"(क) उन मामलों में जहां यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से सिद्धांतत: अनुमोदन में अनुबद्ध शर्त का अनुपालन पांच वर्ष से अधिक समय से प्रतिक्षित है, सिद्धांतत: अनुमोदन का तुरंत प्रतिसंहरण कर लिया जाएगा:

परंतु जहां वैध और तर्कपूर्ण कारणों से यथास्थिति उपयोगकर्ता अभिकरण या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के लिए सिद्धांतत: अनुमोदन, में अनुबद्ध एक या अधिक शर्तों का अनुपालन अधिनियम के अधीन अंतिम अनुमोदन प्राप्त करने के लिए सिद्धांतत: अनुमोदन प्रदान करने की तारीख से पांच वर्ष की अवधि के भीतर संभव नहीं हुआ है तो केन्द्रीय सरकार ऐसी शर्तों के अनुपालन की अवधि का, ऐसी और अवधि से जो वह उचित समझे, विस्तार कर सकेगी ।"

(ii) उप नियम (3) में खंड (ग) के स्थान पर निम्नलिखित खंड रखे जाएंगे, अर्थात्:-

"(ग) केन्द्रीय सरकार, ऐसे मामलों में, खनन पट्टे की मूल अवधि के लिए, ऐसी वन भूमि के, अधिनियम के अधीन परिवर्तन के लिए अंतिम अनुमोदन प्रदान करने के अतिरिक्त यथास्थिति वन सलाहकार समिति या प्रादेशिक सशक्त समिति की सलाह पर विचार करने के पश्चात् और ऐसी और जांच जो वह आवश्यक समझे करने के पश्चात्, यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को खनन पट्टे के बीस वर्ष से अनधिक ऐसी अवधि के नवीकरण के प्रस्ताव को, जो केन्द्रीय सरकार द्वारा समुचित शर्तों के साथ विनिर्दिष्ट किया जाए, के लिए अंतिम अनुमोदन प्रदान कर सकेगी या उसे अस्वीकार कर सकेगी ।

(घ) ऊपर खंड (क) से खंड (ग) में अनुबद्ध प्रक्रिया उन मामलों में भी लागू होगी जहां खनन पट्टे की समाप्ति की तारीख से पांच वर्ष से अधिक पूर्व किसी दिन वन भूमि के परिवर्तन के लिए अधिनियम के अधीन सिद्धांतत: अनुमोदन प्रदान किया गया है और वैध और तर्कपूर्ण कारणों से यथास्थिति उपयोगकर्ता अभिकरण या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से सिद्धांतत: अनुमोदन में अनुबद्ध एक या अधिक शर्तों का अनुपालन करना और सिद्धांतत: अनुमोदन प्रदान करने की तारीख से पांच वर्ष की अवधि के भीतर अंतिम अनुमोदन प्रदान करना संभव नहीं हुआ है :

परंतु केन्द्रीय सरकार द्वारा ऐसे सिद्धांतत: अनुमोदन का पहले ही संक्षेपत: प्रतिसंहरण नहीं कर लिया गया है:

परंतु यह और कि ऐसे मामलों में ऊपर खंड (ख) में निर्दिष्ट रिपोर्ट के अतिरिक्त, यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन केन्द्रीय सरकार को सिद्धांतत: अनुमोदन में अनुबद्ध शर्तों के अनुपालन में विलंब के कारण या कारणों को भी प्रस्तुत करेंगे ।"

(ङ.) ऊपर खंड (क) से खंड (ग) में अनुबद्ध प्रक्रिया, जहां खनन पट्टे का अधिनियम के अधीन सिद्धांतत: अनुमोदन प्रदान करने की तारीख से दस वर्ष की अवधि के भीतर अवसान हो गया है, या पहले ही अवसान हो गया है, यहां तक कि अधिनियम के अधीन ऐसी वन भूमि को परिवर्तित करने का अंतिम अनुमोदन खनन पट्टे के अवसान से पूर्व प्रदान कर दिया गया है, के मामलों में भी लागू होगी:

परंतु ऐसे मामलों में सिद्धांतत: अनुमोदन में अनुबद्ध शर्तों के अनुपालन की रिपोर्ट के स्थान पर, मूल पट्टा अवधि की वैधता के दौरान ऐसी वन भूमि को अधिनियम के अधीन परिवर्तित करने के लिए अंतिम अनुमोदन में अनुबद्ध शर्तों के अनुपालन की रिपोर्ट यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा केन्द्रीय सरकार को प्रस्तुत की जाएगी ।"

8. इन नियमों में सभी स्थानों पर, "पर्यावरण और वन मंत्रालय" शब्द जहां जहां वे आते हैं, के स्थान पर, "पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय " शब्द रखे जाएंगे ।

