

## **Frequently Asked Questions (FAQs) Related to the Forest (Conservation) Act, 1980**

### **Q.1 What are the main provisions of the Forest (Conservation) Act, 1980?**

Ans. The Forest (Conservation) Act, 1980, provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government; and

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

### **Q.2. What is the broad definition of ‘non-forest purpose’ for the purpose of the Forest (Conservation) Act, 1980?**

Ans. For the purpose of this section, “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for any purpose other than reforestation.

The cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants are also non-forest purpose for the purpose of the FC Act;

However, any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire

lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes, are not considered as non-forest purpose.

**Q.3 What are the areas to which provisions of the Forest (Conservation) Act, 1980 extends?**

Ans. The provisions of the Forest (Conservation) Act, 1980 extends to all areas recorded as forest in government records and the areas which may be defined as forest as per its 'dictionary meaning' irrespective of ownership located in the entire country.

**Q.4 What are the main reasons for enactment of the Forest (Conservation) Act, 1980?**

Ans. The forest (Conservation) Act, 1980 was enacted after realization of the fact that failure of State Governments to withstand local pressure has resulted in diversion of approx. 4.135 million hectares of forest land diverted during 25 year period from 1951-52 to 1975-76 without any regard to environmental consideration.

**Q.5 Has the Forest (Conservation) Act, 1980 achieved the purpose for which it was enacted?**

Ans. The Forest (Conservation) Act, 1980 is a living example of the political will of the nation to preserve its precious forest and wildlife wealth. Implementation of the Act has successfully reduced the average annual rate of diversion of forest land for non-forest purposes from 1.65 lakh hectares per annum during the 25 years period from 1951-52 to 1975-76 prior to enactment of the said Act during which 4.135 hectares of forest land was diverted without any mitigative measures, to about 35,000 hectare per annum during the 34.50 years after its enactment during which 1.2 million hectares of forest land has been diverted for non-forest purpose with adequate mitigative measures, such as creation and maintenance of compensatory afforestation, realization of Net Present Value (NPV), preparation and implementation of wildlife conservation plan etc.

**Q.6 What are the In-principle and Final Approvals under the Act?**

Ans. As per the para 4.2 of the guidelines issued by the MoEF under the Forest (Conservation) Act, 1980 forest clearance will be given in two stages. In 1st stage, the proposal shall be agreed to in principle in which usually the conditions relating to transfer, mutation and declaration as RF/PF under the Indian Forest Act, 1927 of equivalent non-forest land for compensatory afforestation and funds for raising compensatory afforestation thereof are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the Act shall be issued.

**Q.7. What is the procedure for grant of approval under the Forest (Conservation) Act, 1980?**

Ans. 1. The Forest (Conservation) Rules, 2003 (FC Rules) provides the procedure to obtain prior approval of Central Government under section-2 of the FC Act.

2. As per the FC Rules, every user agency, who wants to use forest land for non-forest purpose, after examining all feasible alternatives, prepares the proposal in the format prescribed in the FC Rules and submits it to the concerned nodal officer authorized in this behalf by the State Government, along with requisite information and documents complete in all respects well in advance of taking any non-forest activity on the forest land.

3. Proposals received from the user agencies are examined in the state Government at various levels, from Divisional Forest Officer to the State Government.

4. State Government, after being satisfied that the proposal requires prior approval under the FC Act sends the proposals along with its specific comments and justification for diversion of forest land, to the Central Government.

5. The proposals involving up to forty hectares of forest land and all proposals involving diversion of forest land for linear projects such as roads, railway lines, transmission lines, pipelines etc., irrespective of area of forest land involved, are sent to the concerned Regional Office of the Ministry of Environment, Forest and Climate Change (MoEFCC) located at Chandigarh, Lucknow, Bhopal, Bangalore, Bhubaneswar, Shillong, Ranchi, Dehradun, Chennai and Nagpur.

6. The proposals involving forest land of more than forty hectares, except those involving diversion of forest land for linear projects, such as roads, railway lines,

transmission lines, pipelines etc. irrespective of area of forest land involved, are sent by the State Government to the Secretary to the Government of India, MoEFCC, with a copy of the proposal (with complete enclosures) to the concerned Regional Office of the MoEFCC.

7. As per the FC Rules, prior approval of central government under the FC Act is given in two stages. In 1st stage, the proposal is agreed to in principle in which usually the conditions relating to transfer, mutation and declaration as RF/PF under the Indian Forest Act, 1927 of non-forest land, wherever required, for compensatory afforestation, funds for raising compensatory afforestation thereof, realization of Net Present Value (NPV) are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the FC Act is issued. The in-principle agreement and formal approval under the FC Act are commonly referred to as stage-I and stage-II approval under the FC Act respectively.

8. In respect of proposals involving up to 40 hectares of forest land received by the Regional Office, the Head of the concerned Regional Office is competent to either agrees in-principle or reject, all proposals involving forest land up to 5 hectares, except the proposals for regularization of encroachments mining (including renewal of mining leases) and hydel projects.

9. Regional Empowered Committee (REC) constituted at each Regional Office of the MoEFCC under Chairmanship of the Head of the Regional Office, and having two officials of the Regional Office and three non-official experts in forestry and allied disciplines as members, is competent to either agrees in-principle or reject, all proposals involving diversion of forest area above 5 hectares and up to 40 except the proposals for regularization of encroachments mining (including renewal of mining leases) and hydel projects, and all proposals for diversion of more than 5 hectares of forest land for linear projects, irrespective of area of forest land involved. Representatives of concerned State/ UT, one each from the Revenue and Forests Departments are also invited to attend meeting of the REC in examination of the proposals.

10. Proposals involving upto forty hectares of forest land for mining, regularization of encroachments and hydel projects are referred to the REC for advice. While

tendering advice, the REC may also suggest any condition or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimize adverse environmental impact.

11. The Central Government, after considering the advice of the REC and after such further enquiry as it may consider necessary, grant in-principle approval to the proposal with appropriate mitigative measures or reject the same.

12. Every proposal involving more than 40 hectares of forest land, except those relating to linear projects, along with site inspection report (in case of proposals involving renewal of lease or involving more than 100 hectares of forest land), are referred by the Central Government to the Forest Advisory Committee (FAC) constituted under Chairmanship of Director General of Forests and Special Secretary and having Addl. Director General of Forest (Forest Conservation), Inspector General of Forest (Forest Conservation), Additional Commissioner (Soil Conservation), and three non-official experts in forestry and allied discipline, as members.

13. While tendering advice, FAC may also suggest any condition or restrictions on the use of any forest land for any non-forest purpose, which in its opinion, would minimize adverse environmental impact.

14. The Central Government, after considering the advice of the FAC and after such further enquiry as it may consider necessary, grant approval to the proposal with appropriate mitigative measures or reject the same.

**Q.8 Whether procedure to obtain approval under the Forest (Conservation) Act, 1980 for use of private forest land for non-forest purpose is different than the same for use forest land owned by the Government?**

Ans. No. Procedure to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 for use of forest land for non-forest purpose is same irrespective of the ownership of the forest land.