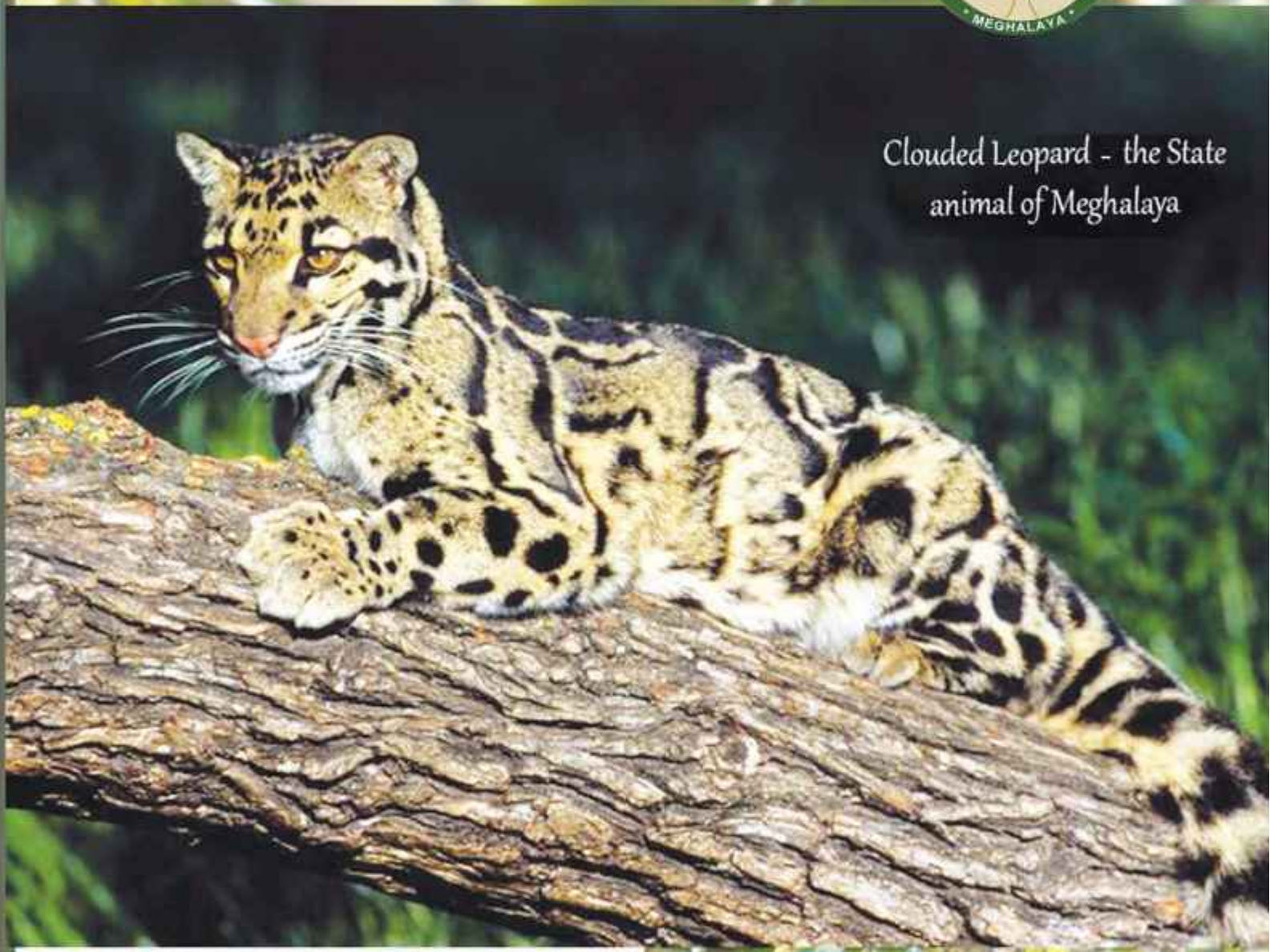
DEPARTMENT OF FORESTS & ENVIRONMENT
MEGHALAYA



Clouded Leopard - the State animal of Meghalaya

COMPENDIUM OF CENTRAL FORESTS ACTS AND RULES

VOLUME - I



Government of Meghalaya
Forests and Environment Department

COMPENDIUM OF CENTRAL FORESTS ACTS & RULES

VOLUME - I

Published By :

The Principal Chief Conservator of Forests & HOFF
Meghalaya

PREFACE

The Forests and Environment Department since its inception, has undertaken the onerous task of managing and protecting the flora and fauna of the State and the Country. For this purpose, several Acts & Rules have been passed both by the Central and the State Legislatures to empower the Department in fulfilling its mandate. These Acts & Rules have enabled the Department to manage and control the natural resources.

With the publication of the 5 (five) volumes of the State and the Central Forests Acts & Rules being implemented in the State of Meghalaya, the long felt need to provide a compilation of these Acts, Rules, Regulations and Executive instructions relating to Forests, Wildlife, Bio-Diversity and Environment etc has been realised. The painstaking work undertaken by a team of Officers viz Shri B. K. Lyngwa, IFS, Principal Chief Conservator of Forests (Admn), Shri J. M. Pohsngap, IFS, Conservator of Forests (CC, R & T) and Dr Manjunatha C, IFS, Planning Officer O/O Principal Chief Conservator of Forests & Head of Forests Force spread over a period of 10 (ten) Months has finally borne fruit. I commend the good work done by this team of dedicated Officers and assisting Staff.

I take great pleasure to dedicate this compilation of 5 (five) volumes in a set to the Officers and Staff of the Forests & Environment Department with a hope that it will help in effective functioning of the Department in general and the Executive frontline staff in particular who are, day in and day out, executing works to preserve and protect the rich natural resources of the State. This compilation will act as a useful guide to the forest staff to effectively carry out their duties to preserve our precious natural heritage for now and for the future generations.

Dated: Shillong
The 31st March, 2019

(C P Marak, IFS)
Principal Chief Conservator of Forests & HoFF
Shillong, Meghalaya.

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THE INDIAN FOREST ACT, 1927

(16 of 1927)

[21st September, 1927]

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

Whereas it is expedient to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest-produce; It is hereby enacted a follows:

CHAPTER I
PRELIMINARY

1. Short title and extent.–(1) This Act may be called the Indian Forest Act, 1921

[1][(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punj Uttar Pradesh and West Bengal; but the Government of any State may by notification in Official Gazette bring this Act into force[2] in the whole or any specified part of that State which this Act extends and where it is not in force.]

2. Interpretation clause.–In this Act, unless there is anything repugnant in the subject or context–

(1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) "Forest-officer" means, any person whom [3] [* * *] the State Government or any office empowered by [3] [* * *] the State Government in this behalf, may appoint to carry out all any of the purposes of this Act or to do anything required by this Act or any rule m thereunder to be done by a Forest-officer;

(3) "forest-offence" means an offence punishable under this Actor under any rule made thereunder;

(4) "forest-produce" includes–

(a) the following whether found in, or brought from, a forest or not, that is to say timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds,[4][kuth] and myrabolams, and

(b) the following when found in, or brought from a forest, that is to say

(i) trees and leaves, flowers and fruits, and all other parts or produce not herein before mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock and minerals (including lime-stone, laterite, mineral oils, and all products of mines or quaries);

[5][(4A) "ownee" includes a Court of Wards in respect of property under the superintendence or charge of such Court;]

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees, when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, skumps, brush-wood and canes.

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests.–The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by State Government.-(1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette–

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.–For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights.–After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

6. Proclamation by Forest Settlement-officer.–When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

(a) specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section, 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer.–The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement-officers.-For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:

(a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

9. Extinction of rights.-Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not prefer-ring such claim within the period fixed under section 6.

10. Treatment of claims relating to practice of shifting cultivation.—(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the State Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

11. Power to acquire land over which right is claimed.–(1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right to forest produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either

(i) exclude such land- from the limits of the proposed forest; or

(ii) come to an agreement with the owner thereof for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(3) For the purpose of so acquiring such land

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894);

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section *9* of that Act;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of pasture or to forest-produce.–In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

13. Record to be made by Forest Settlement-officer.–The Forest Settlement officer, when passing any order under section 12, shall record, so far as may be practicable,–

(a) the name, father's name, caste, residence and occupation of the person claiming the right; and

(b) the designation, position and area of all fields or groups fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. Record where he admits claim.–If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

15. Exercise of rights admitted.-(1) After making such record the Forest Settlement officer shall, to the best of his ability, having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may

(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(c) record an order, continuing to such claimants a right of pasture or to forest-overpage produce, as the case may be, to the e tent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the State Government.

16. Commutation of rights.–In case the Forest Settlement-officer finds it impossible having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. Appeal from order passed under section 11, section 12, section 15 or section 16.–Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department of rank not lower than

that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders:

Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17.–(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the State Government, be final.

19. Pleaders.–The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

20. Notification declaring forest reserved.–(1) When the following events have occurred, namely:–

(a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

21. Publication of translation of such notification in neighbourhood of forest.–The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18–The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under

section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

23. No right acquired over reserved forest, except as here provided.–No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction.–(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and water-courses in reserved forests.–The Forest-officer may, with the previous sanction of the State Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

26. Acts prohibited in such forests.–(1) Any person who–

(a) makes any fresh clearing prohibited by section 5, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest–

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf,

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells, girdles, lops, or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the state Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion there of the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

27. Power to declare forest no longer reserved.–(1) The State Government may,[6][* * *] by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under the Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

OF VILLAGE-FORESTS

28. Formation of village-forests.-(1) The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The State Government may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

CHAPTER IV

OF PROTECTED FORESTS

29. Protected forests.–(1) The State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which,, is not included

in a reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, etc.–The State Government may, by notification in the Official Gazette,

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by, the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, rot exceeding thirty years, as the State Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such terms, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the right suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood.–The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. Power to make rules for protected forests.–The State Government may make rules to regulate the following matters, namely:

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;

(c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production

d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(f) the examination of forest-produce passing out of such forests;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests;

(h) the protection from fire of timber lying in such forests and of trees reserved under section 30;

(i) the cutting of grass and pasturing of cattle in such forests;

(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force;

(k) the protection and management of any portion of a forest closed under section 30; and

(l) the exercise of rights referred to in section 29.

33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.--(1) Any person who commits any of the following offences, namely:–

(a) fells, girdles, lops, taps or bums any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;

(b) contrary to any prohibition under section 30, quarries any stone, or bums any lime or charcoal or collects, subjects to any manufacturing process, or removes any forest-produce;

(c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;

(d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing fallen or felled, or to say closed portion of such forest;

(e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;

(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;

(g) permits cattle to damage any such tree;

(h) infringes any rule made under section 32,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the State Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this Chapter to prohibit acts done in certain cases.–Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. Protection of forests for special purposes.-(1) The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or waste-land

(a) the breaking up or clearing of land for cultivation;

(b) the pasturing of cattle; or

(c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:–

(i) for protection against storms, winds, rolling stones, floods and avalanches;

(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land slips or of the formation of ravines, and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

(iii) for the maintenance of a water-supply in springs, rivers and tanks;

(iv) for the protection of roads, bridges, railways and other lines of communication;

(v) for the preservation of the public health.

(2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under sub-'section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the State Government.

36. Power to assume management of forests.–(1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be-constructed under that section so require, the State Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

37. Expropriation of forests in certain cases.–(1) In any case under this Chapter in which the State Government considers that, in lieu of placing the forest or land under the control of a Forest-Officer, the same should be acquired for public purposes, the State 3overnment may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(2) The owner of any forest or land comprised in any notification under section 35 may, t any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the State Government shall require such forest or land accordingly.

38. Protection of forests at request of owners.–(1) The owner of any land or, if there more than one owner thereof, the owners of shares therein amounting in the aggregate at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire

(a) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case,-the State Government may, by notification in the Official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

39. Power to impose duty on timber and other forest-produce.—(1) The [7][Central Government] may levy a duty in such manner, at such places and at such rates as it may declare by notification in the Official Gazette on all timber or other forest-produce

(a) which is produced in [8][the territories to which this Act extends], and in respect of which the Government has any right;

(b) which is brought from any place outside [8][the territories to which this Act extends].

[9][* * *]

(2) In every case in which such duty is directed to be levied ad valorem the [7][Central Government] may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the State Government, shall be deemed to be and to have been duty levied under the provisions of this Act.

[10][(4) Notwithstanding anything in this section, the State Government may, until provision to the contrary is made by [11][Parliament], continue to levy any duty which it was lawfully levying before the commencement[12] of [13][the Constitution], under this section as then in force:

Provided that nothing in this sub-section authorises the levy of any duty which as between timber or other forest-produce of the State and similar produce of the locality outside the State, discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the State, discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality.]

40. Limit not to apply to purchase-money or royalty.-Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

41. Power to make rules to regulate transit of forest produce.--(1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may

(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within [14][the State];

(b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees therefor;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;

(e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

(i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such r6gistration'shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The State Government may direct that any rule made under this section shi-11 not apply to any specified class of timber or other forest-produce or to any specified local area.

[15][**41A. Powers of Central Government as to movements of timber across customs frontiers.**--Notwithstanding anything in section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from [16][the territories to which this Act extends) across any customs frontier as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

42. Penalty for breach of rules made under section 41.-(1) The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) Such rules may provide that penalties which are double of those mentioned in subsection (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. Government and Forest-officers not liable for damage to forest-produce at depot.-The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

44. All persons bound to aid in case of accidents at depot.-In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.--(1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the State Government directs, all unmarked wood and timber,

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51 and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification in the Official Gazette, 6xempt any class of timber from the provisions of this section.

46. Notice to claimants of drift timber.-Public notice shall from time to time be given by the Forest-officer, of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

47. Procedure on claim preferred to such timber.-(1) When any such-statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after according his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons who he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. Disposal of unclaimed timber.-If no such statement is presented as aforesaid, if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

49. Government and its officers not liable for damage to such timber.-TN Government shall not be responsible for any loss or damage which may occur in respect any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously fraudulently,

50. Payments to be made by claimant before timber is delivered to him.-No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.

51. Power to make rules and prescribe penalties.-(1) The State Government in make rules to regulate the following matters, namely:

(a) the salving, collection and disposal of all timber mentioned in section 45;

(b) the use and registration of boats used in salving and collecting timber;

(c) the amounts to be paid for salving, collecting, moving, storing or disposing such timber; and

(d) the use and registration of hammers and other instruments to be used marking such timber.

(2) The State Government may prescribe, as penalties for the contravention of any rule made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER IX

PENALTIES AND PROCEDURE

52. Seizure of property liable to confiscation.-(1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce together with all tools, boats, carts or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a - report of such seizure to the Magistrate having jurisdiction to try the offence on account which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is belie to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

53. Power to release property seized under section 52.-Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. Procedure thereupon.-Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

55. Forest-produce, tools, etc., when liable to confiscation.--(1) All timber or forest produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed.-When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known or cannot be found.-When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from d date of seizing such property, or without hearing the person, if any, claiming any rig thereto, and the evidence, if any, which he may produce in support of his claim.

58. Procedure as to perishable property siezed under section 52.-The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

59. Appeal from orders under section 55, section 56 or section 57.-The officer made the seizure under section 52, or any of his official superiors, or any person claim to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to will orders made by such Magistrate are ordinarily appealable, and the order passed on A appeal shall be final.

60. Property when to vest in Government.-When an order for the confiscation any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such an apppeal has been preferred, or when, on such an appeal being preferred, the Appellate C4 confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

61. Saving of power to release property seized.-Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government, from directing at any time the immediate release of any property seized under section 52.

62. Punishment for wrongful seizure.-Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable confiscation under this Act shall be punishable with imprisonment for a term which extend to six months, or with fine which may extend to five hundred rupees, or with both.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.-Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code–

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property o Government or of some person, or that it may lawfully be cut or removed some person; or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by under the authority of a Forest-officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or fine, or with both.

64. Power to arrest without warrant.--(1) Any Forest-officer or Police-officer without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

65. Power to release on a bond a person arrested.-Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police station.

66. Power to prevent commission of offence.-Every Forest-officer and Police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

67. Power to try offences summarily.-The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

68. Power to compound offences.-(1) The State Government may, by notification in the Official Gazette, empower a Forest officer–

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

69. Presumption that forest-produce belongs to Government.-When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER X

CATTLE-TRESPASS

70. Cattle-trespass Act, 1871, to apply.-Cattle trespassing in a reserved forest any portion of a protected forest which has been lawfully closed to grazing shall be deem to be cattle doing damages to a public plantation within the meaning of section II of Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by Forest-officer or Police-officer.