[फा. सं. 11-43/2013-एफसी]

एम.सी. नेगी, वन महानिरीक्षक (वन संरक्षण)

टिप्पण: मूल नियम भारत के राजपत्र सा.का.नि. सं. 23(अ) तारीख 10 जनवरी, 2003 द्वारा प्रकाशित किए गए थे और तत्पश्चात् सा.का.नि. 94(अ) तारीख 3 फरवरी, 2004, सा.का.नि. सं. 107(अ) तारीख 9 फरवरी, 2004 और सा.का.नि. सं. 185(अ) तारीख 14 मार्च, 2014 द्वारा संशोधित किए गए ।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

(Forest Conservation Division)

NOTIFICATION

New Delhi, the 10th October, 2014

G.S.R.713 (E).— 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 further to amend the Forest (Conservation) Rules, 2003, namely: -

1. (1) These rules may be called the Forest (Conservation) Second Amendment Rules, 2014.

   (2) They shall come into force on the 1st day of November 2014.

2. In the Forest (Conservation) Rules, 2003 (hereinafter referred to as the said rules), in rule 2, after clause (ca), the following clauses shall be inserted, namely:

"(cb) "Chairperson of the Regional Empowered Committee" means chairperson of each of the Regional Empowered Committees constituted under rule 4A;

(cc) "Head of the Regional Office" means senior-most officer in the rank of Additional Principal Chief Conservator of Forests or Chief Conservator of Forests appointed by the Central Government at Regional Office to deal with the forest conservation matters under the Act;

(cd) "linear projects" means projects involving linear diversion of forest land for purposes such as roads, railways lines, pipelines, transmission lines, *etc.;*

3. **In the said rules, for rule 4 relating to constitution of Regional Empowered Committee as inserted vide notification number G.S.R. 94 (E) dated, the 3rd February, 2004, the following rule shall be substituted namely:-**

"4-A Constitution of Regional Empowered Committee-

(1) The Central Government by notification in the Official Gazette, shall constitute a Regional Empowered Committee at each of the Regional Offices.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following members to be appointed by the Central Government to deal with the forest conservation matters, namely:

(i)	Head of the Regional Office;	**Chairperson**
(ii)	Senior most officer from amongst officers in the rank of Chief Conservator of Forests or Conservator of Forests in the Regional Office;	**Member**
(iii)	Three non-official members from amongst eminent persons who are experts in the forestry and allied disciplines;	**Members**
(iv)	Senior most officer from amongst officers in the rank of Deputy Conservator of Forests in the Regional Office.	**Member-Secretary**

(3) Representatives of the State Government or the Union Territory Administration, as the case may be, not below the rank of a Director to the Government of India, one each from Forest Department and Revenue Department shall also be invited to attend meeting of the Regional Empowered Committee as special invitee, in the examination of the proposals pertaining to such State or Union Territory Administration, as the case may be.

(4) The term of appointment of non-official members shall be as specified in rule 4."

4. **In the said rules, after rule 5, the following rule shall be inserted, namely:-**

"5 A. Conduct of Business of Regional Empowered Committee

(1) The Chairperson of the Regional Empowered Committee shall hold the meeting of the Regional Empowered Committee whenever considered necessary, but not less than once in a month.

(2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the Chairperson of the Regional Empowered Committee is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposals referred to the Regional Empowered Committee, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site or sites.

(3) The Chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee:

Provided that in the absence of Chairperson of the Regional Empowered Committee, the senior most member in the rank of the Chief Conservator of Forests or the Conservator of Forests shall act as the Chairperson of the Regional Empowered Committee.

(4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson of the Regional Empowered Committee may direct that papers may be circulated and sent to members of the Regional Empowered Committee for their opinion within the stipulated time.

(5) The quorum of the meeting of the Regional Empowered Committee shall be three."

5. **In the said rules, in sub-rule (4) of rule 6, for clauses (a) and (b), the following clauses shall be substituted, namely: -**

"(a) The proposal referred to in clause (l) of sub-rule (3), involving forest land up to forty hectares and all proposals related to linear projects irrespective of the area of forest land involved, shall be forwarded by the

concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.

(b) The proposal referred to in clause (l) of sub-rule (3), involving forest land of more than forty hectares, other than proposals related to linear projects shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the Secretary, Government of India, Ministry of Environment, Forests and Climate Change."

6. In the said rules, in rule 7-

(i) for sub-rule (2) the following sub-rule shall be substituted, namely:-

"(2) (a) The Regional Office shall after examination of the proposal involving forest land up to five hectares other than the proposal related to mining, encroachments, and hydel projects, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the Union Territory Administration, as the case may be, and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five days.

