

# Forest (Conservation) Act, 1980 with Amendments Made in 1988

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An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

## **1. Short title, extent and commencement.**

(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

## **2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.**

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 organisation not owned, managed or controlled by Government;

(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.

*Explanation* - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestation;

but does not include 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.

### **3. Constitution of Advisory Committee.**

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

(i) the grant of approval under Section 2; and

(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

### **3A. Penalty for contravention of the provisions of the Act.**

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

### **3B. Offences by the Authorities and Government Departments.**

(1) Where any offence under this Act has been committed -

(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without

his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### **4. Power to make rules.**

(1) The Central Government may, by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### **5. Repeal and saving.**

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

# Forest (Conservation) Rules, 1981

(as amended up to May 1992)

G.S.R. 719... in exercise of the powers conferred by sub-section (i) 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

- (a) These rules may called the Forest (Conservation) Rules, 1981.
- (b) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (c) 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 of 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 (1) Composition of the Committee:- The Committee shall be composed of the following Members :

- (i) Inspector General of Forests - Chairman  
Ministry of Environment and Forests
- (ii) Additional Inspector General of Forests - Member  
Ministry of Environment and Forests
- (iii) Joint Commissioner (Soil Conservation) - Member  
Ministry of Agriculture
- (iv) Three eminent environmentalists - Member  
(non-officials)
- (V) Deputy Inspector General of Forests - Member-Secretary  
(Forest Conservation), Ministry of Environment  
and Forests

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

2B. 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 W 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 sites 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.

(4) Every question upon which the Committee is required to advise shall be considered at its meeting provided that in urgent cases K 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.

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

4.

(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 K for reafforestation 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 & 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 reafforestation shall be sent to the Chief Conservator of Forests 1 Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

5. Committee to advise on proposals received by the Central Government (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 reforestation 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 R 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 alternatives 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.

### **FORM**

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities. (See rule 4)

1. Project details:

- (i) Short narrative of the proposal and project 1 scheme for which the forest land is required.
- (ii) Map showing the required forest area, boundary of adjoining forest and itemwise 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) Total population benefited.
- (vii) Employment generated.

2. Location of the project 1 Scheme:

- (i) State/Union Territory.
- (ii) District.
- (iii) Forest Division, Forest Block, compartment etc.

3. Item-wise break-up of the total land required for the project/scheme along with its existing land use.

4. Details of forest land involved:

- (i) Legal status of the forest (namely, reserve, protected/unclassed, etc.)
- (ii) Details of flora and fauna existing in the area.
- (iii) Density of vegetation.
- (iv) Species-wise and diameter class-wise abstract of trees.
- (v) Vulnerability of the forest area to erosion, whether it forms a part of a seriously eroded area or not.
- (vi) Whether it forms a part of national park, wildlife sanctuary, nature reserve, biosphere reserve, etc; and if so, details of the area involved. (Specific comments of the Chief Wildlife Warden to be annexed).
- (vii) Item-wise break-up of the forest land required for the project/scheme for different purposes.
- (viii) Rare/endangered species of flora and fauna found in the area.

(ix) Whether it is a habitat for migrating fauna or forms a breeding ground for them.

(X) Any other significance of the area relevant to the proposal.

5. Details of displacement of people due to the project :

(i) Total number of families involved in displacement.

(ii) Number of Scheduled Caste/Scheduled Tribe families involved in displacement.

(iii) Detailed rehabilitation plan.

6. Details of compensatory afforestation scheme:

(i) Details of non forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.

(ii) Map showing non-forest/degraded forest area identified for compensatory afforestation an adjoining forest boundaries.

(iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure etc.

(iv) Total financial outlay, for compensatory afforestation scheme.

(v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation for afforestation and from management point of view. (To be signed by an officer not below the rank of Deputy Conservator of Forests).

(vi) Certificate from the Chief Secretary regarding non-availability of the nonforest land for compensatory afforestation (if applicable).

7. Details regarding Transmission Lines (only for Transmission Line proposals):

(i) Total length of the Transmission Line.

(ii) Length passing through forest area.

(iii) Right of Way.

(iv) Number of Towers to be erected.