71. Power to alter fines fixed under that Act.-The State Government may, notification in the Official Gazette, direct that, in lieu of the fines fixed under section I the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding following, that is to say:-

For each elephant	ten rupees
For each buffalo or camel	two rupees
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer	one rupee
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	eight annas

CHAPTER XI

OF FOREST-OFFICERS

72. State Government may invest Forest-officers with certain powers.-(1) The State Government may invest any Forest-officer with all or of the following powers, that is to say:-

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) the powers of a Civil Court to compel the attendance of witnesses and production of documents and material objects;

(c) power to issue a search-warrant under the Code of Criminal Procedure, 1898 (5 of 1898); and

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in subsequent trial before a Magistrate, provided that it has been taken in the presence of accused person.

73. Forest officers deemed public servants.-All Forest-officers shall be deemed be public servants within the meaning of the Indian Penal Code, 1860 (45 of 1860).

74. Indemnity for acts done in good faith.-No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. Forest-officers not to trade.-Except with the permission in writing of the State Government, no Forest-officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside [17][the territories to which this Act extends].

CHAP TER XII

SUBSIDIARY RULES

76. Additional powers to make rules.-The State Government may make rules

(a) to prescribe and limit the powers and duties of any Forest-officer under this Act;

(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;

(c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and

(d) generally, to carry out the provisions of this Act.

77. Penalties for breach of rules.-Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

78. Rules when to have force of law.-All rules made by the State Government under this Act shall be published in the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

79. Persons bound to assist Forest-officers and Police-officers.-(1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or Police officer or not,-

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest,

and shall assist any Forest-officer or Police-officer demanding his aid–

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed such forest in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden ofprovin which shall lie upon such person) fails–

(a) to furnish without unnecessary delay to the nearest Forest-officer or Polic(officer any information required by sub-section (1);

(b) to take steps, as required by sub-section (1), to extinguish any forest fire in reserved or protected forest;

(c) to prevent, as required by sub-section (1), any fire in the vicinity of such fore.4 from spreading to such forest or

(d) to assist any Forest-officer or Police officer demanding his aid in preventing th commission in such forest of any forest-offence, or, when there is reason believe that any such offence has been committed in such forest, in discover' and arresting the offender,

shall be punishable with imprisonment for a term which extend to one month, or with fine which may extend to two hundred rupees, or with both.

80. Management of forests the joint property of Government and other persons.–(1) If the Government and any person be jointly interested in any forest or waste-land, a in the whole or any part of the produce thereof, the State Government may either–

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the State Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters 11 and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of Government forest is employed.-If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed:

Provided that no such share be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

82. Recovery of money due to Government.—All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

83. Lien on forest-produce for such money.--(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.--Whenever it appears to the State Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (1 of 1894).

85. Recovery of penalties due under bond.–When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any an bond or instrument to perform any duty or act or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land revenue.

[1][**85A. Saving for rights of Central Government.**-Nothing in this Act shall authorise a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.]

86. Repeals.- [Rep. by Repealing and Amending Act, 1947 (2 of 1948), sec.2 and Sch.]

THE SCHEDULE.-[Enactments Repealed.] Rep. by sec.2 and Sch., ibid.

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1 Subs. by the Adaptation of Laws (No. 3) Order, 1956, for sub-sections (2) and (3).

2 This Act has been declared to be in force in the Khondmals District by the Khondmals Laws Regulation 1936 (4 of 1936), sec. 3 and Sch; and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936) sec. 3 and Sch.

This Act has been extended to :-

(1) Berar (partially) by the Berar Laws Act, 1941 (4 of 1941).
(2) The Province of Coorg, see Coorg Gazette, 1930, Pt. I p. 94.
(3) The Delhi Province, see Gazette of India, 1933, Pt. IIA, p. 293.
(4) The whole of Madhya Pradesh, by M.P. Act 23 of 1958.
(5) Dadra and Nagar Haveli, by Reg. 6 of 1963, sec, 2 and Sch. I (w.e.f. 1.7.1965).
(6) Pondicherry by Reg. 7 of 1963, see. 3 and Sch. (w.e.f. 1.10.1963).
(7) Goa, Daman and Diu by Reg. II of 1963, sec. 3 and Sch.; and
(8) Laccadive, Minicoy and Amindivi Islands by the Reg. 8 of 1965, sec. 3 and Sch. (w.e.f. 1.10.1967).
(9) Sikkim by S.O. 1138 (E), dated 1st December, 1988 (w.e.f. 20.4.1989).

3 The words "the G.G. in C., or" omitted by the A.O. 1937.

4 Ins. by Act 26 of 1930, sec. 2.

5 Ins. by Act 3 of 1933, sec. 2.

6 The words "subject to the control of the G.G. in C.," omitted by the A.O. 1937.

[7] Subs. by the A.O. 1937, for "L.G."

[8] Subs. by the Adaptation of Laws (No. 3) Order, 1956, for "Part A States and Part C States".

[9] The proviso omitted by the A.O. 1937.

[10] Ins. by the A.O. 1937 as amended by para. 2 and Sch. to the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

[11] Subs. by the A.O. 1950, for "the Central Legislature"

[12] *i.e.* the 26th January, 1950.

[13] Subs. by the A.O. 1950, for "Part III of the Government of India Act, 1935".

[14] Subs. by the *A.O. 1937*, for "British India".

[15] Ins. by the A.O. 1937.

[16] Subs. by the Adaptation of Laws (No. 3) Order, 1956, for "Part A States and Part C States".

[17] Subs. by the Adaptation of Laws (No. 3) Order, 1956, for "Part A States and Part C States"

[18] Subs. by the A.O. 1950, for the former section 85A which had been inserted by the A.O. 1937.

FOREST (CONSERVATION) ACT. 1980
WITH AMENDMENT MADE IN 1988

PART – A

FOREST (CONSERVATION) ACT, 1980
WITH AMENDMENT MADE IN 1988

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

Short title, extent and commencement. –

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

2. Restriction on the de-reservation of forests or sue 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 an 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, or the purpose of using for re-afforestation.

Explanation – For the purpose of this section, "non-forest purpose" means the breaking up or clearing 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 re-afforestation,

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, wire less 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 considering 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 15 days.

3B. Offences by 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 (b0, 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 of 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 91), 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 makes rules –

(1) The Central Government may, by notification in the Official Gazette, make 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 30 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.

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.

PART – B

FOREST (CONSERVATION) RULES, 2003
(published in Gazette of India Extraordinary on the 10th January 2003)

G.S.R. 23(E) – In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

1. Short title, extent and commencement –

(1) These rules may be called the Forest (Conservation) Rules, 2003.

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication of 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 Advisory Committee constituted under section 3 of the Act;

(c) "Chairperson" means the Chairperson of the committee;

(d) "Member" means a member of the Committee;

(e) "Nodal Officer" means any officer not below the rank of conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;

(f) "Regional Office" means a Regional Officer of the Central Government in the Ministry of environment and Forest established as part of the Ministry to deal with the forest conservation matters under the Act;

(g) "Section" means a section of the Act;

(h) "User Agency" means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

3. Composition of the Committee. –

(1) The Committee shall be composed of the following members:-

(a)	Director General of Forests, Ministry of Environment and Forests	Chairperson
(b)	Additional Director General of Forests, Ministry of Environment and Forests	Member
(c)	Additional Commissioner (Soil Conservation), Ministry of Agriculture	Member
(d)	Three eminent experts in forestry and allied disciplines (non-officials)	Member
(e)	Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests	Member Secretary

2. Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

4. 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 becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;

(iii) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;

(iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.

(v) travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' 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 Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

5. Conduct of business of the Committee. –

(i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.

(ii) The meeting of the Committee shall be held at New Delhi.

(iii) In a case where the Chairperson 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 proposal or proposals received under sub-rule 93) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.

(iv) The Chairperson shall preside over every meeting of the Committee at which he is present.

(v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.

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

6. Submission of the proposal seeking approval of the Central Government under section 2 of the Act. –

(1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act and Form 'B' for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorised in this behalf by the State Government, alongwith requisite information and documents, complete in all respects, well in advance of taking up any non-forest activity on the forest land.

(2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval under section 2 of the Act, shall send the proposal to the Central Government in the appropriate forms, within 90 days of the receipt of the proposal from the user agency for proposals seeking first time approval under the Act and within 60 days for proposals seeking renewal of leases where approval of the Central Government under the Act had already been obtained earlier:

Provided that all the proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent in the form of Working Plan or Management Plan.

(3) The proposal referred to in sub-rule (2) above involving forest land of more that 50 hectare shall be sent by the State Government to the Secretary to the

Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi – 110 003, with a copy of the proposal (with complete enclosures0 to the concerned Regional Office.

(4) The proposal referred to in sub-rule (2) above, involving forest land upto 40 hectare shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

(5) The proposal referred to sub-rule (2) above, involving clearing of naturally grown res in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent to the Chief Conservator of Forests or Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

7. Committee to advise on proposals received by the Central Government. –

(1) The Central Government shall refer every proposal, complete in all respects, received by it under sub rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.

(2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-

(a) Whether the forest 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 of 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 propose; 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 environmental impact.

8. Action on the Central Government on the advice of the Committee. –

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within 60 days of its receipt.

9. Proceedings against persons guilty of offences under the Act. –

(1) The Central Government may, by notification, authorise any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said office is said to have been committed, to file complaints against the person(s) prima-facie found guilty of office under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person(s) or officer(s) or authority(s) against whom the allegations of offence exist, an opportunity to explain this or their conduct and to show cause, by issuing a notice in writing of not less than 60 days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer of any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

APPENDIX
(See Rule 6)

FORM – 'A'

Form for seeking prior approval under section 2 of the proposals by the State Government and other authorities.

PART – I
(to be filled up user agency)

1. Project details. –
   (i) Short narrative of the proposal and Project/Scheme for which the forest land is required.
   (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
   (iii) Total cost of the project.
   (iv) Justification for locating the project in the forest area.
   (v) Cost-benefit analysis (to be enclosed).
   (vi) Employment likely to be generated.
2. Purpose-wise break-up of the total land required.
3. Details of displacement of people due to the project, if any:
   (i) Number of families.
   (ii) Number of Scheduled Castes/Scheduled Tribe families.
   (iii) Rehabilitation plan. (to be enclosed).
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).
6. Details of Certificates/documents enclosed as required under the instruction.

Signature
(Name in Block letters)
Designation
Address (of User Agency)

Date:_____
Place:_____

State serial No. of proposal _____
(to be filled up by the Nodal Officer with date of receipt)

PART – II
(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal _____

7. Location of the project/Scheme:
   (i) State /Union Territory
   (ii) District
   (iii) Forest Division
   (iv) Area of forest land proposed for diversion (in hectares)
   (v) Legal status of forest
   (vi) Density of vegetation
   (vii) Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/.hydel projects enumeration at FRL, FRL – 2 meter & FRL – 4 meter also be enclosed.)
   (viii) Brief note of vulnerability of the forest area to erosion.
   (ix) Approximate distance of proposed site for diversion from boundary of forest.
   (x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
   (xi) Whether any rare/endangered/unique species of flora and fauna found in the area – if so details thereof.
   (xii) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.

8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part–I is unavoidable and barest minimum for the project. If so, recommended area item-wise with details of alternatives examined.

9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

10. 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 and 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 and from management point of view. (to be signed by the concerned Deputy Conservator of Forests).

11. Site inspection report of the Deputy Conservator of Forests (to be enclosed) especially highlighting facts asked in col. 7(xi, xii), 8 and 9 above.

12. Division/District profile:

    i) Geographical area of the district.
    ii) Forest area of the district.
    iii) Total forest area diverted since 1980 with number of cases.
    iv) Total compensatory afforestation stipulated in the district/division since 1980 on
        (a) forest land including penal compensatory afforestation,
        (b) non-forest land.
    v) Progress of compensatory afforestation as on (dated) _____on
        (a) forest land
        (b) non-forest land.

13. Specific recommendations of the Deputy Conservator of Forests for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date: _____
Place: _____

PART – III

(To be filled by the concerned Conservator of Forests)

14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.

15. Whether the concerned Conservator of Forests agree with the information given in Part – B and the recommendations of Deputy conservator of Forest.

16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date: _____
Place: _____

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

17. Detailed opinion and specific recommendations of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by the concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.

Signature
Name
Official Seal

Date: _____
Place: _____

PART – V

(To be filled in by the Secretary in charge of Forest Department of by any other authorised officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part – B or Part – C or Part – D above should be specifically commended upon)

Signature
Name
Official Seal

Date: _____
Place: _____

INSTRUCTIONS (for Part – I):-

1. The project authority may annex a copy of the approval project / plan in addition to filing col. 1(i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned Deputy Conservator of Forests – Col. 1 (iii).
3. Complete details of alternative alignments examined especially in case of project like rods, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given – Col. 1 (iii).

4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding /nearby non-forest areas.

5. In case the same company /individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.

6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:-

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.

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

3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be retuned to the State Government in original.

4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding /covering letter.

FOR – 'B'
(See Rule 6)

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980

PART – I
(to be filled up by user agency)

1. Letter No. & date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (copy to be enclosed):

2. Project details:
   i) Short narrative of the proposal and project/scheme for which the forest land is required.

   ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.

iii) Cost of the project:

3. Purpose-wise break-up of the total land required (already broken & to be broken):

4. Details of Certificates/documents enclosed as required under the instructions.

Signature
Name
Official Seal

Date: _____
Place: _____

State serial No. of proposal _____
(To be filled up by the Nodal Officer with date of receipt)

PART – II
(To be filled by the concerned Deputy Conservator of Forests)

5. Location of the Project/Scheme:
   i) State / Union Territory
   ii) District
   iii) Forest Division
   iv) Area of forest land proposed for diversion (hectares)
   v) Legal status of forest
   vi) Density of vegetation
   vii) Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
   viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the chief Wildlife Warden to be annexed).
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
7. Site inspection report of the Deputy Conservator of Forests (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.
8. Division/District profile:
   i) Geographical area of the district
   ii) Forest area of the district.
   iii) Total Forest area diverted since 1980 with number of trees.
      (a) forest land including penal compensatory afforestation.
      (b) non-forest land.
   (v) Progress of compensatory afforestation as on (dated) _____ on

a) forest land
b) non-forest land.

9. Specific recommendations of Deputy Conservator of Forests for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date: _____
Place: _____

PART – III
(to be filled up by the concerned Conservator of Forests)

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
11. Whether the concerned Conservator of Forest agree with the information given in Part – B and the recommendations of Deputy Conservator of Forests.
12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date: _____
Place: _____

PART – IV
(to be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests of Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name
Official Seal

Date: _____
Place: _____

PART – V

(to be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

14. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part – B or Part – C or Part – D above should be specifically commented upon).

Signature
Name
Official Seal

Date: _____
Place: _____

INSTRUCTIONS (for Part – I):

1. The project authorities may annex a copy of the approved project/plan in addition of filling Col. 2(i) e.g. IBM approved mining plan for major minerals / CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned Deputy Conservator of Forests – Col. 2 (ii).
3. In case the same company /individual has taken forest land for similar project in the State, a brief detail of all such approval / leases be given as an enclosure along with current status of the projects.
4. Item-wise requirement (Col. 3) should be separately shown for broken up and fresh area.
5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS:

1. On receipt of proposal, Nodal Office shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. In complete or deficient proposal shall not be considered and shall returned to the State Government in original.

4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

[F.Np.5-5/98-FC]

Dr. V.K. BAHUGUNA, Inspector General of Forests (Forest Conservation)

Note:

The principle rules were published vide G.S.R. No. 719 dated 1st August, 1981 in Part – II, Section 3, sub-section (i) of the Gazette of India 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
(3) G.S.R. 563 (E), dated the 21st May, 1992

THE FOREST (CONSERVATION)
RULES, 2003
WITH AMENDMENTS MADE IN 2004

Forest (Conservation) Amendment Rules, 2004

(Published in Gazette of India : Extraordinary on 3rd February, 2004 and Corrigendum on 9th February, 2004)

G.S.R. 94 (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 to amend the Forest (Conservation) Rules, 2003, namely:-

1. (1) These rules may be called the Forest (Conservation) Amendment Rules, 2004.
   (2) Rules 1, 2, 3, 5, 6 (except Sub-rule (5) of rule (6) and 7 of these rule shall come into force on the date of their publication in the Official Gazette; whereas, rule 4 of these rules and sub-rule (5) of rule 6 of the principal rule, as contained in rule 5 of these rules, shall come into force on the expiry of 180 days from the date of such publication.

