

**THE FOREST
(CONSERVATION) RULES,
1981**

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FORMS

THE FOREST (CONSERVATION) RULES, 1981

In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government hereby makes the following rules, namely:-

1. Short title, extent and commencement:- (1) These rules may called the Forest (Conservation) Rules, 1981.

(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

(a) "Act" means the Forest (Conservation) Act, 1980 (69 or 1980);

(b) "Committee" means the Committee constituted under section 3;

(c) "Chairman" means the Chairman of the Committee;

(d) "Member" means a member of the Committee;

(e) "Section" means a section of the Act.

2A. Composition of the Committee:- The Committee shall be composed of the following members:-

(i) Inspector General of Forests,
Ministry of Environment and Forests. - Chairman

(ii) Additional Inspector General of Forests,
Ministry of Environment and Forests - Member

(iii) Joint Commissioner (Soil Conservation),
Ministry of Agriculture - Member

(iv) Three Eminent Environment Scientists (non-officials).- Member

(v) Deputy Inspector General of Forests (Conservation),
Ministry of Environment and Forests. - Member Secretary

(2) Additional Inspector-General of Forests shall act as the Chairman in the absence of Inspector-General of Forests.

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1. Published in the Gazette of India, (Extra.) Part U, Section 3(i), dated 2. Inserted by OSR 14, dated 28-12-1987.
 2. Inserted by OSR 14, dated 28-12-1987.
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2B. Terms of appointment of non-official members:- 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 dies, resigns, becomes of unsound mind, becomes insolvent or is convicted by a court of law on a criminal offence involving moral turpitude.

(iii) Any vacancy in the membership caused by any reason mentioned in sub-rule (ii) shall be filled by the Government for the unexpired portion of 2 years term.

(iv) Travelling and daily allowances 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, Allowance and Pension of Members of

Parliament Act, 1954 or the respective provisions of law pertaining to the Members of the concerned State Legislature.

3. Conduct of business of the Committee: (1) The Chairman shall call the meeting of the Committee as often as necessary, but not less frequently than once in a month.

(2) The meetings of the Committee shall normally be held at New Delhi. However, in a case where the Chairman is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes would be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (1) of rule-4, he may direct that the meetings of the Committee will be held at a place other than Delhi from where such inspection of site or sites can be undertaken conveniently.

(3) The Chairman shall preside over every meeting of the Committee at which he is present.:

Provided that if the Chairman is absent from a meeting and it is not expedient to adjourn the meeting, the senior most member of the Committee shall preside over the meeting.

¹[(4) Every question upon which the Committee is required to advise shall be considered at its meeting provided that in urgent cases if the meeting of the Committee cannot be convened within a month, the Chairman may direct that necessary papers may be sent to the Members for their opinion by a stipulated date.]

¹[(5) The quorum for the meeting of the Committee shall be three.

4. Procedure to make proposal by a State Government or other authority:-

²[(1) Every State Government or other authority seeking the prior approval under section 2 shall send its proposal to the Central Government in the form appended to these rules:

Provided that all proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent in the form of Working Plan/Management Plan.

(2) Every proposal referred to in sub-rule (1) shall be sent to the following address, namely:

Secretary to the Government of India
Ministry of Environment and Forests
Paryavaran Bhawan, CGO Complex,
Lodi Road, New Delhi-110003.

Provided that all proposals involving forest land up to twenty hectares and proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent to the Chief Conservator of Forests/Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

1. Subs. by GSR 14, dated 28-12-1987.

2. Subs. by GSR 563 (E) dt. 21-5-1992.

5. Committee to advise on proposals received by the Central Government:-

¹[(1) The Central Government shall refer every proposal received by it under sub-rule (1) of Rule 4, to the Committee for its advice thereon if the area of the forest land involved is more than twenty hectares:

Provided that proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for re-afforestation shall not be referred to the Committee for its advice.

- (2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely;
 - (a) Whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment.
 - (b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation or persons displaced from their residences by reason of any river valley or hydro-electric project;
 - (c) Whether the State Government or the other authority has certified that it has considered all other alternative and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and
 - (d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.
- (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.

6. Action of the Central Government on the advice of the committee- The Central Government shall, after considering the advice of the committee tendered under Rule 5 and after such further enquiry as it may consider necessary grant approval to the proposal with or without conditions or reject the same.

1. Subs. by GSR 563 (E), dated 21.5.1992.

¹[FORM

Form for seeking prior approval under Section 2 of the proposals by the State Government and other authorities

(See Rule 4)

1. Project details:-

- (i) Short narrative of the proposal and project/scheme for which the forest land is required.....
- (ii) Map showing the required forest area, boundary of adjoining forest and item-wise break-up of the required forest area for different purposes (to be authenticated by an officer not below the rank of Deputy Conservator of Forests)... ..
- (iii) Total cost of the project.....
- (iv) Justification for locating the project in the forest area giving alternatives examined and reasons for their rejection.....
- (v) Financial and social benefits.....
- (vi) Employment generated.....

2. Location of the Project/scheme:-

- (i) State/Union Territory.....
- (ii) District.....
- (iii) Forest Division, Forest Block, Compartment, etc.....
- (iv) Specific recommendations of the Chief Conservator of Forests/Head of the Forest Department for acceptance or otherwise of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

Signature of the Authorised Officers of the
State Government/Authority.

1. Subs. by GSR 563 (E), dated 21.5.1992.

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