

No:8-6/80-FRY (COORD)  
GOVERNMENT OF INDIA  
MINISTRY OF AGRICULTURE  
(DEPARTMENT OF AGRICULTURE AND CO-OPERATION)

New Delhi,  
Dated, the 3<sup>rd</sup> Sept.'83.

To

The Chief Secretaries  
All States/Union Territories.

Sir,

Sub:- Submission of proposals for conservation of reserved forests or for use of forest land for any non-forest purpose under the Forest (Conservation) Act 1980- Guidelines – reg.

Detailed guidelines for submission of cases under the Forest (Conservation) Act, 1980 were issued vide this Ministry's Circular letter of even number dated 25/02/1983. These are modified as under to further simplify the procedure.

2. Instructions issued in the under mentioned circulars stand, subject to any modification prescribed in the following paras.

- i. No. 8-4/80-FRY (Coord) dated 5/6/1981- General lacunae the proposal.

Annexure – I

- ii. No,8-4/80-FRY (Coord) dated 12/01/1981 – delay in submission of replied by State Governments queries by the centre, and time frame for preparation of proposals.

Annexure –II

- iii. No. 5-2/82-FRY (None) dated 11/01/1982 – Instructions of Prime Minister regarding preservation of beaches. The beaches should be kept clear of all activities upto 500 meters from the water at the maximum high tide.

Annexure III

- iv. No:11021/25/76-FRY (Coord) dated 15/01/1982 regarding mining in forest areas. All leases and their renewals in forest areas attract the Forest (Conservation) Act. 1980.

Annexure –IV

- v. No. 8-22/81- FRY (Coord) dated 11...82 addressed to Forest Secretaries – Prime Minister’s instructions regarding laying of transmission lines where laying of transmission lines involves cutting of trees, we should find feasible alternatives.

Annexure – V

- vi. No:2-1/82-FRY (Cons) dated 05/05/82 addressed to all Forest Secretaries regarding growing of cash crops in forest areas.

Annexure – VI

- vii. No: 22/81-FRY(Coord) dated 16/09/82 regarding simplified procedure for laying of transmission lines, pipelines etc where no tree felling is involved.

Annexure –VII

3. A brief note giving essential details of the Project for which forest land is required should be furnishing as per item No. 1 of the proforma prescribed under the rules. This should include )a) cost and outlay(b) justification for locating the project in the forest areas giving alternatives that were examined and reasons for their rejection (c) financial and social benefit, (d) total population benefited (e) employment generated, etc. Full land use plan of the area required should be attached if land is required for more than one purpose. The building plan should invariably be attached, if the area is required for construction purposes.

4. Adverse recommendations of subordinate Officers in the proforma or in the documents attached with the proforma should be invariably commented upon by the CCF. Similarly, adverse remarks of the CCF should be commented upon by the State Government so that it may be clear that a conscious decision has been taken in the case.

5. All hydel projects and major irrigation projects require clearance from the Department of Environment before any proposal for release of forest land for any such project is cleared under the Forest (Conservation) Act, 1980 Irrigation projects having command area of above 10,000 hectares are called ‘Major Projects’. Therefore, all Hydel Projects and Major Irrigation Projects should be first got cleared from the Department of Environment before seeking approval of the Central Government under the Forest (Conservation )Act, 1980.

6. It is generally noted that area, length, breadth, and other measurements are not given in metric units and various units like acre, bigha, multi, yard, etc. are used. All measurements must be given in metric units.

7. A map showing location of the area to be disforested viz. the boundary of the surrounding forest block is an essential requirement. It has been represented that maps on

1,50,000 scale are/sometimes not available. Maps on 1,50,000 scale have been published for the entire country and should be obtained from the survey of India. In the meantime if maps on 1,50,000 scale are not available maps may be submitted on 1"= 1 mile or 1" – miles or any other suitable scale according to the size of the area demanded. If the area is too small an index map may be submitted showing forest boundaries and a location map on a larger scale showing land use of the area required.

8. Species wise and diameter class wise list of trees to be felled is an essential requirement for a meaningful appraisal of the proposal. It has been represented that in larger areas this takes lot of time. It has, therefore, been decided that total enumeration may be carried out only upto 10.0 h. For larger areas species wise and diameter class wise list may be computed either from the working plans or by standard sampling methods. Further, this information may be given only for the area asked for in item 3 of the proforma and not for various levels in the case of irrigation projects which can be estimate proportionately.

9. Proposals for dereservation of reserved forests should be viewed with extreme disfavour and should be sent only in exceptional cases.

#### Irrigation and Hydel Projects:

10. When the forest land is required for irrigation and hydel projects, the following details are necessary;

- a) Total catchments area
- b) Total Command area.
- c) Full Reservoir level.
- d) High flood level.
- e) Minimum Draw level.
- f) Height of the Dam.
- g) Total catchment area of the Dam (in hectares) and its break-up-Forest lands cultivated land; and others
- h) Details as per item (g) above for the area coming under submergences.
- i) Total number of facilities and population effected
- j) Proposals for the rehabilitation of the effected persons.
- k) Full land use plan for area required outside submergence is building, roads and other ancillary facilities.

11) It has been observed that water hardly stands all the year round even upto FRL. These can definitely stand water for come to three months, and therefore, submergence should be calculated 2-4 m below FRL. For this the following should be given for forest areas involved.