2. In the Forest (Conservation) Rules, 2003 (hereinafter referred to as the said rules), in rule, 2 for clause (b), the following clause shall be substituted, namely:-
   (b) "Committee" means the Forest Advisory Committee constituted under section 3 of the Act.

3. In the said rules, for rule 3, the following rule shall be substituted, namely:-
   "3. Composition of the Forest Advisory Committee:-
   (1) The Forest Advisory Committee shall be composed of the following members, namely:-

(i)	Director General of Forests, Ministry of Environment and Forests	Chairperson
(ii)	Additional Director General of Forests, Ministry of Environment and Forests	Member
(iii)	the Additional Commissioner (Soil Conservation), Ministry of Agriculture	Member
(iv)	Three non-official members who shall be experts one each in mining, Civil Engineering and Development Economics	Member
(v)	the Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests	Member Secretary

   (2) The Additional Director General of Forests shall act as Chairperson in the absence of the Director General of Forests."

4. In the said rules, after rule 3, the following rule shall be inserted, namely:-
   Constitution of the Regional Empowered Committee:-

(1) A Regional Empowered Committee shall be constituted at each of the Regional Offices and shall consist of the following members, namely:

(i) the Regional Principal Chief Conservator of Forests (Central) – Chairperson

(ii) three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics – Members

(iii) the Conservator of Forests of the Deputy Conservator of Forests in the Regional Office – Member Secretary.

(2) The term of appointment of non-official Members shall be as specified in rule 4 of these rules.

5. In the said rules, for rule 6, the following rule shall be substituted, namely –

"6. Submission of proposals seeking approval of the Central Government under Section 2 of the Act

(1) Every User Agency who want to use any forest land for non-forestry purposes, shall make its proposal in the relevant Form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act, and Form 'B' for proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requite information and documents, complete in all respects.

(2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer, to the concerned Divisional Forest Officer or the Conservation Division of the Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003.

(3) (a) After having received the proposal, the State Government or the Union Territory Administration, as the case may be, shall process and forward it to the Central Government within a period of two hundred and ten days of the receipt of the proposal including the transit period.

(b) The Nodal Office of State Government or as the case may be, the Union Territory Administration, after having received the proposal under sub-rule (1) and on being satisfied that the proposal is complete in all respects and requires prior approval under Section 2 of the Act, shall send the proposal to the concerned Divisional Forest Officer within a period of 10 days of the receipt of the proposal:

Provided that on the determination regarding completeness of the proposal or the expiry of 10 days, whichever is earlier, the question of completeness or otherwise of the proposal shall not be raised.

(c) If the Nodal Officer of the State Government or the Union Territory Administration, as the case may be funds that the proposal is incomplete, he shall return it within the period of 10 days as specified

under clause (b), to the User Agency and this time period shall not be counted for any future reference.

(d) The Divisional Forest Officer or the Conservator of Forests shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward this findings in the Format specified in this regard to the Nodal Officer within a period of 90 days of the receipt of such proposal from him.

(e) (i) The Nodal Officer, through the Principal Chief Conservator of Forests, shall forward the proposal to State Government or the Union Territory Administration, as the case may be, along with his recommendations, within a period of 30 days of the receipt of such proposal from the Divisional Forest Officer or the Conservator of Forests.

(ii) The State Government or the Union Territory Administration, as the case may be, shall forward the complete proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003, as the case may be, in the specified Forms within a period of 60 days of the receipt of the proposal from the Nodal Officer:

Provided that all proposals involving clearing of naturally grown trees on the forest land or a portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan or Management Plan.

Provided further that the concerned State Government or as the case may be, the Union Territory Administration, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, alongwith its recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be.

(f) If the proposal, alongwith the recommendations, is not received form the concerned State Government or the Union Territory Administration, as the case may be, till 15 days of the expiry of the time limit as specified under clause (a), it shall be construed that the concerned State Government or as the case may be, the Union Territory Administration, has rejected the proposal and the concerned State Government or the Union Territory Administration shall inform the User Agency accordingly:

Provided that in case the State Government or the Union Territory Administration, or as the case may be, the Union Territory Administration, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, alongwith its

recommendations, to the Regional Office or the Ministry of Environment and Forests, as the case may be.

(f) If the proposal, alongwith the recommendations, is not received from the concerned State Government or the Union Territory Administration, as the case may be, till 15 days of the expiry of the time limit as specified under clause (a), it shall be construed that the concerned State Government or as the case may be, the Union Territory Administration, has rejected the proposal and the concerned State Government or the Union Territory Administration shall inform the User Agency accordingly:

Provided that the case the State Government or the Union Territory Administration, as the case may be, subsequently foreard the proposal, alongwith its recommendations, to the Regional Office of the Ministry of Environment and Forests, as the case may be, the proposal shall not be considered by the Central Government unless an explanation for the delay to the satisfaction of the Central Government is furnished, together with action taken against any individual held to be responsible for the delay.

(4) The proposal referred to in clause (e)(ii) of sub-rule (3), involving forest land upto 40 hectares other than the proposal relating to mining and encroachments, shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, alongwith its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests, Government of India, who shall within a period of 45 days of the receipt of the proposal from the concerned State Government or the Union Territory Administration, as the case may be (a) decide the diversion proposal upto 5 hectares and upto 40 hectares, alongwith the recommendations, if any, to the Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, New Delhi – 110 003, for obtaining the decision of the Central Government and inform the State Government or the Union Territory Administration, as the case may be, and the User Agency concerned.

(5) The Regional Empowered Committee shall decide the proposal involving diversion of forest land upto 40 hectares other than the proposal relating tp mining and encroachments, within 45 days of the receipt of such proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that the Central Government may, if consider it necessary, enhance or reduce the limit of the area of the forest land.

(6) The proposal referred to the clause (e)(ii) of sub-rule (3), involving forest land of more than 40 hectares, and all proposal relating to mining and encroachments irrespective of the area of the forest land involved, shall be forwarded by the concerned State Government or as the case may be, the

Union Territory Administration, alongwith its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003".

6. In the said rules, in rule 7:-

(i) in sub-rule (1) for the words, brackets and figures "sub-rule (3) of rule 6", the words brackets and figures "sub-rule (6)" shall be substituted.

(ii) After sub-rule (1), the following sub-rule shall e inserted, namely:-

"(1A) These proposals shall be processed and put up before the Committee and the recommendations of the Committee shall be placed within a period of 90 days of the receipt of such proposals from the State Government or the Union Territory Administration, as the case may be, before the Central Government for its decision."

(iii) in sub-rule (2), in clauses (c) and (d), at both places, for the words, "or the other authority", the words "or the Union Territory Administration, as the case may be" shall be substituted.

7. In the said rules, rule 8 shall be omitted.

[F.No.5-5/98-FC]
Dr. V. K. BAHUGUNA,
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.

MINISTRY OF ENVIRONMENT AND FOREST

CORRIGENDUM

New Delhi, the 9th February, 2004

G.S.R. 107(E) – In the Forest (Conservation) Amendment Rules, 2004 published in the Official Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide No. G.S.R. 94(E) dated 3rd February, 2004 Sub-rules (4) and (6) of rule 6 of the said rules as contained in rule 5 of the Forest (Conservation) Amendment Rules, 2004 shall be read as follows:

"(4) The proposal referred to in clause (e)(ii) of Sub-rule (3), involving forest land upto 40 hectares shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, alongwith its recommendations, to the Chief Conservator of Forests or the Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests, Government of India, who shall, within a period of 45 days of the receipt of the proposal from the concerned State Government or the Union Territory Administration, as the case may be (a) decide the diversion proposal upto 5 hectare other than the proposal relating to mining and encroachments, and (b) process, scrutinise and forward diversion proposal of more than 5 hectares and upto 40 hectares including all proposals relating to mining and encroachments upto 40 hectares, along with the recommendations, if any, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003, for obtaining the decision of the Central Government and inform the State Government or the Union Territory Administration, as the case may be, and the User Agency concerned.

(6) The proposal referred to in clause (e)(ii) of sub-rule 93), involving forest land of more than 40 hectares shall be forwarded by the concerned State Government or as the case may be, the Union Territory Administration, alongwith its recommendations, to the Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, New Delhi – 110 003"

[F.No.505/98-FC]
Dr. V. K. BAHUGUAN, Inspector General
of Forests (Forest Conservation)

Note:

The Forest (Conservation) Amendment Rules, 2004 were published in the Gazette of India vide number G.S.R. 94(E) dated the 3rd February, 2004.

APPLICATION OF FOREST (CONSERVATION) ACT, 1980

PART – C

CHAPTER 1

Application of Forest (Conservation) Act, 1980

1.1 Definition. –

(i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the Government records. Lands which are notified under Section 4 of the India Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in the NTPC's case). It would also include "Forest" as understood in the dictionary sense (Supreme Court order dated 12.12.1996 n WP No. 202/1995-Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.

Clarification: - The term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees n these private plantations shall be governed by various State Acts and Rules. Felling of trees in notified private forests will be as the working plan/management plant duly approved by Government of India.

(ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act which may be in force in the forest area under question.

1.2 Clarifications. –

(i) The cases in which specific orders for de-reservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders regarding de-reservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.

(ii) Harvesting of fodder grasses, legumes etc. which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organisation or individual would necessarily require approval under the Act.

(iii) The forest policy, as well as provisions of the Forest (Conservation) Act, 1980, do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for bonafide domestic use as granted by the State Governments under Indian Forest Act, 1927 or State Forest Acts/Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure

stones, minerals, or take up constructions, etc. The forest produce so obtained shall not be utilised for any commercial purposes.

The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanised vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used.

Clarification:- The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary....." Annexure–II A may be referred to. In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

1.3 Investigation and Survey. –

(i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.

(ii) If, however, investigations and surveys involve clearing of forest area of felling of tress, prior permission of the Central Government is mandatory.

(iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees in involved.

Clarification:- The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries. Annexure – II A may be referred to. In view of this, the State Governments should not submit any proposal for diversion of forest land in National Parks and Sanctuaries without seeking prior permission of the Indian Board for Wildlife (Now National Board of Wildlife) and Supreme Court.

(iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central Government must be obtained even if such work does not require felling of trees.

(v) Prospecting of any mineral, done under prospecting license granted under MMDR Act, which requires collection/removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, test drilling upto 10 bore holes of maximum 4 inch diameter per 100 sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes,

prior permission of the Central Government under the Act would be required.

(vi) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversions of forest land.

Clarification: For reconnaissance operations, carried out in forest land in connection with developmental projects, the collection of samples from land surface in addition to drilled out material from 10 holes of 4 inch diameters per 100 Sq. Kms. Will not attract Forest (Conservation) Act, 1980, provided that there is no felling of trees involved (MoEF's letter No. 11-33/2004-FC dated – 7.6.2004).

1.4 Explanation Regarding Non-Forest Purpose. –

(i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.

(ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:

(a) The species to be planed are indigenous to the area in question; and

(b) Such planting activity is part of an overall afforestation programme for the forest area in question.

1.5 Tusser Cultivation. –

(i) *Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking mono-cultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Acts is necessary.

(ii) *Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaken such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.

(iii) Plantation of mulberry for silkworm rearing is a non-forestry activity, attracting the provisions of the Act.

1.6 Mining. –

(i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government.

Continuation or resumption of mining lease without prior approval would amount to contravention of the Act.

(ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No. 2349 of 1984 dated 7.5.1985 is at Annexure-III.

(iii) Boulders, bajri, stone, etc., in the river beds located within forest area as would constitute a part of the forest land and their removal would require prior approval of the Central Government.

1.7 Clarification Sub-clause 2(iii) of the Act. –

(i) The Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government and/ or the Central Government. Such Government owned, managed/corporation agency, which has been assigned such forest land shall not reassigning or any part thereof to any other organisation or individual.

(ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement for any purpose whatsoever, including afforestation, to any private person or to any authority/ agency/ organisation not wholly owned, managed or controlled by the Government (such as private or joint venture) shall attract the provisions of this clause.

1.8 Clarification on Sub-clause 2(iv) of the Act. –

(i) Sub-clause 2 (*iv*) of the Act provides clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions under sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear/felled, irrespective of their size for harnessing existing crop and/or raising plantation through artificial regeneration technique, which include coppicing pollarding and other mode of vegetative propagation.

(iii) All proposals involving clearing naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the Form of Management Plan/Working Plans to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forest.

(iii) **All proposal in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the Regional Office, under Section 2 of the Act**. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4

irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear/felling of an area of size more than 20 hectares in the plains and 10 hectares in the hilly region, irrespective of density.

(iv) In national parks and sanctuaries where fellings are carried for improvement of wildlife and its habitat only, forests would be managed according to a scientifically prepared management pant approved by the Chief Wildlife Warden, provided that the removed forest produce shall be used for meeting bonafide needs of the people living in and around the National Park/Sanctuary and shall not be used for any commercial purposed. But in cases where large scale felling/removal of timber and non timber products is required in a national park/sanctuary, which need disposal through sales, approval of the Central Government would be necessary. However, this shall be subject to the orders of the Supreme Court, which may be referred to at Annexure-II A.

1.9 Clarification on Section 3 B of the Act. –

(i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.

(ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facia responsible for the contravention of the Act.

(iii) In case it is not possible to fix the responsibility for commission/ omission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.

(iv) Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

Clarification: The provisions of this Section are applicable to the cases where the State Government or any authority passes any order for permitting activities covered by Section 2 of the Forest (Conservation) Act, 1980 without prior approval of the Central Government. Cases of illicit fellings/illegal mining, etc. have to be dealt under the provisions of the India Forest Act, 1927, State Forest Acts, Environment (Protection) Act, 1986, etc.

1.1 Diversions of Forest Land for Regularisation of Encroachments. –

(i) Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90-F.P.(1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.

(ii) The State Government/Union Territory Administration may sent the proposals as follows:-

(a) A consolidated proposal for the whole State in the prescribed application form.

(b) Detailed information as per the enclosed Table/format – Annexure – IV-A. Division wise proposals, maps, names of encroachers, etc. should be kept ready at Divisions level, which may be made available whensoever required for inspection and need not be appended with the consolidated proposal.

(c) Detailed compensatory afforestation scheme with area proposed for raising compensatory afforestation Division-wise, phased planning, fund requirement, commitment of the State Government to provide funds for the purpose, etc. Maps of proposed areas for compensatory afforestation should be kept already at Division level, which may be made available whensoever required for inspection.

(d) A time plan for eviction of ineligible encroachers.

1.11 Review of Disputed Claims over Forest Land, arising out of Forest Settlement. –

Detailed guidelines issued in this regard vide this Ministry's No. 13-1/90/F.P.(2) dated 18.09.90 shall be strictly followed. These are included in Annexure IV – B.

1.12 Disputes Regarding Pattas/Leases/Grants involving Forest Land – Settlement thereof. –

Detailed guidelines issued in this regard vide this Ministry's No. 13-1/90/F.P.(3) dated 18.09.90 shall be strictly followed. These are included in Annexure IV – C.

1.13 Conversion of Forest Villages into Revenue Villages. –

Detailed guidelines issued in this regard vide this Ministry's No. 13-1/90/F.P.(5) dated 18.09.90 shall be strictly followed. These are included in Annexure IV – D.

CHAPTER – 2

Submission of Proposals

2.1 General. –

(i) Rule 6 of the Forest (Conservation) Rules, 2003 prescribes the procedure for submission of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specified the particulars to be furnished with the proposals. Only proposal in the prescribed format and complete in all respect, will be considered. The user agency, if they so desire, for monitoring purpose only, may submit the proposal alongwith a copy of the receipt from Nodal Officer of having received complete application to the Assistant Inspector General of Forest (FC)/Director in-charge of the Monitoring cell.

(ii) **All proposals relating to diversion of forest land upto 40 hectares for clearing of naturally grown trees for reforestation shall be directly to the concerned Regional Office of the MOEF by the State/Union Territory Government or other authority**. All other proposals shall be sent by the State/Union Territory Government or other authority to Secretary to the Government of India, MOEF mentioning "Attention – FC Division" on the covering letter as well as on envelope. **Moreover a copy of all these proposal irrespective of area should also be sent to concerned Regional Office of the MoEF**.

For small development and public utility projects involving diversions of forest land upto 5 hectares, the State Government may authorize the Nodal Officer or any other Officer to submit the proposals directly to the Regional Officers

(iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commented upon by the Principal Chief Conservator of Forests/Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasis that a conscious decision has been taken in the matter.