(v) Number of Towers to be erected in forest area.

(vi) Height of Transmission Towers.

8. Details of Irrigation Hydel Project (only for Irrigation/Hydel Projects):

(i) Total catchment area.

- (ii) Total command area.
- (iii) Full Reservoir Level.
- (iv) High Flood Level.
- (v) Minimum Drawal Level.
- (vi) Break-up of area failing in catchment area of the project (forest land, cultivated land, pasture land, human cultivation, others).
- (vii) Area of submergence at High Flood Level.
- (viii) Area of submergence at Full Reservoir Level.
- (ix) Area of submergence at 2 metre below Full Reservoir Level.
- (x) Area of submergence at 4 metre below Full Reservoir Level (For medium and major projects only).
- (xi) Area of submergence at Minimum Drawal Level.
- (xii) Detailed catchment area treatment plan.
- (xiii) Total financial outlays and details regarding availability of funds for Catchment Area Treatment Plan.

9. Details regarding Road/Railway Lines (only for Roads/Railway lines proposal):

- (i) Length and width of the strip and forest area required.
- (ii) Total length of the road.
- (iii) Length of the road already constructed .
- (iv) Length of the road passing through the forest.

10. Details regarding mining proposals (only for mining proposals):

- (i) Total mining lease area and forest area required.
- (ii) Period of mining lease proposed.
- (iii) Estimated reserve of each mineral/ore in the forest area and in the non-forest area.
- (iv) Annual estimated production of mineral/ore.
- (v) Nature of mining operations (open cast/underground)
- (vi) Phased reclamation plan.
- (vii) Gradient of the area where mining would be undertaken.
- (viii) Copy of the Lease Deed (to be attached only for renewal purposes).
- (ix) Number of labourers to be employed.

- (x) Area of forest land required for
  - (a) Mining.
  - (b) Storing mineral/ore.
  - (c) Dumping of overburden.
  - (d) Storing tools and machinery.
  - (e) Construction of building power stations, workshops, etc.
  - (f) Township/housing colony
  - (g) Construction of road/rope way/railway lines.
  - (h) Full land use plan of forest area required.
- (xi) Reasons why any of the activities, referred to in (a) to (h) above under the project for which forest land has been asked for cannot be undertaken/located outside forest area.
- (xii) The extent of damage likely to be caused and the number of trees affected on account of mining and related activities.
- (xiii) Distance of the mining area from perennial watercourses, national and State highways, national parks, sanctuaries and biosphere reserves.
- (xiv) Procedure for stocking of the topsoil for reuse.
- (xv) Extent of subsidence expected in underground mining operations and its impact on water, forest and other vegetation.

11. Cost-benefit analysis.

12. Whether clearance from environmental angle is required (Yes/NO).

If, yes, whether, requisite details for the same have been furnished (Yes/No)

13. Whether any work in violation of the Act has been carded out (Yes/No).

If yes,

- (i) Details of the same including date of commencement.
- (ii) Officers responsible for violation of the Act.
- (iii) Action taken/being taken against erring officers.
- (iv) Whether work in violation of the Act is still in progress.

14. Any other information....

15. Details of Certificates/documents enclosed.

16. Detailed opinion of the Chief Conservator of Forests/Head of the Forest Department concerned covering the following aspects, namely :

- (i) Out-turn of timber, fuelwood and other forest produce from the forest land involved.
- (ii) Whether the district is self-sufficient in timber and fuelwood, and
- (iii) The effect of the proposal on
  - (a) Fuelwood supply to rural population
  - (b) Economy and livelihood of the tribals and backward communities.
- (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 officer of the  
State Government/ Authority

N.B.1.: While furnishing details of flora and fauna, the species should be described by their scientific names.

N.B.2.: If the space provided above is not sufficient to specify any information, please attach separate details/documents.

(No. 5-5/86-1-C)

R. RAJAMANI. Secy.

Footnote:

The principal rules were notified vide Number G.S.R. 719 dated the 20th July, 1981 and subsequently amended vide (1) G.S.R. 14, dated the 28th December, 1987.

(2) G.S.R. 640 (E), dated the 26th June, 1989.

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