

Forest (Conservation) Act, 1980

- Basic Introduction to various provisions of the Act.
- Processing of proposals as per PARIVESH 2.0

INTRODUCTION

- Forest (Conservation) Act came into force in October, 1980.
- The Section 2 of the Act puts restriction on the de-reservation of forests or use of forest land for non-forestry purposes.
- The Act mandates prior permission of Central Government (MoEF&CC) before carrying out any non-forestry use of forest land.
- Non forestry purpose: means breaking up or clearing of any forest land or portion thereof for
 - the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
 - any purpose other than reforestation.

PENALTY FOR CONTRAVENTION OF PROVISIONS OF THE ACT

- Section 3 A of the Act provides that 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.

Forest (Conservation) Rules

- Enlists the procedure to be followed for submission & processing of proposal for seeking approval of Central Government under Section 2 of the F(C)A, 1980.
- The application process under Form A involves
 - ✓ Part-I - To be filled by the User Agency
 - ✓ Part-II – To be filled by the concerned DCF
 - ✓ Part-III – To be filled by the Nodal Officer FCA
 - ✓ Part-IV – To be filled by the State Secretary

Compensatory Afforestation

- Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes.
- The purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.
- Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.
- As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- Certain exemptions exist for CA land which are listed in the FC Rules.

PROCEDURE FOR OBTAINING FOREST CLEARANCE UNDER THE ACT

Submission of proposal by the User Agency on the PARIVESH portal (Part-I).

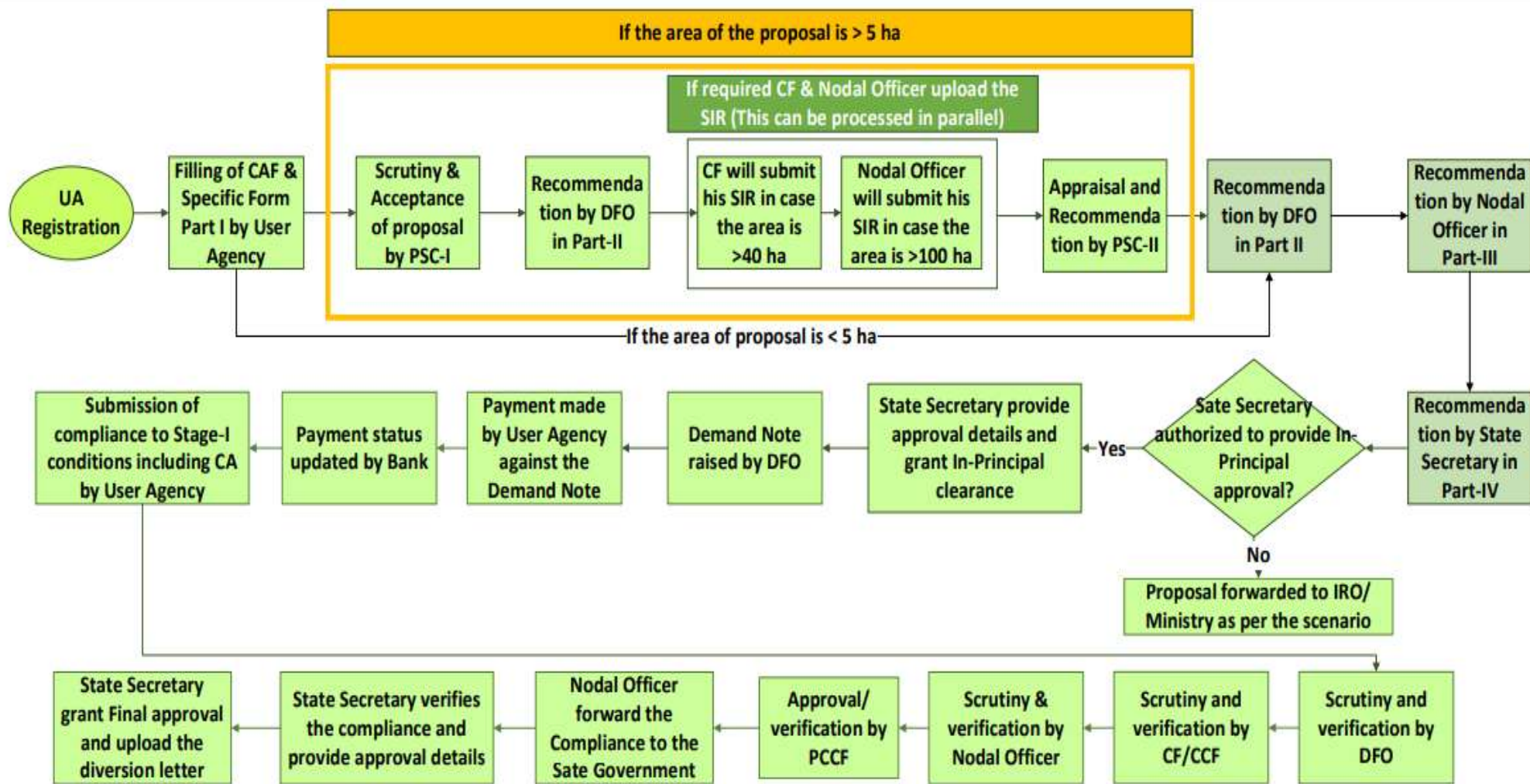
Processing of proposal by the State Government (Part-II, III & IV).