(iv) **Wherever re-diversion of forest land becomes essential, State Government should seek the prior permission of the Central Government details of the earlier approval and the proposed activity details in letter form rather than initiating a fresh proposal.**

(v) In cases of irrigation projects or projects involving linear diversion of forest land, when during execution, **some realignment is needed due to technical reasons and where the re-alignment is of a minor nature**, i.e. deviation from the original alignment is at a few points and the number of trees to be cut does not exceed the number given in the original proposal, the State Government need not submit a fresh proposal. Rather, they may send this information through a covering letter giving maps of the original alignment and fresh alignment with details of the additional forest land

required and the variation in the number of trees which will be affected due to the realignment.

(vi) **The State Governments are advised not to consider/process cases, which are pending in various Courts or are sub-judice, to avoid all sorts of administrative and legal complications.**

(vii) In order to ensure that the forest lands are diverted only for site specific projects, that too where it is en-escapable, so that the ecological balance of the country is well protected, the respective State/Union Territory Administration, should give due consideration to the following and should submit proposal accordingly after detailed scrutiny.

(1) **Diversion of forest land within Reserve Forest.** – As per the State of Forest Report, 2001 published by Forest Survey of India, out of 76.84 million hectare of total forest area, roughly 55% of Reserve Forest area. These forests are considered as good forest with plenty of bio diversity and it is necessary to keep these forests intact. **As such, any proposal for diversion in Reserve Forest should be very carefully examined and detailed justification after exhausting all alternatives for locating the project in this forest area should be given while forwarding the proposal.**

2. **Regarding Mining proposals**. – It has been observed by the Central Government that a large number of proposals elating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. It has also been observed that whatever are has already been opened up for mining of different minerals, have not been worked and reclaimed systematically and scientifically. There is a tendency to open up new pits without exhausting the existing once to its full depth/potential. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted, a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted minerals. Alongwith this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining plan should be approved by the competent authority for concerned minerals e.g. **for coal it should be approved by Controller of Coal and for major minerals by IBM and so on.**

Event in the case of renewals, it has been observed that the State Governments are not giving complete picture of mining activity in the particular block or compartment of the forest block. Whenever such

proposals is sent, complete details of existing or proposed leases in that particular forest area with their present status should be indicated on **Survey of India topo-sheet on 1:50,000 scale**.

3. **Diversion for non-site specific projects.** – A large number of proposals for diversion of forest land for non-site specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form 'A' in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its in-escapability for locating the project in forest area.

4. In has been observed that in respect of many proposals, the Central Government receives representation from NGOs/local public bodies against the diversion of forest land or loss of forest land, environment and ecological grounds. It is felt that it is essential to have the opinion of the local people, whenever a project is coming up in the area. **Therefore, whenever any proposal for diversion of forest land is submitted, it should be accompanied by a resolution of the 'Aam Sabha' of gram Panchayat/Local Body of the endorsing the proposal that the project is in the interest of people living in and around the proposed forest land except in cases wherever consent of the local people in one form or another has been obtained by the State or the project proponents and the same is indicated in the proposal explicitly**. However, it would be required where the project activity on forest land is affecting quality of life of the people residing n nearby areas of the site of diversion; like mining projects, displacement of people in submergence area, etc. It is further clarified that such resolution would not be required in following cases:

   (a) Project requires public hearing in order to get environment clearance. However, a copy of public hearing may be furnished alongwith the proposal in such cases.

   (b) For projects like construction of roads, canals, laying of pipelines/ optical fibres and transmission lines etc., where linear diversion of forest land in several villages are involved.

   (c) Proposals involving diversion of private forest lands.

   (d) In case of small public utility projects like drinking water, schools, hospitals which are for the welfare of local people.

2.2 Particulars to be Furnished along with the Proposal. –

(i) Map of the forest area required showing boundary of the adjoining forest, etc., is to be furnished along with the prescribed form. **This should normally be on 1:50,000 scale original Survey of India topo-sheet.** However, if maps on 1:50,000 scale is not available, map on 1″ = 1 mile or 1″ = 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.

(ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only upto 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.

(iii) **The projects for roads and railway line construction will be processed in their entirety**. Therefore, proposals in piece meal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposals.

(iv) **The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection.** The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent alongwith the proposal.

(v) Special guidelines in regard to laying of transmission lines in forest area are at Annexure V.

(vi) All proposals seeking prior approval of the Central Government should invariably contain the following information:

  (a) Extent of forest cover in the concerned district/State.

  (b) Extent of forest land diverted so far under Forest (Conservation) Act, 1980 in the concerned district/State.

  (c) Extent of forest land diverted for same/similar purpose/project so far in the concerned district/State.

  (d) Progress of compensatory afforestation in the concerned district/State under earlier forest clearances.

  However, the States/Union Territories may submit the above information on a consolidated, calendar year basis every year as per the proforma at Annexure-VII so as to avoid duplication/reiteration n each proposal. (No.11-30/96-FC(Pt) dated 28.06.2001).

(vii) **Mining proposals** in forest areas in respect of coal and other major minerals should be accompanied with the following documents:-

1. **<u>In respect of Underground mining in stratified deposits in forest areas</u>**

The mining plan in stratified deposits in forest areas should include the predicted subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20mm per metre and thereby the surface cracks of width of about 200 – 300 mm is to be permitted in forest areas. Accordingly, the mine plans should be made to restrict the subsidence movement within these limits with the provision of mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modelling in 3-Demisnion for subsidence prediction through an expert mining engineer/organisation to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University; ISM, Dhanbad; any of the IITs located at Delhi, Kanpur, Mumbai, Kharagpur, Madras, Roorkee & Guwahati, or M/s CMRI alongwith the mitigation measures suggested by them should be submitted alongwith the proposal. The surface layout of mining area should be designed so as to use minimum possible land, and wherever feasible, the surface should be planned over non-forest areas.

2. **<u>Open cast mining in forest areas</u>**

Wherever feasible, depending upon the characteristic of fly ash and its availability nearby, use of fly ash in reclamation of open pits should be looked into and planned. Fly ash for this purpose should be characterised from the point of view of leaching potential with special reference to heavy metals.

While forwarding the proposals, the State Government may also bear in mind the para 7.13 of The National Mineral Policy, 1993 (For non-fuel & non-atomic mineral) wherein it states that "———— Mining operation shall not ordinarily be taken up in identified ecologically fragile and biologically rich areas ——————".

4. **<u>Mining plan</u>**

Ministry of Environment and Forests is receiving a large umber of proposals for grant of/renewal of mining leases. In order to take a holistic view, it is essential that a copy of the mining plan duly approved by the IBM, Nagpur should be enclosed with the proposal alongwith map of forest area on printed original copy of Survey of India topo map 1:50,000 scale showing boundaries of forest areas and other mining leases of forest block within that sheet.

2.3 Proposals Requiring Clearance from Environmental Angle. –

(i) The projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall require clearance separately from environmental angle, as per procedure laid down by the Environment Wing

of the Ministry of Environment and Forests. Environmental clearance where required should be applied for separately and **simultaneously**.

(ii) Notwithstanding the above, if in the opinion of the Ministry or the Advisory Committee, any proposal should be examined from the environmental angle, it may be required that the project proponent refer the case to the Environment Wing of the MoEF.

(iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.

2.4 Simplified Procedure for Certain Categories of Proposals. –

(i) In respect of proposals for laying of transmission lines, pipelines for drinking water supply, laying of telephone/optical fibre lines and exploratory drilling for prospecting of oil which do not any felling or cutting of trees, only the following particulars may be furnished in the prescribed form:

(a) Map of the area required alongwith geographical location of the project.
(b) Purpose for which forest land is required to be used.
(c) Extent of forest area to be diverted.
(d) Legal status of forest land.
(e) Whether forest land forms part of national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna.
(f) Whether no alternative alignment is possible to avoid or minimise use of forest land and, whether, the required forest area is the minimum needed for the purpose. A certificate in this regard to be furnished by the concerned Divisional Forest Officer after personal inspection of the spot.
(g) Compensatory afforestation scheme.
(h) A certificate stating specifically that no cutting or felling of trees is involved.

(ii) Other cases involving forest area upto 2 hectares which are devoid of tree cover, may also be dealt with as per above simplified procedure except for proposal for mining and regularisation of encroachments.

2.5 Diversion of Forest Land for Widening or Realignment of Road/ Rail/ Canal.–

(i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc. for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purpose of widening or expansion or re-alignment. However, the concerned agency will seek permission under local laws, if any, from appropriate authority.

(ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planed and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While the approval, in place of normal provisions for compensatory afforestation, the Regional Offices will stipulates a condition that for every tree cut at least two trees should be planted.

(iii) However, if the decision is not ordered by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government / State may proceed with the widening/modernisation under intimation to the local State Forest Department and Central Government.

Clarification: This guideline is applicable to only such projects, where plantations have been raised on the lands acquired by the user agency and subsequently notified as Protected Forest. This guideline will not be applicable if the forest land involved is reserved/protected forests belonging to the Forest Department.

2.6 Cost-benefit Analysis. –

(i) While considering proposal for de-reservation or diversion of forest land non-forest use, it is essential that ecological and environmental losses and eco-economic distress caused to the people who are displaced are weighted against economic and social gains.

(ii) Annexure VI (a) details the types of projects for which cost-benefit analysis will be required. Annexure VI (b) lists the parameters according to which the cost aspect will be determined, while Annexure VI (c) gives the parameters for assessing the benefits accruing.

(iii) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for clearance under the Act.

2.7 Cost-benefit analysis as above should accompany the proposals sent to the Central Government for clearance under the Act. –

(i) If the project involves displacement of people, a detailed Rehabilitation Plan shall be submitted alongwith the proposal for diversion of forest land. The Scheduled Tribe and Scheduled Caste population should be separately considered, and plan for their rehabilitation should be in consonance with their socio-economic, cultural and emotional lifestyle

(ii) The Government of India do not allow diversion of forest land for rehabilitation of people. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes

and other people who may have to be shifted from the core zone of a national park or reserve.

2.8 Transfer of Lease. –

Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and, the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future.

2.9 Participation of private sector through involvement of NGOs & Forest Department in afforestation/rehabilitation of degraded forests. –

Detailed guidelines issued in this regard vide this Ministry's letter No. 8-21/96-FC dated 07.07.1999 shall be strictly followed. These are included in Annexure VIII.

2.10 Cluster mining. –

Detailed guidelines issued in this regard vide this Ministry's letter No. 11-8/2001-FC dated 15.11.2001 shall be strictly followed. These are included in Annexure IX.

CHAPTER 3

Compensatory Afforestation

3.1 Compensatory Afforestation. –

(i) Compensatory afforestation is **one of the most important** conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. **It is essential that all such proposals, a comprehensive scheme for compensatory afforestation is formulated and submitted to the Central Government.**

(ii) The comprehensive scheme shall include the details of non-forest/degraded forest area identified for compensatory afforestation, map of areas to be taken up for compensatory afforest, year-wise phased forestry operations, details of species to be planted and s suitability certificate from afforestation/management point of view alongwith the cost of structure of various operations.

(iii) Sometimes the compensatory afforestation schemes are being submitted at such a cost structure, which is at variance with the cost norms for the same area. The compensatory afforestation schemes, no doubt has to be site specific and thus per hectare rate will vary according to species, type of forest and site. In this regard, it has been decided that henceforth the compensatory afforestation schemes which are being submitted alongwith the proposals for forestry clearance, must have technical and administrative approval from the competent authority and should be in conformity with cost norms based on species, type of forest and site.

3.2 Land for Compensatory Afforestation. –

(i) Compensatory afforestation shall be done over equivalent area of non-forest land.

Clarification:- As a matter of pragmatism, the revenue lands/zudpi jungle/ Chhote/ Bade jhar ka jungle/ jungle-jhari land/civil – soyam lands and all other such categories of land, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided that lands on which compensatory afforestation is proposed shall be notified as FR under the Indian Forest Act, 1927.

(ii) As far as possible, the non-forest land for compensatory afforestation should be identified contiguous to or in the proximity of Reserved Forest or Protected Forest to enable the Forest Department to effectively manage the newly planted area.

(iii) In the event that non-forest land of compensatory afforestation is not available in the same district, non-forest land for compensatory afforestation may be identified anywhere else in the State/Union Territory as near as possible to the site of diversion, so as to minimise adverse impact on the micro-ecology of the area.

(iv) Where non-forest lands are not available or non-forest land is available in less extent to the forest area being diverted, compensatory afforestation may be carried out over degraded forest land being diverted and available non-forest land, as the case may be.

(v) The non-availability of suitable non-forest land for compensatory afforestation in the entire State / Union Territory would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/Union Territory Government to that effect.

(vi) **An exception to 3.2(i) above, compensatory afforestation may be raised over degraded forest land twice in extent of the forest area being diverted/deserved in respect of following types of proposals:**

(a) For extraction of minor minerals from the river beds. (However, if forest area to be diverted is above 500 hectares, compensatory afforestation over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted subject to a minimum of 1000 hectare compensatory afforestation).

(b) For construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the – in hill district having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

(c) For laying of transmission lines upto 220 KV.

(d) For mulberry plantation undertaken for silk-worm rearing without any felling of existing trees.

(e) For diversion of linear or 'strip' plantation declared as protected forest along the road/ rail/ canal sides for widening or expansion of road/ rail/ canal.

(f) For laying of telephone/optical fibre lines.

(vii) **The field firing ranges**, which are used temporarily by the defence establishments for arms practice, comprises, of safety zone encompassing the field firing range and danger area/ impact zone. Keeping in view that the impact area is only a small portion of the entire firing range and as an exception to 3.2 (i) above, compensatory afforestation may be raised over equivalent degraded forest land of the forest area being diverted for impact zone of the field firing range.

(vii) No compensatory afforestation shall be insisted upon in respect of the following:-

(a) For clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.

(b) Proposals involving diversion of forest land upto one hectare. (However, in such cases, plantation of ten times the number of trees

likely to be filled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order).

(c) For underground mining in forest land below 3 metres. (However, in respect of forest area required for surface right, compensatory afforestation shall be required as per relevant provisions).

(d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or over burden, construction of road, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.

(ix) **Special provisions for Central Government/Central Government Undertaking Projects. –**

(a) Compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted. Certificate of Chief Secretary regarding non-availability of non-forest land for compensatory afforestation will not be insisted.

(b) The user agency will deposit the amount for compensatory afforestation with the concerned State Govt. on receiving the demand and the actual transfer/use of forest land will be effected only after the receipt of the demanded amount.

(c) The State Governments will identify 'blank forest' or degraded forest lands for compensatory afforestation. The State Governments of Madhya Pradesh and Rajasthan will identify such degraded forest land in their States for compensatory afforestation of Central Projects in their respective States as indicated by the Chief Secretaries of thee two States in the meeting of Committee of Secretaries held on 15-11-1996.

(d) The pool of degraded forest land in Madhya Pradesh and Rajasthan will also be available for the Central Government projects of other States if the concerned State Government fail to identify the requisite land, as mentioned at (a) above, for compensatory afforestation in its own territory within one month of the submission of the proposal to the State Government.

(e) While identify the pool of degraded forest land, blank forest lands in reserved forests in compact/ sizeable blocks should be identified as first priority as "plantation bank". As appropriate treatment plan with choice of species should be prepared by the beneficiary States. Only when such areas are not available, the choice of compensatory afforestation will fall on protected, unprotected forests and unclassified forests in declining order of priority.

(f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation

with concerned Chief Conservator of Forests (C), Regional Offices of the MOEF.

Clarification: The provisions of the above guideline would be applicable only Central Sector projects and not on State Sector projects which are being undertaken by Central PSUs on turnkey basis. In such cases, Compensatory Afforestation on equivalent non-forest land/a certificate of Chief Secretary regarding non-availability of equivalent non-forest land anywhere in the State shall be insisted upon.

3.3 Elements of Schemes for Compensatory Afforestation. –

(i) The scheme for compensatory afforestation should contain the following details:-

(a) Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.

(b) Delineation of proposed area on suitable map.

(c) Agency responsible for afforestation.

(d) Details of work schedule proposed for compensatory afforestation.

(e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilised for raising afforestation.

(f) Details of proposed monitoring mechanism.

3.4 Lands identified for Compensatory Afforestation to be Transferred to the Forest Department. –

(i) Equivalent non-forest land identified for the purpose are to be transferred to the ownership of the State Forest Department and **declared as reserved/protected forests, so that the plantation raised can be maintained permanently.** The transfer must take prior to the commencement of the project.