- i) Area of submergence at HFL (High Flood Level)
- ii) Area of submergence at FRL (Full Reservoir level)
- iii) Area of submergence 2 m below FRL
- iv) Area of submergence at 4m below FRL. (for medium and major irrigation projects only)

- v) Area of submergence at Minimum Drawl level (MDDL)

Prior clearance of the Central Development of Environment is required for all Hydel Projects and all Major Irrigation Projects. Medium and Minor Irrigation Projects do not require prior clearance of Department of Environment.

### Annexure – VIII

#### Roads and Railway lines.

12. The land for road project is generally asked in piece meals or land needed immediately is asked for. Before any sanction is given it is necessary to examine the entire project and a note on the present and future requirement should be submitted. The following information should be submitted along with the proposals.

- a) A map on 1,50,000 scale showing forest areas, forest boundaries and road alignment.
- b) Length and width of the strip required and forest area required
- c) Total length of the road as per final project, or as per alignment already surveyed
- d) Length of the road already constructed
- e) Total length of the road passing through the forest out of the length given under © above
- f) Was an alternative alignment avoiding the forest land was explored? If so, why it was rejected
- g) Similar details any be given for new railway lines.

#### Transmission lines

13. Width of the strip of forest land required for various kinds of lines should be strictly in accordance with the ISI specifications. Further, clearance of forest should be done only for the purpose of erection of towers and for laying of conductors, elsewhere the trees should only be lopped as and when necessary. Area of the total strip or a required for towers and area required for three 2-metre wide corridor, one below each conductor, should be given separately. Species wise and diameter class wise list of trees standing on the entire strip should be furnished.

#### Mining

14. When the forest land is required for mining, the following details should be given.

- i) Total mining lease area and forest area required
- ii) Period of mining lease
- 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/under ground)
- vi) Plans for rehabilitation of the area after mining

- vii) For removals – was Forest Department consulted at the time of proposing present renewal of mining lease/or concerned lease deed should be attached.
- viii) Average number of persons to be employed every day
- ix) Area of forest land required for –
  - a) Mining
  - b) Storing mineral/ore
  - c) Dumping overburden
  - d) Storing tools and machinery
  - e) Construction of buildings, power stations, workshops etc.
  - f) Township/Housing Colony
  - g) Construction of road/ropeway/railway lines
  - h) Full land use plan for forest area required
- x) Reasons for mining in the forest land and why project cannot be located outside forest area
- xi) Whether the project has been approved by the mining project, Appraisal Committee of Department of Environment?
- xii) Mining should not be permitted within one kilometer of National and State Highways.

15. In partial modification to instructions issued vide this Minister's circular letter No.2-1/82-FRY (Cons) dated 5.5.82 it is hereby clarified that planting of coffee, cashew and rubber, if carried out under working plans or schemes sanctioned by government, may not attract the Forest (Conservation) Act, 1980. However, all such schemes should be submitted to the Central Government for examination and prior approval from the view point of monoculture and environment considerations.

16. Planting of oil palm, Tea, cardamom etc. and raising of horticultural crops in erstwhile shifting cultivation areas and other forest areas will attract provision of the Forest (conservation) Act, 1980. Similarly schemes for permanent settlement of shifting cultivators in forest areas will attract provisions of the forest (conservation) Act, 1980.

17. Complaints are being received that cases under the Forest (Conservation) Act, 1980 are being inordinately delayed, and this is hampering progress of developmental works. States should ensure that all cases under the Act are processed at the State level within a maximum period of the two months and all queries from the centre should be replied to within one month. For this the State Government should take the following action.

- i) Preferably separate cells for dealing forest conservation cases should be opened at the State Government and Forest Departmental levels. A whole time senior officer not below the rank of Conservator of Forest should head the cell at the Forest Department level who should be designated as the Nodal Officer.
- ii) The Nodal Officer should receive cases from other Government Departments and entertain all correspondence from them. The Nodal Officer should

scrutinize and process the case and after obtaining views/certificates of the CCF should put up the case be State Government. Besides Office staff, the Nodal Officer should also be given sufficient field staff so that the cases are processed at the State Level within the stipulated time of two months. The state government while forwarding the cases to the Centre will endorse copies to the CCF and the Nodal Officer. The Central Government also while corresponding with State Government will send copies to the Nodal Officer. The Nodal Officer will also obtain all additional information required by the centre about the cases from the concerned authorities, directly and send the same to the Central Government, through the State Government, endorsing a copy directly to the Central Government.

Yours faithfully,

Sd/-  
(R.D. GUPTA)  
Deputy Inspector General of Forests

Copy to CCF and all Officers of the Forest Division etc.. etc..

GOVERNMENT OF KERALA  
AGRICULTURE (FOREST GENERAL) DEPT.

Endt.No.68696/FG2/83/AD.

Dated 20.09.1983

Communicated to the Chief Conservator of Forests, Conservator of Forests, Quilon, Kottayam, Trichur and Kozhikode for information and guidance.

K.K.KONHABDULLA  
UNDER SECRETARY

Endt. On D.363/82 dt. 01.11.1983

Copy to all Divisional Forest Officers for information and guidance.

For Conservator of Forests,  
Trichur.