Submission of proposal to the MoEF&CC for consideration.

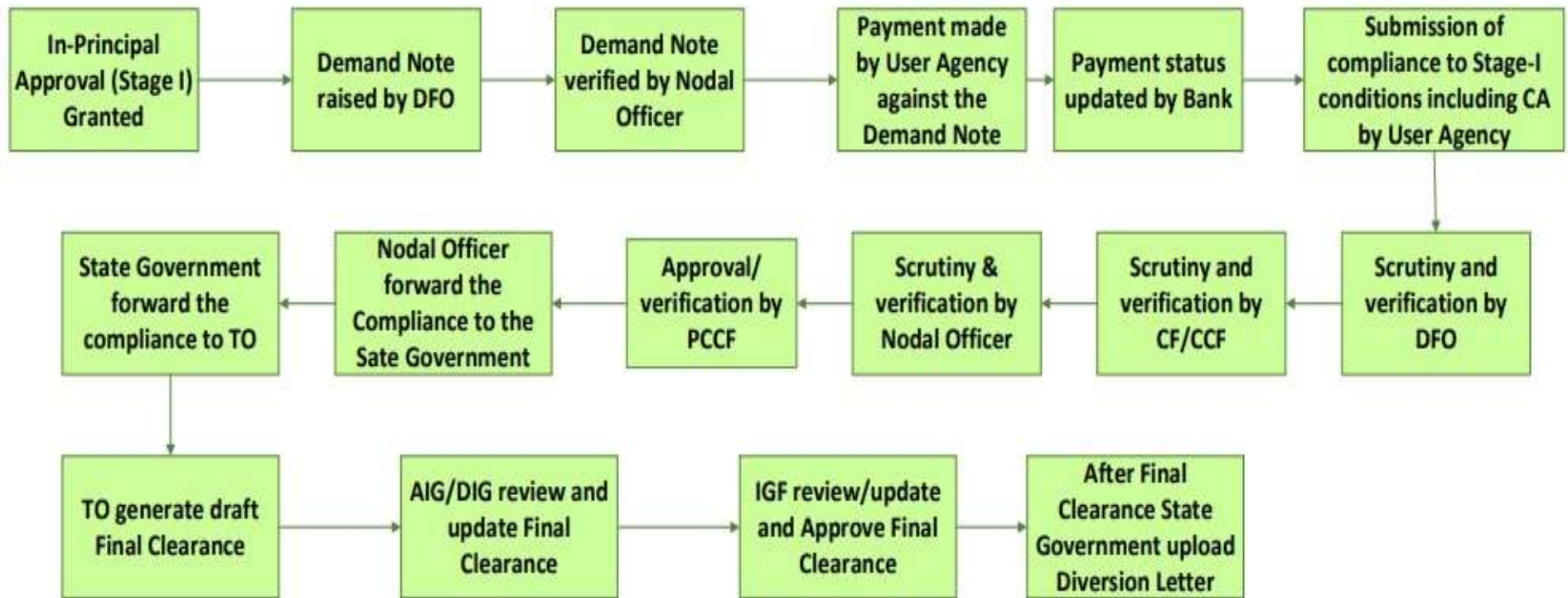
Grant of Stage-I permission by MoEF&CC.

Compliance of conditions imposed in the Stage-I conditions.

Grant of Stage-II/ Final permission by MoEF&CC.



Ministry Level Work flow (2/2)



Documents required while submitting application by User Agency:

- Brief description of the project.
- Justification for locating the project in Forest area.
- Statements showing details of Forest area & Non Forest area involved in the project.
- Layout plan of the project, KML files and Geo-references maps of the project area.
- Undertakings for payment of NPV, CA cost, Disposal of muck, Minimum use of forest land, FRA certificate etc.
- Enumeration list of trees standing on the project site & those proposed to be felled/ transplanted.
- Approval & other statutory clearances/ permissions for the project.
- Details/ ownership of land proposed for Compensatory Afforestation (exemption in certain cases).

Documents required while recommending application by DCF:

- Joint inspection report & Site inspection report of the project area & CA land.
- Duly verified enumeration list of trees.
- Site suitability certificate of CA land.
- KML files and Geo-references maps of the CA land.
- Compensatory Afforestation scheme.
- Calculation of NPV to be levied.

Roles & responsibilities of Forest officials while processing of proposals:

- Strict implementation of regulations/ guidelines/ prevalent acts.
- Adhering to the stipulated timelines.
- Clear differentiation between Linear/ Non linear projects, Site specific/ Non Site specific projects.
- Examining of alternatives involving less forest land.
- Writing clear recommendations.

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Preserve and cherish
the pale blue dot,
the only home we've
ever known.

Carl Sagan



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Thank You !