(ii) The compensatory afforestation should clearly be an additional plantation activity and not a diversion of part of the annual plantation programme.

(iii) In each case where the afforestation target is over 500 hectares in plans, and 200 hectares in hill, a Monitoring Committee shall be established with a nominee of the Central Government to oversee that the stipulations, including those pertaining to compensatory plantation are carried out.

3.5 Special Fund. –

(i) The State / Union Territory Government should create a special fund to which the individual user agency will make its deposits for Compensatory Afforestation. The Forest Department, or any other technically competent agency which is assigned the job of compensatory afforestation should fully utilise this amount for implementation of the afforestation scheme approved by the Government of India, and keep separate and meticulous account thereof.

(ii) in order that a uniform procedure is followed by all departments, the Controller General of Accounts, Department of Expenditure, Ministry of Finance vide letter No. T-14018/14/90-Codes/485 dated 23.06.1992 has informed that the aforesaid deposit may be booked under the head "J-Reserve Fund(b) Funds not bearing interest – 8235 – General and Other Reserve Funds – 200 – Other Funds – Special Fund for Compensatory Afforestation".

Clarification : The Supreme Court has passed orders on 30-10-2002 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995, regarding creation of a body for management of compensatory afforestation fund. Annexure – II B may be referred to. In compliance with the orders, creation of body namely, "Compensatory Afforestation Management & Planning Agency (CAMPA)" is under consideration. As son as this body comes into existence, all the funds received by the State/Union Territory Governments towards Compensatory Afforestation, Additional Compensatory Afforestation, Penal Compensatory Afforestation, Net Present Value of forest land, Catchment Area Treatment Plan Funds, Wildlife Management Plan etc. for the conditions stipulated by the Central Governments, shall be transferred to the CAPA. Further Compensatory Afforestation Funds which have not yet been realised as well as the unspent funds already realised by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies.

Further, Supreme Court in its order dated 1.8.2003 in I.A. No. 826 & 859 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995 reiterated that no approval shall be granted without imposing the condition indicated in this Court's order dated 30.10.2002 relating to the payment of **net present value** of the forest land. Annexure – II C may be referred to.

Note: Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been notified in Official Gazette on 23rd April, 2004 (Refer Appendix).

(iii) Guidelines for collection of Net Present Value (NPV) of forest land in compliance to the orders of the Supreme Court have been issued vide letter No. 5-1/98-FC (Pt-II) dated 18-9-2003 & 22-9-2003 (Appendix). In this regard, a clarification has also been issued by the Ministry of Environment and Forests vide letter No. 5-1/98-FC (Pt.II) dated 25.5.2004 (Appendix).

CHAPTER 4

Some Clarification

4.1 Delegation of Powers. –

(i) All proposals involving diversion /de-reservation of forest land upto 40 hectares, and proposals for clearing of naturally grown trees in forest area or portion thereof shall be sent by the concerned State/Union Territory Government to the concerned Regional Office of MOEF.

(ii) Chief Conservator of Forests of the concerned Regional Office shall be competent to finally dispose of all proposals (including decision regarding violation of Act) involving diversion/de-reservation for forest land upto 5 hectare, except in mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area or portion thereof for reforestation shall also be finally disposed of by the Chief Conservator of Forests of the concerned Regional Office, subject to guidelines/instructions issued in this regard (refer to para 1.8) and any other instructions issued from time to time.

(iii) In the absence of Chief Conservator of Forests, these powers shall be exercised by the concerned Conservator of Forests of the Regional Office in case the post of chief Conservator of Forests, these powers shall be exercised by Conservator of Forests of the Regional Office in Chandigarh).

(iv) A list of cases finally disposed of and a list of cases rejected alongwith reasons thereof for rejection would be required to be sent every month to the MOEF by the Regional Office.

(v) (a) In respect of proposals involving diversion of forest area above 5 hectares and upto 40 hectares and all proposals for regularisation of of encroachments and mining upto 40 hectares, the proposals shall be examined by the Regional Chief Conservator of Forests/Conservator of Forests in consultation with an Advisory Group consisting of representative of the State Government from Revenue Department, Forest Department, Planning and /or Finance Department and concerned Department whose proposal is being examined. The views of the Advisory Group shall be recorded by the Regional Chief Conservator of Forests and alongwith the same, the proposal shall be sent to Secretary, MOEF for consideration and final decision. It is to be clarified that views of this Advisory Group in no way shall be binding while deciding the proposal. The meeting of the Advisory Group may be held at the State Capital. The proposal will not be deferred for want of quorum.

(b) The meeting of the State Advisory Group (SAG) will normally be held once in a month at concerned State Capital. The Regional Chief Conservator of Forests shall act as Chairman of the Advisory Group and Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.

(c) State Government may take immediate steps to nominate representatives of the State Government not below the rank of Joint Secretary for the Advisory Group. Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.

(d) The details of the officers alongwith addressed, telephone number, etc. may be directly communicated to the concerned Regional Chief Conservator of Forests under intimation to this Ministry to facilitate early processing of the proposals by the Advisory Group.

4.2 Two Stage Clearance of Proposals. –

(i) Forestry 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 a 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.

(ii) However in cases where compliance of conditions stipulated in the in-principle is awaited for more than 5 (five) years from the State Governments, the in-principle approvals would summarily be revoked. After the revocation of the in-principle approval if the State Government/user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered de-novo.

(iii) Sometimes the proposals for renewal of mining leases are accorded in-principle approval/temporary working permission subject to compliance of certain conditions. It has come to the notice of the Ministry that many a times the user agency approaches the Courts against the very conditions on which the proposals are accorded in-principle approval. Ideally the user agency should sort out any grievance in respect of any stipulated condition with the Central Government/State Government. **Therefore, it has been decided that in cases where the user agency decides to approach the Courts for redress, the in-principle approval and temporary working permission shall stand revoked/in abeyance unless the Court cases are withdrawn and conditions complied with or till the cases are decided by the Courts.**

(iv) Approval proposals shall not normally be reopened for review of the conditions, which have been stipulated earlier.

4.3 Anticipatory Action by the State/Union Territory Governments – Penal Compensatory Afforestation. –

(i) Cases have come to the notice of the Central Government in which permission for diversion of forest land was accorded by the concerned State Government in anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act which clearly provides for prior approval of the Central

Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation. However, penal compensatory afforestation would insisted upon by the MOEF on all such condonation.

(ii) The Penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area.

4.4 Projects Involving Forest as well as Non-forest Lands. –

Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may proved to infructuous if diversion of forest land involved is not approved. **It has, therefore, been decided that if a project invites forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.**

4.5 Diversion for Construction of Houses. –

(i) On a proposal for construction of houses, the late Prime Minister had observed: "Destruction of our forest has already caused great damage to our environment. Therefore, I am not at all in favour of use of forest land for construction of houses…….. The State Government should find other land for such purposes."

The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.

(ii) Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensary, community halls, cooperative, panchayats, tiny rural industrial sheds of the Government etc. which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed 1 (one) hectare in each case.

4.6 Extraction of Minor Minerals from the River Beds. –

(i) Extraction of minor minerals like boundaries, bajri, stone, shell, etc. from the river beds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife.

(ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.

(iii) Extraction of minor minerals shall be from the middle of the river bed after leaving one fourth of the river bed on each bank untouched.

4.7 Safety Zone for Mining Operations. –

(i) **Forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion. However, it should be indicated separately in the proposal.** Such area will have to be fenced at the cost of the project authority. Further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and half times of the safety zone area in degraded forest elsewhere.

(ii) Safety zone area calculation in the proposal should be done taking 7.5 metres strip of the forest land all along the outer boundary of the mining lease area. If it is a cluster proposal, then the outer boundaries of the cluster should be taken as the safety zone.

(iii) In order to safeguard public roads, forest roads, natural streams and nallahs located in mining lease areas, it is necessary that no mining activities should be carried out upto certain reasonable extent. This area can also be included in the safety zone calculation and provision for its fencing and regeneration should be made in the proposal.

4.8 Catchment Area Treatment Plan. –

(i) Proposals for diversion of forest land for **major and medium irrigation projects** shall invariably be accompanied by detailed catchment area treatment plan. However, in respect of minor irrigation project, catchment area treatment plan will not be insisted.

(ii) Proposals for diversion of forest land for Hydro-electric projects shall invariably be accompanied by detailed catchment area treatment plan. However, is respect of small hydel projects (**maximum upto 10 MW capacity**), which are either canal head or run-of the river projects without involving impounding of water/submergence of forest land, catchment area treatment plan will not be insisted.

4.9 Special arrangement in case of Large Projects. –

In case of large projects, depots for fuel wood should be set up by project authorities who will also arrange alternate fuel like coal, kerosene, biogas, LPG, electricity etc. The supply should be free of cost to the labourers and free or at subsidised rates to the other staff as may be determined by the project authorities.

4.10 Site Inspection. –

(i) The proposed forest area shall be inspected by a responsible Forest Officer of the State Government. If the area is very important from the forest angle, the territorial Conservator should himself inspect the area and give complete information relating to the forest and aspects of wildlife. The scientific names of important timber species should be given while describing composition of the forest crop. If the area is relatively less

important, the DFO could inspect the area. The could inspect the area. The Inspecting Officers should clearly record in the proforma if any violation is observed like tree felling, land breaking etc., in that area by the user agency. In any case the recommendations of the Chief Conservator of Forest should be categorical and specific and should be sent with photographs of inspected sites, highlighting the aspects of observed, especially when the area is large or is sensitive and fragile. However, every proposal upto 40 hectare must be accompanied by a site inspection report from the DFO and proposals involving area above 40 hectare should have a site inspection report of the Conservator of Forests. They should, apart from providing the information in the proforma, also attach a clear cut certificate as regards the violation of the Forest (Conservation) Act, 1980. In case, violation has taken place, a detailed report should be submitted by the DFO and countersigned by the Conservator of Forests alongwith the proposal.

(ii) **In respect of proposals involving diversion of forest land above 100 hectares, site inspection shall be carried out by the Regional Offices of the Ministry**. However, the State/Union Territory Government are required to continue to sent a copy of proposals involving diversion of forest land above 40 hectare to the concerned Regional Office as per existing practice. The site inspection report should be on the prescribed proforma, which is at Annexure – X and it should be specific on alternatives examined by the project authority, minimum requirement of forest land and self explanatory particularly with regard to overall impact of the project and also contain site specific mitigating measures, in case of recommending a project. The report should also contain photographs of the site indicating main points mentioned in the report.

(iii) However, site inspection of proposals involving diversion of forest land upto 100 hectares will be need based i.e. done by the Regional Officers as and when desired by the Forest Advisory Committee or Ministry. The Regional Office will, however, scrutinise the proposal (involving forest land between 40 to 100 hectares) and can sent their observation or any feedback particularly violation of the Forest (Conservation) Act, 1080 for further processing of the proposal.

(iv) In respect of proposals renewal of leases, the Regional Offices of the Ministry should submit a copy of the report of the latest monitoring done (one year before the expiry of lease period) alongwith the abstract of monitoring report of the project during the lease period specially highlighting the conditions which have not been fulfilled, with complete details of the reasons for not fulfilling. The conditions which have been complied with should also be highlighted with the quality of performance of the project authorities with short note on the desirability of renewal of lease and other recommendations.

4.11 Complete Details. –

While forwarding the proposal to the Central Government, complete details in all aspects of the case should be given. Incomplete and deficient proposal will not be considered and will be returned to the State Government in original.

4.12 Specific Time Limits. –

(i) To ensure speedy disposal of proposal of proposals, specific time limits to be laid down for disposal of references at various levels. Efforts should be made to dispose of each reference at the State Governments level within a maximum period of 90/60 days as per the Forest (Conservation) Rules, 2003. Specific instructions may be issued in this regard to officers at all level.

(ii) Cases which are complete in all respects shall be disposed of within 60 days by the Central Government.

4.13 Quarterly Progress Report (QPR). –

All Monitoring Cell has been created in the Ministry of Environment & Forests, which shall be looked after by Director (FC) and an Assistant Inspector General of Forests. In all cases, the States/Union Territories will submit quarterly progress reports to the Director (FC) regarding the implementation of the stipulations laid down by the Government of India while approving the project especially in respect of compensatory afforestation and future clearance of project of the States and Union Territories concerned will depend upon the fulfilment of stipulations and the achievements in compensatory afforestation. Monitoring Cell will also monitor the time taken by the authorities in processing the case at different levels of the State Government as well as Central Government.

Alongwith quarterly progress report, a statement in tabular form as given below should also be submitted which will give status of the total number of proposals in the State:

(a) Name of State
(b) Total no. of proposals submitted since 1980
(c) No. of proposals finally approved
(d) No. of proposals given Stage I approval
(e) No. of proposals rejected
(f) No. of proposals withdrawn by State Govt.
(g) No. of proposals closed for want of information
(h) No. of proposals pending with Central Govt.
(i) No. of proposals pending with State Govt. for want of information
(j) Remarks

4.14 Rejection / Reopening of Cases. –

(i) In cases where the State Government is requested to furnish electrifications or additional information relating to a proposal, all particulars should be made available to the Central Government within 60 days. If such particulars are not received within a maximum of 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential

information. Such cases could be reopened provided the following conditions are satisfied:

(a) all the required information has been made available
(b) delay in providing the information is satisfactorily explained, and
(c) there is no change in the proposal in terms of scope, purpose and other important aspects.

4.15 Nodal Office. –

(i) Separate cells for dealing with diversion of forest land cases should be opened at the State Government level and the PCCF Office level. A whole-time senior officer not below the rank of Conservator of Forests should head the cell, who should be designated as the Nodal Officer.

(ii) The Nodal Officer should receive cases from the user agencies and entertain all correspondence from them. He should scrutinise and process the case and after obtaining views/certificate of the Chief Conservator of Forests, should put up the case to State Government. Besides office staff, the Nodal Officer should also be given sufficient field staff to facilitate timely processing. The State Government while forwarding cases to the Central Government may endorse copies to the Conservator of Forests and the Nodal Officer. The Central Government may also, while corresponding with the State Government, send copies to the Nodal Officer. The Nodal Officer should also obtain all additional information required by the Central Government about the proposals from the concerned authorities directly and endorse a copy directly to the Central Government.

(iii) While approving a proposal, the Government of India stipulates certain conditions to reduce the environmental damage on account of forest loss. The conditions must be enforced. Their non-compliance should be reported by the Nodal Officer to Regional Office who should inspect the site from time to time.

(iv) In case of opencast mining, it should be the responsibility of the Nodal Officer and his staff to ensure that all necessary inputs like creation of nursery, storage of top soil for reuse and methodology for its reforestation, choice of species, etc. are so planned and implemented that the mined area is fully afforested by the time mining operations are completed.

(v) The Nodal Officer should monitor the implementation of the conditions of compensatory afforestation and the survival ratio of the seedlings planted.

(vi) The Nodal Officer may also report compliance of State-I conditions after getting it vetted by the State Government it is called for mainly dealing with land and fund matters.

(vi) The Nodal Officer may also inform violation/non-compliance of stipulations /conditions prescribed by the Central Govt. so that remedial actions could be taken up early since it is likely to further delayed after

these violations/non-compliance are to be received only from the State Govt. level. In case of gross violations, for which delay/time lag is crucial, such reports from territorial CCF/Conservator of Forests shall also be entertained by Government of India.

(viii) The Nodal Officer shall submit a monthly report on all the complete applications received by the State Government and their status of processing in the State. The report shall be sent to the Regional Office concerned and the Assistant Inspector General of Forests (FC) / Director in charge of the monitoring cell.

4.16 Lease period for mining lease. –

(i) The approval under the Forest (Conservation) Act, 1980 for diversion of Forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to the granted under MMDR Act, 1957 or Rules framed thereunder, but not exceeding 30 years. While recommending cases for approval under the FC Act, the user agency/State Government shall indicate the period for which the mining lease is proposed to be granted/renewed under MMDR Act or Rules framed thereunder. However, in the event of non compliance of stipulations to the satisfaction of the MOEF, the clearance accorded may be summarily withdrawn.

(ii) The conditions stipulated wile giving approval under the Forest (Conservation) Act, 1980 for diversion/renewal of forest land for mining purposes shall be renewed / monitored every five years. It is found that the lessee has violated for is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be **revoked**. Concerned Conservator of Forests (C), Regional Offices of the Ministry will issue a certificate fulfilment of these conditions after carrying out the monitoring. These guidelines shall be applicable retrospectively for all the mining leases which have more than five years of lease period left.

