefore the competent authority in Government/ Urban local bodies may get approval of all proposed community toilets, each not exceeding 1.00 ha at a place, as per plan and duly approved by the competent authority in Government by applying online collectively specifying the location, lay out plan and area in each case as per the procedure prescribed under Forest Conservation Rules and guidelines issued from time to time by MoEF & CC. Once the forest clearance is granted by the state under general approval under section 2(ii) of FC Act, the community toilet may be developed by agencies involved in construction and maintenance of community toilet to whom the competent authority in Government/ Urban local bodies may assign.

However the general prior approval under section 2(ii) of FC Act 1980 for construction of community toilet granted to the state government by this circular may be further delegated by the state government to officer in the Forest Department not below the rank of the Nodal officer (Forest Conservation), for granting approval under section 2(ii).

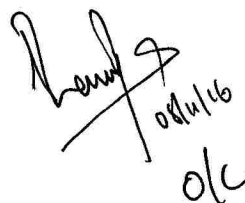
This issues with the approval of the competent authority.

Yours Faithfully,

  
(Rajagopal Prashant)  
Sr. Assistant Inspector General of Forests (FC)

**Copy to:-**

1. Prime Minister's Office (*Kind attn.:* Sh Ajit Kumar, Deputy Secretary), South Block, New Delhi
2. Secretary, Ministry of Home Affairs, Government of India, New Delhi.
3. Secretary, Ministry of Rural Development, Government of India, New Delhi.
4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
6. All Regional Offices, Ministry of Environment Forests and Climate Change, GoI.

  
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7. Joint Secretary in-charge, Impact Assessment Division, MoEF & CC.
8. All Assistant Inspector General of Forests/ Director in the Forest Conservation Division, MoEF & CC.
9. Dy. Secretary R.O. (HQ), Ministry of Environment Forests and Climate Change, Government of India, New Delhi.
10. Sr. Director (Technical), NIC, MoEF & CC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, Ministry of Environment Forests and Climate Change, GoI.
12. Sr. PPS to the Director General of Forests & Special Secretary, MoEF & CC, GoI.
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF & CC, GoI.
14. PS to the Inspector General of Forests (Forest Conservation), MoEF & CC, GoI.
15. Guard File.

  
(Rajagopal Prashant)  
Sr. Assistant Inspector General of Forests (FC)