(b) In case a proposal involves forest land more than one hundred hectares or renewal of lease, Regional Office shall within forty-five days of the receipt of the proposal complete in all respects from the State Government or the Union Territory Administration, as the case may be, inspect the forest land proposed to be diverted and prepare a site inspection report.

(c) Regional Office shall refer all proposals involving forest land above five hectares and up to forty hectares; proposals related to mining, encroachments, and hydel projects involving forest land up to five hectares; and all proposals related to linear projects which are complete in all respects, including site inspection report, wherever required, to the Regional Empowered Committee within ten days of the receipt of the proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that proposals referred to in clause (b) above, shall be referred to the Regional Empowered Committee within five days of the receipt of the site inspection report.

(d) The Regional Empowered Committee shall within a period of thirty days examine the proposals referred to it under clause (c) above and after such further enquiry as it may consider necessary, grant in-principle approval to the proposals other than proposals related to mining, encroachment and hydel projects subject to fulfilment of stipulated conditions, or reject the same and the Regional Office shall communicate the decision of the Regional Empowered Committee to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days.

(e) The Regional Empowered Committee shall within a period of thirty days examine the proposals related to mining, encroachments, and hydel project involving diversion of forest land up to forty hectares and tender its advice:

Provided that the Regional Empowered Committee may suggest such conditions or restrictions if any, required to be imposed on the use of any forest land for non-forest purpose, which in its opinion would minimise adverse environmental impact.

(f) The Regional Office shall within a period of five days of the receipt of the advice of the Regional Empowered Committee on proposals referred to in clause (e) above, forward such proposal along with advice of the Regional Empowered Committee to the Secretary, Ministry of Environment, Forests and Climate Change for obtaining the decision of the Central Government:

Provided that time taken in transit of a proposal from Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than five days.

(g) The Central Government shall, after considering the advice of the Regional Empowered Committee and after further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within thirty days of its receipt from the Regional Office and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days."

(ii) in sub-rule (4), for clause (c), the following clause shall be substituted, namely: -

"(c) In case the proposal involves forest land more than one hundred hectares or renewal of lease, Ministry of Environment, Forests and Climate Change shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment, Forests and Climate Change within a period of forty-five days:

Provided that the total time taken in communication of the request for site inspection from the Ministry of Environment, Forests and Climate Change to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office."

7. **In the said rules, in rule 8-**

(i) in sub-rule (2), for clause (a), the following clause shall be substituted, namely:

"(a) In cases where compliance of conditions stipulated in the in-principle approval is awaited for more than five years from the State Government or the Union Territory Administration, as the case may be, the in-principle approvals may be summarily revoked:

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval under the Act within five years from the date of grant of in-principal approval, the Central Government may extend the period for compliance of such conditions by such further period as it deem fit."

(ii) in sub-rule (3), for clause (c), the following clauses shall be substituted, namely:

"(c) In such cases, apart from grant of final approval under the Act for diversion of such forest land for original period of mining lease, the Central Government, shall, after considering advice of the Forest Advisory Committee or the Regional Empowered Committee, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or the Union Territory Administration, as the case may be, for renewal of mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions or reject the same.

(d) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where in-principle approval under the Act for diversion of forest land has been accorded on a day more than five years prior to date of expiry of mining lease and for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval and obtain final approval within five years from the date of grant of the in-principal approval:

Provided such in-principle approval has not already been summarily revoked by the Central Government:

Provided further that in such cases, apart from the report referred to in clause (b) above, the State Government or the Union Territory Administration, as the case may be, shall also submit to the Central Government, reason or reasons for delay in compliance to conditions stipulated in the in-principle approval.

(e) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where mining lease expires or has already expired within a period of ten years from the date of grant of in-principle approval under the Act, even if final approval under the Act for diversion of such forest land has been granted prior to expiry of the mining lease:

Provided, that in such cases, in place of a report on compliance to conditions stipulated in the in-principle approval, a report on compliance to conditions stipulated in the final approval under the Act for diversion of such forest land during validity of the original lease period shall be submitted to the Central Government by the State Government or the Union Territory Administration, as the case may be."

8. Throughout the said rules, for the words "Ministry of Environment and Forests" wherever it occurs, the words "Ministry of Environment, Forests and Climate Change" shall be substituted.

[F. No. 11-43/2013-FC]

M.S. NEGI, Inspector General of Forests (Forest Conservation)

Note: The Principal rules were published in the Gazette of India vide number G.S.R. 23 (E) dated the 10th January, 2003 and subsequently amended vide G.S.R 94 (E) dated the 3rd February, 2004, vide G.S.R. 107 (E) dated the 9th February, 2004 and vide G.S.R. 185 (E) dated the 14th March, 2014.

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.