(iii) The Regional Office will monitor the main parameters/conditions of formal approval as frequently as possible at least once in a year. At least once in five years a comprehensive monitoring as to the effect of monitoring on air and water pollution will also be carried out. Regional Offices should send such reports/certificates tin respect of the monitoring mechanism indicated above to this Ministry, so that a view can be taken on continuation of mining lease beyond five years.

4.17 Renewal of Mining Lease – Temporary Working Permission. –

If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency, to the State Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of he existing lease period; in such cases, the Central

Government on an application from the user agency, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal.

4.18 **In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission alongwith in-principle approval, for already broken up areas so as to enable the State Government to comply with the conditions**. This period can be extended by one more year subject to submission of reasonable progress report form the State Government as regards to the steps taken to comply with the stipulated conditions.

CHAPTER 5

Conditions stipulated in Forestry Clearances

Whenever clearances are accorded for diversion/de-reservation of forest land under the provisions of the Forest (Conservation) Act, 1980, certain conditions to minimise impact on forest land are imposed by the Ministry. These conditions comprise of general conditions, which are stipulated in almost all the proposals; standard conditions, which are stipulated on types/category of projects and specific conditions, which are stipulated keeping in view the impact of the project on forest. However, the list of conditions given below is illustrative and the Central Government or the State Government may impose any other additional conditions in the interest of conservation, protection or development of forests, wildlife and environment.

5.1 General Conditions. –

(i) Legal status of forest land to remain unchanged.
(ii) Compensatory afforestation as per guidelines.
(iii) Transfer and mutation of non-forest land in favour of Forest Department, if applicable.
(iv) Notification of such land as RF/PF under the India Forest Act, 1927.
(v) User agency to provide fuelwood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage & pressure on adjacent forest areas.
(vi) The forest land shall not be used for any purpose other than that specified in the proposal.
(vii) Demarcation of lease area to be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward & back bearings and distance from pillar to pillar.
(viii) Rehabilitation of Project affected families, if any.
(ix) Environmental clearance if required.

5.2 Standard Conditions. –

(i) **Mining Proposals**:
  (a) Phased reclamation of mined area.
  (b) Safety zone area, its afforestation and fencing.
  (c) Afforestation on one and half times degraded forest land in lieu of the area used for safety zone.
  (d) In case of underground mines, areas on surface to be fenced and afforested.

(ii) **Hydel and irrigation proposals**:
  (a) Catchment Area Treatment Plan for medium and major projects.
  (b) Minimum requirement of forest land for canals.
  (c) Afforestation along the reservoir & canals.
  (d) No tree felling between FRL (Full Reservoir Level) and FRL–4 meters.
  (e) Free water for forestry related projects.

(iii) **Road Proposals**:

(a) Minimum trees to be felled.

(b) Strip plantation on sides and central verge.

(iv) **Transmission line proposals**:

(a) Minimum trees to be felled.

(b) Plantation of dwarf species (preferably medicinal plants0 in right of way under the transmission lines.

5.3 Specific conditions. –

These conditions are specific to the nature of the project and are stipulated on case to case basis by the Central Government/State Government.

ANNEXURES

ANNEXURE – I

SUPREME COURT ORDERS

"……. The term "forest land" occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how is has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forest so understood irrespective of the ownership or classification thereof……"

(Supreme Court orders dated 12.12.1996 in WP No. 202/1995)

Annexure – IIA

SUPREME COURT ORDERS IN RESPECT OF PROTECTED AREAS

1. "……. In the meantime, we restrain respondents No. 2 to 32 from ordering the removal of dead, diseased, dying or wing-fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary……."
   (Supreme Court orders dated 14.02.2000 and 21.02.2000 in I.A. No. 548 in WP No. 202/1995)

2. "……. Pending further orders, no de-reservation of forests/sanctuaries /national parks shall be effected."

   Note: This order was re-iterated by the Supreme Court on 9.2.2004 in IA No. 16.

3. "……. In the meantime, no permission under Section 29 of the Wildlife (Protection) Act, 1972 should be granted without getting approval of the Standing Committee of Indian Board for Wildlife……."
   (Supreme Court orders dated 09.05.2002 in I.A. No. 18 in WP No. 337/1995)

ANNEXURE – II B

SUPREME COURT ORDERS DATED 30.10.2002 IN RESPECT OF COMPENSATORY AFFORESTATION FUND IN I.A. No. 566 IN WP(C) No. 202/1995.

1. "The Union of India shall ..... frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the Central Empowered Committee....."

2. Compensatory Afforestation Funds which have not yet been realised as the unspent funds already realized by the States shall be transferred to the said body within 6 months of its constitution by the respective States and the user-agencies.

3. In addition to above, while according transfer under Forest (Conservation) Act, 1980 for change in user-agency from all non-forest purposes, the user-agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs. 5.80 lakh per hectare to Rs. 9.20 lakh per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment and Forests in consultation with Central Empowered Committee as and when necessary.

4. A 'Compensatory Afforestation Fund' shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the Ministry of Environment and Forests with the concurrence of Central Empowered Committee.....

5. The fund received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e. area notified under Section 18, 26A or 35 of the Wildlife (Protection) Act, 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc. shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective States/Union Territories.

6. The amount received on account of compensatory afforestation but not spent or any balance amount lying with the States/Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this Fund.

7. Besides artificial regeneration (plantations), the fund shall also be utilised for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site specific plans should be prepared and implemented in a time bound manner.

8. The user agencies especially the large public sector undertaking such as Power Grid Corporation, NTPC, etc. which frequently require forest land for their

projects should also be involved in undertaking compensatory afforestation by establishing Special Purpose Vehicle. Whereas the private sector user agencies may be involved in monitoring and most importantly, in protection of Compensatory Afforestation. Necessary procedure for this purpose would be laid down by the Ministry of Environment and Forests with the concurrence of the Central Empowered Committee.

9. Plantations must use local indigenous species since exotics have long term negative impacts on the environment.

10. An independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds.

ANNEXURE – II C

Supreme Court's Order dated 1.8.2003 in I.A. No. 826 & 859 in I.A. No. 566 in Write Petition (Civil) No. 202 of 1995 in the matter of compensatory afforestation found regarding collection of Net Present Value (NPV)

"..... In the meantime, no approval shall be granted without imposing the condition indicated in this Court's order dated 30.10.2002 relating to the payment of net present value of the forest land."

ANNEXURE – III

LAW DEPARTMENT'S ADVICE IN REGARD TO MINING LEASES

(i) In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest (Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Government under Section 2 of the said Act is not required.

(ii) A renewal of a lease is really the grant of a fresh lease. [See Delhi Development Authority Vs. Dura Kausish, AIR 1973 Scheduled Caste 2609]. The prior approval of the Central Government is terms of Section 2 of the Forest (Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.

(iii) As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (Supra), prior approval of the Central Government in terms of Section 2 of the Forest (Conservation) Act, 1980 would to be required for mining and winning any new

mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Government under Section 2 of the said Act would be required.

ANNEXURE –IV

REGULARISATION OF ENCROACHMENT ON FOREST LAND

1. Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of State had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more that half of it for agriculture. The decisions of the State Government to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2. The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers Conference and the committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

   2.1 All the cases of subsisting encroachments where the State Government stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposal invariably conform to the criteria given below:

      1. **Pre-1980 encroachments where the State Government had taken a decision before enactment of the Forest (Conservation), 1980, to regularize 'ELIGIBLE' category of encroachments.**

         1.1 Such cases are those where the State Governments had evolved certain eligible criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Department for this work and complete it as a time-bound programme.

1.3 In case where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

1.5 Encroachments proposed to be regularised must have taken place before 25.10.1980. This must ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.

1.6 Encroachments must subsist on the field and the encroached land must be under continuous possession of the encroachers.

1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.

1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/relocated near the outer boundaries of the forests.

1.9 The outer boundaries of the areas to be de-notified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.

1.10 All the cases purposed to be regularised under this category should be covered in one proposal and it should give district-wise details.

1.11 All cases of proposed regularisation of encroachments should be accompanied by a proposal for compensatory afforestation as per existing guidelines.

1.12 No agricultural practices should be allowed on certain specified slopes.

2. 'INELIGIBLE' category of pre-1980 encroachments where the State Governments had taken a decision prior to the enactment of the Forest (Conservation) act, 1980.

2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularised.

3. Encroachments that took place after 24.10.1980.

3.1 In no case encroachments which have taken place after 24.1.10980 should be regularised. Immediate action should be taken to evict the encroachers. The State/Union Territory Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. 6-21/89-FP dated 1.6.90, but such benefits should not extend to fresh encroachers.

CLARIFICATIONS. –

1. A reference is invited to the guidelines issued by this Ministry for regularisation of certain of cases of forest encroachments reproduced above. The relevant paragraph 1.1 of the guidelines, which clarified the cases of encroachments, which subject to specified conditions, would for regularisation, is reproduced below:

   "Such cases are those where the State Government had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act on 25.10.1980.

2. Doubts have been raised as to whether all encroachments that had taken place upto 25.10.1980 could be regularised in accordance with an eligibility formula by which some earlier encroachments were regularised.

3. A perusal of the paragraph reproduce above will make it clear that there are 2 pre3-conditions for any encroachments to be considered to regularisation. These are:-

   (a) The State Government should have taken the decision on regularisation of encroachments before 25.10.1980; and

   (b) That the decision should be with reference to some eligibility criteria (normally expected to be related to social and economic status of encroachers, location and extend of encroachment, cut off date of encroachment etc.)

4. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per decision taken before 25.10.1980 regularisation of encroachments. The objective is limited to permitting implementation of decisions taken before 25.10.1980 which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is therefore quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation – they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before

25.10.1980. Thus, if the decision on regularisation of encroachments in a State covered only encroachments upto a date earlier than 25.10.1980, the guidelines on regularisation of encroachments do not envisage that the State Government would now survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments though occurring before 25.10.1980 are not covered by any regularisation decision taken prior to that date and hence cannot be considered for regularisation at this juncture.

5. Accordingly, the State Governments may take up for implementation only such decision of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No encroachments not covered by any pre 25.10.1980 decisions – even though they might have occurred prior to that – should now be considered for regularisation in terms of our guidelines.

ANNEXURE – IV – A

INFORMATION FOR PROPOSAL FOR REGULARISATION OF ENCROACHMENTS

Sl. No	Division	District	Total encroachers		Eligible encroacher		Area with ineligible encroachers	Excess area with eligible encroachers	Area to be retrieved from encroachers (8+9)
			No.	Area	No.	Area			
1	2	3	4	5	6	7	8	9	10

Community of eligible encroachers				Legal status of forest land			Eligible encroachers in W.L.S./ NP		Eligible encroachers in midst of forest		Eligible encroachers to be relocated to fringes of forest or in excess forest land recovered from encroachers	
SC	ST	OBC	OTH	RF	PF	OTH	No.	Area	No.	Area	No. (18+20)	Area (19+21)
11	12	13	14	15	16	17	18	19	20	21	22	23

ANNEXURE – IV – B

Review of disputed claims over forest land, arising out of forest settlement. –

1. It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/or their rights were not enquired and /or commuted before notifying these lands as forest under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing wide-spread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding deputed claims over forest land was got critically examined by this Ministry through an inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising jeopardizing protection of forests and forest land. Keeping view the recommendations of the said Committee and with due approval of the competent authority, the following course of action is suggested fro amicably resolving disputed claims on forest land:

   2.1 The State/Union Territory Administration should review the cases of disputed claims over forest land and identify the following categories of claims:

      (a) Claims in respect of forest areas notified as deemed Reserved Forests without observing the due process of settlement as provided in Forest Acts provided that these pertain to:

         (i) tribal area; or affect a wide cross section of rural poor in non-tribal area; and

         (ii) the claimants are in possession of the 'disputed land'.

      (b) Claims in tribal areas wherever there is prima facie evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:

         (i) Such forest settlement pertains to a period after 1947; and

         (ii) The claimants are in possession of the 'disputed land'.

      (c) Claims in tribal areas wherever the process of settlement is over but notification under Section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued,

particularly where considerable delay has occurred in the issue of final notification under Section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/Union Territory Administration should get thee enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

(i) In case of category 2.1 (a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and

(ii) In case of categories 2.1 (b) and 2.1 (c) the claimant was in possession of the disputed land when the notification showing Government intention to declare reserved forest was issued under Section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafide of the claims are established through proper enquiry, the State/Union Territory Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

(i) As far as possible, restoration of claims should not be result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.

(ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/Union Territory Administration has decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provisions of the Forest (Conservation) act, 1980, alongwith proposals for compensatory afforestation.

ANNEXURE – IV

Disputes regarding pattas/leases/grants involving forest land – settlement thereof

1. An inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest interface has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentious issues between different departments of the State/Union Territory Govt. Such pattas/lease/grants are said to have been issued under the proper authority and orders of the respective State/Union Territory Governments and the land in question continues in the possession of the allottees or under their authorised sue but its status is under dispute between different departments. Some of such cases are listed below for illustration.

   1.1 Protected forests in Madhya Pradesh, terms as **"Orange Areas"** which according to the State Government decision were to be transferred to Revenue Department after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Department which should have preceded allotment of pattas, was not effected.

   2.1 'Dali' lands in Maharashtra which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make sue of these lands for various purposes as per original terms and conditions and some times, in accordance with the decision of the village community wherever such leases are for collective sue of the community as a whole. But the formal status of these 'Dali' lands is not clear.

   1.3 Cases in which land was assigned by the Revenue Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.

   1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the leases continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.

2. An ambiguity about the status of land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter-Ministerial Committee, it ahs been decided that inter-departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard.

   2.1 All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident be reviewed by the State/Union Territory Government. Such review should enable the State/Union Territory Government to identify those cases in which the pattas/leases/grants were

awarded under proper authority. The assignees continue to be in possession of the land and the terms of the pattas/leases/grant is yet to expire.

2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the leases provided they are in physical possession of the land, and term of the pattas/lease/grant has not yet expired. These cases should be examined by district level committees consisting of DFO, SDO, Revenue Department and representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable order of the State/Union Territory Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.

2.3 Lease of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/Union Territory Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/Union Territory Government's desire to continue the leases proposals, should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.

2 (a) In cases where Forest (Conservation) Act, 1980, is attracted, proposals for de-notification of forest land should be accompanied by proposals for compensatory afforestation.

ANNEXURE – IV – D

Conversion of forest villages into revenue villages and settlement of other old habitations.

1. Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the State converted forest villages into revenue villages well before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other type of habitations e.g. unauthorised houses/homesteads, dwellings tribals who have been living in them in virtually pre-agrarian life styles, are suspected to exist in forest lands even though these may not have been recognised as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the State/Union Territory Governments that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an Inter-Ministerial Committee, set up by this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villages have lived in harmony with their surrounding forests and the concept of forest villages prove an effective arrangement for sustained supply of man-power, yet it would not be appropriate to deny them legitimate right over such lands which were allotted to them daces ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands.

   3.1 **Forest Villages.** –

   Forest villages may be converted into revenue villages after de-notifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

   (i) the villages are conferred heritable but inalienable rights;

   (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

3.2 **Other habitations.** –

(a) Habitations other than Forest Villages may be grouped into the following categories:

(i) Cases where dwelling belong to persons who have encroached on forest land for cultivation.

(ii) Dwellings of other persons who have been living therein sine part without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.

(b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:-

(i) In case of category (a)(i) above, wherever encroachments for agriculture cultivation are regularised, the house sites and homesteads, too, may be regularised either in-situ or as near to the agricultural field as possible subject to certain safe-guards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.

(ii) In case of category (a)(ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.

(iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.

(iv) All other unauthorised habitations must be evicted.

(v) Wherever provisions of Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/Union Territory Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.

WILDLIFE (PROTECTION) ACT, 1972

THE WILDLIFE (PROTECTION) ACT, 1972

(No. 53 of 1972)

(9th September, 1972)

An Act to provide for the protection of [Wild animals, birds and plants][1] and for matters connected therewith or ancillary or incidental thereto.

[2] [***]

CHAPTER 1

Preliminary

1. Short title, extent, and commencement, - (1) This Act may be called the Wildlife (Protection) Act, 1972.

[3][(2) It extends to the whole of India, except the State of Jammu and Kashmir.*]

[4](3) It shall come into force in a State or Union Territory to which it extends, on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provision of this Act or for different States or Union Territories.

2. Definitions - In this Act, unless the context otherwise requires, -

(1) "animal" includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases of birds and reptiles, their eggs,

[5](2) "animal article" means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal [has been used and ivory imported into India and an article made therefrom].

[6](3) [Omitted 1991.1

(4) "Board means the Wildlife Advisory Board constituted under subsection (1) of Sec. 6;

(5) "captive animal" means any animal, specified in Schedule 1, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

[7](6) [Omitted 1991.1

(7) "Chief Wildlife Warden" means the person appointed as such under C1. (a) of sub-section (1) of Sec.4;

[8][(7A) "Circus" means an establishment, whether stationary or mobile where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvers;]

(8) "closed area" means the area which is declared under sub-section (1) of Sec.37 to be closed to hunting;

(9) "Collector" means the Chief Officer in charge of the revenue administration of a district;

(10) "commencement of this Act", in relation to –

(a) a State, means commencement of this Act in that State.

(b) any provision of this Act, means commencement of that provision in the concerned State;

(11) "dealer" means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncurled trophy, [[9]meat or specified plant];

(12) "Director" means the person appointed as Director of Wildlife Preservation under Cl (a). of sub-section (1) of Sec. 3;

[(12A) "Forest Officer" means the Forest Officer appointed under clause (2) of Sec.2 of the Indian Forest Act, 1927 ([10]16 of 1927);]

(13) [Omitted 1991. [11]]

(14) "Government property" means property, referred to in sec.39; [or sec. 17H[12]]

(15) "habitat" includes land, water, or vegetation which is the natural home of any wild animal;

(16) "hunting", with its grammatical variations and cognate expressions, includes,

(a) capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so,

(b) driving any wild animal for any of purposes specified in sub clause

(c) injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

7) "land" includes canals, creeks, and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, [marshes and wetlands and also includes boulders and rocks; [13]]

(18) "licence" means a licence granted under this Act;

[14][(18A) "Live-stock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yak and also includes their young;*]

(19) "manufacturer" means a manufacturer of animal articles;

(20) "meat" includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal other than vermin;

(21) "National Park" means an area declared, whether under sec.35. or sec.38 or deemed, under sub-section (3) of sec.66. to be declared, as a National Park

(22) "notification" means a notification published in the official Gazette;

(23) "permit" means a permit granted under this Act or any rule made thereunder;

(24) "Person" includes a firm;

(25) "prescribed" means prescribed by rules made under this Act;

[15][(25A)"recognised zoo" means a zoo recognised under section 38H;

(25B) "reserve forest" means the forest declared to be reserved by the State Government under sec.20. of the Indian Forest Act, 1927 (16 of 1927);*]

(26)[16] "sanctuary" means an area declared, whether under sec. [26(A)[5]] or sec 38, or deemed, under sub section (3) of Sec.66 to be declared, as a wildlife sanctuary;

[17][(27) "specified plant "means any plant specified in Schedule VI;*]

(28) "special game" means any animal specified in Sec.II;

(29) "State Government", in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under Art 239 of the Constitutions ;

(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;

[(30A) "territorial waters" shall have the same meaning as in Sec.3. of Territorial waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976); [18]]

(31) "trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes,

(a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and

(b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests;

(32) "uncured trophy" means the whole or any part of any captive animal, other than vermin, which has not undergone a process of taxidermy, and includes a [freshly killed wild animal ambergris, musk and other animal products];

(33) vehicle" means any conveyance used for movement on land, water or air, and includes buffalo, bull, bullock, camel, donkey, elephant, house, and mule;

(34) "vermin" means any wild animal specified in Sch.V;

(35) "weapon" includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares, traps, and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;

(36) "wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule, IV or Schedule V, wherever found;

(37) "wildlife" includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat;

(38) "Wildlife Warden" means the person appointed as such under C1. (b) of sub-section (1) of Sec.4;

[(39) "zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licenced dealer in captive animals. [19]]

The Act has been made applicable in various States and Union Territories as under:

1. Andaman and Nicobar, w.e.f. Ist July 1973, vide G.S.R.332 (E), dated Ist July, 1973.
2. Andhra Pradesh, w.e.f. Ist July 1973, vide G.S.R.371 (E), dated Ist August, 1973.
3. Arunachal Pradesh, w.e.f. 15th May 1973.

4. Assam, w.e.f. 25th January 1977, vide G.S.R.33 (E), dated 25th January, 1977.
5. Bihar, w.e.f. Ist February 1973, vide G.S.R.40 (E), dated Ist February, 1973.
6. Dadra and Nagar Haveli, w.e.f. Ist September 1973, vide G.S.R.441(E), dated Ist September, 1973.
7. Delhi, w.e.f. Ist June 1973,
8. Gao Daman and Diu, w.e.f. 16 July 1973, vide G.S.R.629 (E), dated 16th July, 1973.
9. Gujarat, w.e.f. Ist February 1973, vide G.S.R.62 (E), dated Ist February, 1973.
10. Haryana, w.e.f. 12th March July 1973, vide G.S.R.63 (E), dated 12 March, 1973.
11. Himachal Pradesh, w.e.f. 2nd April ly 1973, vide G.S.R.190 (E), dated 2nd April, 1973.
12. Kerala, w.e.f. Ist June 1973, vide G.S.R.293 (E), dated Ist June, 1973.
13. Lakshdweep, w.e.f. Ist November 1973, vide G.S.R.481(E), dated Ist November, 1973.
14. Madhya Pradesh, w.e.f. 25 January 1973, vide G.S.R.28 (E), dated 25 January, 1973.
15. Maharashtra, w.e.f. Ist June 1973, vide G.S.R.296 (E), dated Ist June, 1973.
16. Manipur, w.e.f. 15th May 1973, vide G.S.R.269 (E), dated 15th May, 1973.
17. Meghalaya, w.e.f. Ist April 1977
18. Mizoram, w.e.f. Ist October 1974, vide G.S.R.407 (E), dated Ist October, 1974.
19. Mysore, w.e.f. Ist July 1973, vide G.S.R.355 (E), dated Ist July, 1973.
20. Nagaland, w.e.f. 18th December 1981, vide G.S.R.668 (E), dated 18thDecember
21. Orissa, w.e.f. 14th August 1974, vide G.S.R.364 (E), dated 14th August, 1974.
22. Punjab, w.e.f. Ist April 1975.
23. Rajasthan, w.e.f. Ist September 1973, vide G.S.R.410 (E), dated Ist September, 1973.
24. Sikkim, w.e.f. Ist May 1976, vide G.S.R.311 (E), dated Ist May, 1976.
25. Tamil Nadu, w.e.f. Ist January, 1974.
26. Tripura, w.e.f. 2nd October 1973, vide GS.R.465 (E), dated 2nd October, 1973.
27. Union Territory of Chandigarh, w.e.f. 2nd December 1974, vide G.S.R.674 (E), dated 2nd December, 1974.
28. Union Territory of Pondicherry, w.e.f. Ist March 1975, vide G.S.R.62 (E), dated Ist March, 1975
29. Uttar Pradesh, w.e.f. Ist February 1973.
30. West Bengal, w.e.f. Ist May 1973, vide G.S.R.224 (E), dated Ist May, 1973.

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[1] Substituted by Act 44 of 1991, sec. 2(w.e.f. 2.10.1991)

[2] Preamble omitted by Act 44 of 1991, sec. 3.

[3] Sec. 1(2) It extends, in the first instance, , to the whole of the State of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh, and West Berigal, and to all the Union Territories, and it shall also extend to such other State as may adopt this Act by 44 of 1991, sec 4.

[4] (3) "or may become extended in future", after "to which it extends" omitted by Act 44 of 1991, sec 4

[5] Sec. 2(2) "and Ivory imported into India and an article made therefrom;" appended by Act. 44 of 1991, sec 5.

[6] Sec. 2 (3) "big game" means any animal specified in Schedule III;" omitted by Act 44 of 1991, sec 5.

[7] Sec. 2 (6) "Cattle" includes buffaloes, bulls, bullocks, camels cows domestic, elephants, donkeys, goats, horses, mules, pigs and sheep, and also includes their young," omitted by Act 44 of 1991, sec 5.

[8] Sec.2 (7A) inserted by Act 44 of 1991, sec. 5.

[9] Sec.2 (11) "meat or specified plant, "appended by Act 44 of 1991, sec.5.

[10] Sec.2 (12A) "Inserted by Act 44 of 1991 sec. 5.

[11] Sec.2 (13) "game reserve" means an area declared under sec. 36 to be a game reserved;" omitted by Act 44 of 1991. sec. 5.

[12] Sec.2 (14) "or sec. 17H;" appended by Act 44 of 1991, sec.5.

[13] Sec.2 (17) "marshes and wetlands" inserted after "whether artificial of natural," by Act 44 of 1991, sec.5.

[14] Sec.2 (18A) "inserted by Act 44 of 1991 sec. 5.

[15] Sec.2 (25A) inserted by Act 44 of 1991 sec. 5.

[16] Sec. 2 (26) "26(A)" substituted after "whether under sec. " by Act 44 of 199 1, sec 5.

[17] Sec.2 (26A) inserted by Act 44 of 1991 sec. 5.

[18] Sec.2 (27) "small game" means any animal specified in sch. IV "substituted by Act 44 of 1991, sec.5. Sec 2 (30A) inserted by Act 44 of 199 1, sec 5.

[19] Sec.2 (39) inserted by Act 44 of 1991, sec 5.

CHAPTER II

Authorities to be appointed or constituted under this Act

3. Appointment of Director another officers.– (1) The Central Government may, for the purposes of this Act appoint

(a) a Director of Wildlife Preservation;

(b) Assistant Directors of Wildlife Preservation; and

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(3) The Assistant, Directors of Wildlife Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. Appointment of Chief Wildlife Warden and other officers – (1) The Rate Government may, for the purposes of this Act, appoint –

(a) a Chief Wildlife Warden; [***[1]]

(b) Wildlife Wardens;

[(bb) One Honorary Wildlife Ward in each district; and[2]]

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(3) [3] [The Wildlife Warden, the Honorary Wildlife Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Warden.

5. Power of delegate – (1) The Director may, with the previous approval of the Central Government, by order in writing delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wildlife Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under Cl.(a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, be specified in the order.

(3) Subject to any general or special, direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director or the Chief Wildlife Warden to exercise any, powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

6. Constitution of the Wildlife Advisory Board.– (1) The State Government, or, in the case of a Union Territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wildlife Advisory Board consisting of the following member, namely:

(a) the Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;

(b) two members of the State Legislature or, in the case of a Union Territory havinga Legislature, two members of the legislature of the Union Territory, as the case may be;

(c Secretary to the State Government, or the Government of the Union Territory, in charges of Forests;

[(d) The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio; [4]]

(e) an officer to be nominated by the Director;

(f) Chief Wildlife Warden, ex-officio;

[(g) Officers of the State Forest Government not exceeding five[5]];

(h) such other person, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of Wildlife, including the representatives of tribals not exceeding three.]

[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1). [6]]

(2) The State Government shall appoint [the forest Officer incharge of the Forest Department [7]] or Chief Wildlife Warden as the Secretary to the Board.

(3) The term of office of the members of the Board referred to in C1.(g) of sub-section (1) and the manner of filling the vacancies among them shall be such as may be prescribed. [8]

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribed.

7. Procedure to be followed by the Board. –(1) The Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board affecting the merits of the case.

8. Duties of the Wildlife Advisory Board. – It shall be the duty of the Wildlife Advisory Board to advise the State Government,–

(a) In the selection of areas to be declared as Sanctuaries, National Parks, and Closed Areas and the administration thereof ;

[[9](b) in formulation of the policy of protection and conservation of Wildlife and specified plants;]

(c) in any matter relating to any schedule;

(cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and [10]]

(d) in any matter that may be referred to it by the State Government.

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1 Sec.4(1)(a) "and "omitted by Act 44 of 1991, sec6.

2 Sec.4(1)(bb) "inserted by Act 44 of 1991, sec.6.

3 Sec.4(3) "the Honorary Wildlife Warden" after "The Wildlife Warden" substituted by Act 44 of 1991, Sec. 6

4 Sec.6(1)(d) "Chief Conservator of Forests, ex officio;" substituted by Act of 44 of 1991, sec.7.

5 Sec.6(1)(g) "such other officers and non-officials, not exceeding fifteen, who, in the opinion of the State Government, are interested in the protection of Wildlife, " substituted by Act 44 of 1991, sec.7. and original sub-section renumbered as 'h'.

6 Sec.6(IA) inserted by Act 44 of 199 1, sec.7.

7 Sec.6(2) "The State Government shall appoint the Chief Wildlife or the Chief Conservator of Forest as the Secretary to the Board, "substituted by Act 44 of 199 1, sec.7.

8 Sec.6 (3) "in CL(g)" should have been substituted by C1 (h)" under the amended verdict.

9 Sec. 8(b) "in the formulation of the policy in granting licences and permits under this Act;" substituted by Act 44 of 199 1, sec. 8.

10 Sec. 8(cc) inserted by Act of 199 1, see. 8.

CHAPTER III

Hunting of Wild Animals

[(9 Prohibition of Hunting. – No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under section 11 and section 12. [1]]

10. [[2] (Omitted 199)

11. Hunting of Wild animals to be permitted in certain cases.– (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV –

(a) the Chief Wildlife Warden may, if he is satisfied that any wild animal specified in Sch. 1 has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause animal to be hunted;

(b) the Chief Wildlife Warden or the authorised officer may, if he is satisfied that any wild animal specified in Sch. II Sch, III or Sch. IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes. - Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant [***[3]] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of, –

(a) education;

[[4](b) scientific research;

(bb) scientific management;

Explanation:- for the purposes of Cl. (bb), the expression, "scientific management" means

(i) translocation of any wild animal to an alternative suitable habitat; or

(ii) population management of wildlife, without killing or poisoning or destroying any wild animals].

[[5](c) Collection of specimens

(i) for recognised zoos subject to the permission under section 38-1 or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.]

[6][Provided that no such permit shall be granted:

(a) in respect of any wild animal specified in Sch.L except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government.]

[(13) "Suspension or cancellation of licence. - The Chief Wildlife Warden or the authorised officer may, subject to any general or special order of this State Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Chapter. (OMITTED 1991)

Provided that no such suspensions or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard".]

[[7](**14**) Omitted 1991]

[[8](**15**) Omitted 1991]

[[9](**16**) Omitted 1991]*

[[10](**17**) Omitted 1991]

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1 Sec.9. "Hunting of Wild animals"...

Sec.9(1)"No person shall hunt any wild animal specified in Sch. I" Substituted.

(2) "No person shall hunt any wild animal specified in Sch. II, Sch. III, or Sch. IV, except under, and in accordance with, the conditions specified in a licence granted under sub-section (5)." substituted.

(3) "Any person distilling to obtain a licence referred to in sub-section (2) shall apply, in such from and on payment of such fee, as may be prescribed, to the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf (hereinafter referred to as the aufluirised officer)."

(4) "An application under sub-section (3) may be made for all or any of the following kinds of licences, namely

(a) Special game hunting licence.

(b) Big game hunting licence.

(c) Small game hunting licence.

(d) Wild animal trapping licence.

Provided that any such licence may be restricted to be hunting or trapping of such animal as may be specified therein." omitted.

(5) "On receipt of an application under sub-section (3), the Chief Wildlife Wardenen or the authorised officer may,, after making such inquiry as he may think fit with regard to the fitness or other wise of the applicant to receive the licence, grant or refuse to grant such licence after recording in writing his reason for such grant of refusal; and when the grant of a licence is refiised, the fee paid therefor shall be refunded to the applicant. " omitted.

(6) "A Licence granted undefthis section shall

(a) be in such from as may be prescribed;

(b) be valid for such period as may be specified therein;

(c) be subject to such items, conditions, and restrictions as may be prescribed; (d) not be transferable.

Omitted by Act 44 of 1991, sec.9.

2 Sec. 10. Maintenance of records of wild animals killed or captured. –(1) The holder of every licence shall maintain a record, containing such particulars as may be prescribed, of the wild animals, other than vermin, killed or captured by him during the currency of the licence.

(2) When any animal specified in Sch. III is killed, wounded, or captured by the holder of a licence, he shall, not later than fifteen days from the date of such killing, wounding, or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wildlife Warden or the authorised officer, the prescribed particulars of such anima killed, wounded, or captured by him"..

(3) The holder of any licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (1) and the licence to the Chief Wildlife Warden or the authorised officer, and shall sign a declaration, in the prescribed form, certifying the accuracy of the records maintained by him under sub-section (a)."

omitted by Act of 199 1, sec. 10

3 Sec. 12. the words "with the previous permission of the State Government" omitted by Act 23 of 1982, sec.2.

4 Sec. 12(b) substituted by Act 23 of 1982, sec.2.

5 Sec. 12 (c) "collection of specimens for zoological gardens, museums, and similar institutions" substituted by ibid.

6 Proviso inserted by Act 23 of 1982, sec.2

7 Sec 14. Omitted by Act 44 of 199 1. Sec. 12

"Appeals. - (1) An appeal from an order refusing to grant a licence under sec.9, or an order suspending or cancelling a licence under sec. 13, shall lie

(a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or

(b) If the order is made by the Chief Wildlife Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden under sub-section (1), a second appeal shall lie to the State government

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against.

*Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time."

8 See 15 Omitted by Act 44 of 199 1. Sec. 12

"Hunting of young and female of wild animals. --No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet."

9 Sec 16. Omitted by Act 44 of 199 1. Sec. 12

Declaration of closed time.– (1) The State Government may, by notification, delcare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

(2) The provisons of sub-section (1) shall not apply to vermin unless otherwise specified by the State Government in this behalf [omitted 1991]

i* **Conviction, setting aside of.** –On 5th February, 1954, at abut 10 a.m. a rhinoceros was shot dead at village Hahpani. The petitioner along with a few others, who have since been acquitted or discharged, were sent up for trial under sec. 429 of the Indian Penal Code and Sec. 25 (g) of the Assam Forest Regulation. The charge under sec. 25 (g) of the Forest Regulation failed because the occurrence was found to have taken place outside the game sanctuary. The petitioner was, however, convicted by the learned Magistrate under sec.429 of the Indian Penal Code for having shot and killed the rhinoceros with a gun, and that conviction was upheld by the learned Sessions Judge on

appeal. 'Me only evidence against the petitioner was that of one prosecution witness, who saw the petitioner firing at the rhinoceros with a single - barreled nuzzle loading gun, and later the animal was found dead. The evidence of this witness had been believed by the two Courts below who has, therefore, convicted the petitioner. The argument for the defence was that in order for the conviction to be correct, the destruction of property should be established. Where, therefore, no one has any property or right in an animal, the killing of the animal does not come within that meaning of Sec. 425 of the Indian Penal Code. And thus the provision of Sec.429 of the Indian Penal Code will also not be attracted. The learned Sessions Judge appears to have overlooked the effect of Sec. 425 on the interpretation of Sec 429. It was submitted that at any rate an offence had been committed under sec.3 of the Wild Birds and Animals Protection Act, 1912 (8 of 1912), and therefore, the conviction of the petitioner should be altered to one under Sec.4 of the Act and an appropriate sentence imposed on him. But this cannot be done for the obvious reason that there is nothing to show in this case that there was any such notification by the Government declaring that the offence, if any, was committed in a closed season, as prohibited by the law, 'Mat being so, the conviction and sentence of the petitioner must be set aside. - Nabin Chandra Gogoi vs State of Assam, AIR 1961, pp. 18-19.

10 Sec. 17 Omitted by Act 44 of 199 1. Sec. 12

17. "Restrictions on hunting. -(I) No person shall

(a) hunt any wild animal, from or by means of, a wheeled or mechanically propelled vehicle on water or land, or by aircraft;

(b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;

(c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisonous, poisoned weapons, snares or traps, except insofar as they relate to the capture or wild animals under a Wild Animal Trapping Licence;

(d) hunt any special game or big game other than with a rifle unless specially authorised by the licence to hunt with a shot gun using single-slug bullets;

(e) for the purpose of hunting, set fire to any vegetation;

(f) use any artificial light for the purpose of hunting except when specially authorised to do so under licence in the case of carnivora over a kill;

(h) hunt any wild animal on a salt-lick or waterwheel or other drinking place or on path or approach to the game, except sandgrouse and waterbirds;

(i) hunt any wild animal on any land not owned by Government, without the consent of that owner or his agent or the lawful occupant of such land;

(j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in Sec. 16;

(k) hunt, with the help of dogs, any wild animal except waterbird, chakor, partridge, or quail;

(2) The provisions of sub-section (1) shall not apply to vermin. " [Omitted]

[[1]CHAPTER-IIIA]

PROTECTION OF SPECIFIED PLANTS

17A. Prohibition of picking, uprooting, etc., of specified plants. – Save, as otherwise provided in this Chapter, no person shall –

(a) willfully pick, uproot, damage destroy, acquire or collect any specified plant from any forest land and area specified, by notification, by the Central Government,

(b) possess, sell, other for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof :

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bonafide personal use.

17B. Grant of permit for special purpose–. The Chief Wild Life Warden may with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of

(a) education;

(b) scientific research.,

(c) collection, preservation and display in a herbarium of any scientific institutions; or

(d) propagation by a person or an institution approved by the Central Government in this regard.

17C. Cultivation of specified plants without licence prohibited. – (1) No person shall cultivate a specified plant except under, and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection)

Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him, or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited. - (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof :

Provided that nothing in this section shall prevent a person, who, immediately before that commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock.– (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days, from the date of commencement of the Wild Life (Protection) Amendment Act, 1991, declare to the Chief Wild Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-section (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the liecence or business in animals or animal articles.

17F. Possession, etc., of plants by licensee. - No licensee under this chapter shall

(a) keep in his control or possession

(i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made, but has not been made;

(ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule, or order made thereunder;

(b) (i) pick, uproot, collect or acquire any specified plant, or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc., of specified plants.– No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licenced deader:

Provided that nothing in this section shall apply to any person referred to in section of 17B.

17H. Plants to be Government property. –(1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

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[1] Chapter IIIA inserted by Act 44 of 1991, sec. 13.

CHAPTER IV

Sanctuaries, National Park, [1][****] and Closed Areas

Sanctuaries

18. Declaration of Sanctuary.– [(l) The State Government may, by notification, declare its intention to constitute any area other than area comprised with any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural. or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment.[2]]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation. - For the purposes of the this section, it shall be sufficient to describe the area by roads, rivers, ridges, or other well-known or readily intelligible boundaries

19. Collector to determine rights.– [[3]When a notification has been issued under Sec.18,] the collector shall inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

20. Bar of accrual of rights.– After the issue of a notification under Sec."18, no right shall be acquired in, or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

21. Proclamation by Collector. – When a notification has been issued under Sec.18 the Collector shall publish in the regional language in every town and village in or in the neighborhood of the area comprised therein, a progamation:

(a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and

(b) requiring any person, claiming any right mentioned in Sec. 19, to prefer before the collector" within two months from the date of such proclamation, a written claim in the prescribed form specifying the nature and extent of such right, with necessary details and the amount and particulars of the compensation, if any, claimed in respect thereof.

22. Inquiry by Collector. – The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into

(a) the claim preferred before him under Cl. (b) of Sec.21, and

(b) the existence of any right mentioned in Sec.19 and not claimed under Cl.(b) of Sec.21,

so far as the same may be ascertainable from the records of the State Goven-iments and the evidence of any person acquainted with the same.

23. Powers of Collector. – For the purpose of such inquiry, the Collector may exercise the following powers, namely

(a) the power to enter in or upon any land and to survey, demarcate, and make a map of the same or to authorise any other officer to do so;

(b) the same powers as are vested in a civil court for the trial of suits.

24. Acquisition of rights. – (1) In the case of a claim to a right in or over any land referred to in Sec.19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Collector may either

(a) exclude such land from the limits of the proposed sanctuary, or

(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)

[[4](c) allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in, or over any land within the limits of the sanctuary.]

25. Acqitisition proceedings. – (1) For the purpose of acquiring such land, or rights in or over such land,

(a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 to 1894):

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under sec.9 of that Act.

(c) the provisions of the sections preceding Sec.9 of that Act shall be deemed to have been complied with;

(d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Sec.18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief, against the award under the provision of Part III of that Act;

(e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money, and

(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

26. Delegation of Collector's powers. – The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector

under Sec. 19 to 25 (both inclusive) may be'exercised and performed by such other officer as may be specified in the order.

[[5]]**(26A) Declaration of area as Sanctuary.** -(1) When -

(a) a notification has been issued under sec.18 and the period for preferring claim has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification.

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government.

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial water shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislation of the State.]

27. Restriction on entry in sanctuary. - (1) No person other than,

(a) a public servant on duty;

(b) a person who has been permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary;

(c) a person who has any right over immovable property within the limits of the sanctuary;

(d) a person passing through the sanctuary along a public highway, and

(e) the dependents of the person referred to in CI. (a), (b) or (c).

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

(2) Every person shall, so long as he resides in the sanctuary, be bound

(a) to prevent the commission, in the sanctuary, or an offence against this Act;

(b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;

(c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorised officer takes charge thereof;

(d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power , any fire within the vicinity of such sanctuary of which he has knowledge or information; and

(e) to assist any forest officer, Chief Wildlife Warden, Wildlife Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

[[6](3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Indian Penal Code (45 of 1860), alter, destroy, move, or deface such boundary-mark.]

[[7](4) No person shall tease or molest any wild animal or litter the grounds or sanctuary.]

28. Grant of permit. – (1) The Chief Wildlife Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:

(a) investigation or study of wildlife and purposes ancillary or incidental thereto;

(b) photography;

(c) scientific research;

(d) tourism;

(e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

[[8](29) Destruction, etc., in a sanctuary prohibited without a permit. – No person shall destroy, exploit or remove any wildlife from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal or its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation or removal of wildlife from the sanctuary is necessary for the improvement and better management of wildlife therein authorises the issue of such permit.

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Explanation: For the purposes of this section, grazing or movement of livestock permitted under clause (d) of Sec.33 shall not be deemed to be an act prohibited under this section.]

30. Causing fire prohibited. – No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

31 Prohibition of entry into sanctuary with weapon. – No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

32. Ban on use of injurious substances. – No person shall use in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.

33. Control of sanctuaries. – The Chief Wildlife Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

(a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary;

(b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals, therein;

(c) may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat.

(d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock].

(e) [omitted 19911

[[9]33A. Immunisation of livestock. –(41) The Chief Wildlife Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or graze, any livestock in a sanctuary without getting it immunised.]

34. Registration of certain persons in possession of arms. – (41) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee, and within such time as may be prescribed, to the Chief Wildlife Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1), the Chief Wildlife Warden or the authorised officer shall register the name of the applicant in subject manner as may be prescribed.

[[10]3) No new licences under the Arms Act, 1959 (54 of 1959), shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wildlife Warden.

National Parks

35. Declaration of National Parks. – (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological, or zoological association or importance, needed to be constituted as a National

Park for the purpose of protectin& propagating or developing wildlife therein or its environment, it may, by notificLtion, declare its intention to constitute such area as a National Park.

[[11](1) Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of Sec.26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.]

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of Sec. [[12]19 to 26-A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall, destroy, exploit, or remove any wildlife from a National Park or destroy or damage the habitat or any wild animal or deprive any wild animal or its habitat within such National Park except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation, or removal of wildlife from the National Park is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit.

(7) No grazing of any [livestock[13]] shall be permitted in a National Park and no livestock shall be allowed to enter except where such [livestock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of secs. 27 and 28, secs.30 to 32 (both inclusive), and CIS, (a), (b) and (c) of [Sec.33, 33A[14]] and sec.34 shall, as far as may be, apply in realtion to a National Park as they apply in relation to a sanctuary.

36. [[15]Omitted 1991]

Closed Area

37. Declaration of closed area. – (1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section(1).

Sanctuaries or National Park declared by Central Govt.

38. Power of Central Government to declare areas as Sanctuaries or National Park, - (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a Sanctuary, to the Central Government the Central Government may, if it is satisfied that the conditions specified in sec.18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of [sec 18 to 35 (both inclusive) [16]], 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(2) The Central Government may, if it is satisfied that the conditions specified in sec.35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area has been declared, to be a sanctuary by the Central Government, or the State Government, declare such area, by notification, to be a National Park and the provisions of secs.35. 54 and 55 shall apply to such National Park as they apply in relation to a National Park declared by the State Government.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wildlife Warden under the section referred to in sub-section (1) and (2). shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references in the sections aforesaid to the State Government, shall be construed as reference to the Central Government and reference therein to the Legislation of the State shall be construed as a reference to Parliament.

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1 Chapter IV "Game Reserves" omitted by Act 44 of 1991, sec. 14.

2 Sec 18(l) substituted by Act 44 of 199 1, sec. 15.

3 Sec. 19 "Whenever any area is declared to be a sanctuary" Substituted by Act 44 of 1991, sec. 16.

4 Sec.24(2)(c) Inserted by Act 44 of 1991, sec. 17

5 Sec.26A inserted by Act 44 of 1991, sec. 18.

6 Sec.27(3) Inserted by Act 44 of 1991, sec. 19.

7 Sec.27(4) Inserted by Act 44 of 1991, sec. 19.

8 Sec.29. Hunting in sanctuary without permit phohibited. (1) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy, or meat derived from such animal.

Provided that if the Chief Wildlife Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed.

(a) for the better protection of wildlife, or

(b) for any other good and sufficient reason he may, with the previous approval of the State Government, grant a permit authorising any person to hunt or remove such wild animal under the direction of an office authorised by him or cause it to by hunted or removed.

(2) A permit granted under sub-section

(1) shall specify the kind and number of wild animal that may be hunted or removed by the holder of such permit.

(3) The Chief Wildlfe Warden may, for good and sufficient reason, to be recorded in writing, cancel any permit granted under sec.28 or under this section.

Provided that no such cancellation shall he made except after giving the holder of the permit a reasonable opportunity of being heard.

(4) Any person aggrieved by the cancellation of a permit under sub-section (3) may, within 15 days from the date of such cancellation, appeal to the State Government, whose decision shall be final.

Provided that the State Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the applicant had sufficient cause for not preferring the appeal in time."

Substituted by Act 44 of 1991, Sec. 20,

[9] Sec.33A inserted by Act 44 of 1991, sec.22.

[10] Sec.34(3) inserted by Act 44 of 1991, sec.22A.

[11] Sec.35(l) Provision added by Act 44 of 199 1, sec.23

[12] Sec. 35(3) " 19 to 26 (both inclusive)" between "the provisions of sections' and "shall, as far as" substituted by Act 44 of 199 1, sec.23.

[13] Sec.35(7) "cattle" substituted by "livestock" by Act 44 of 1991, sec.23.

[14] Sec.35(8) "section 33" after "clause (a), (b) and (c) of "substituted by Act 44 of 1991, sec.23.

[15] Sec.36 Declaration of "Game Reserve".–(1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in such reserve except under and in accordance with a licence, issued under this section by the Chief Wildlife Warden or the authorised officer."

omitted by Act 44 of 1991, sec. 24.

[16] Sec38. "Section 19 to 35 after "provisions of" susbstituted by Act 44 of 1991, sec.25.

[[1]CHAPTER -IVA]

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. Constitution of Central Authority.[2] - (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Authority shall consist of

(a) Chairperson;

(b) such number of members not exceeding ten; and

(c) Member - Secretary; to be appointed by the Central Government.

38B. Term of office and conditions of service of chairperson and members etc.–

(1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government.

(2) The chairperson or a member may, by writing under this hand, addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the Member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person.

(a) becomes an undischarged insolvent,

(b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave or absence from the authority, absent from three consecutive meetings of the Authority; or

(f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson, members and Member-Secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officer and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

38C. Functions of the Authority. – The Authority shall perform the following functions, namely:

(a) specify the minimum standards for housing, unkeep and veterinary care of the animals kept in a zoo;

(b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;

(c) recognise or derecongnize zoos;

(d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;

(e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;

(f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity;

(g) identify priorities and themes with regard to display of captive animals in a zoo;

(h) co-ordinate training of zoo personnel in India and outside India;

(i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;

(j) provide technical and other assistance to zoos for their proper management and development on scientific lines;

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority. – (1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and constitution of found. – (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meting salary, allowances and other remuneration of the members, officer and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report. - The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual report and audit report to be laid before Parliament. - The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.

38H. Recognition of Zoos. – (1) No zoo shall be operated without being recognised by the Authority.

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of [eighteen months from the date of such commencement and[3]] if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reason to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

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(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or canceling a recognition under sub-section (6) shall lie to the Central Government:

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant, of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expriy of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal.

38I. Acquisition of animals by a zoo. – Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule 11 except with the previous permission of the Authority.

38J. Prohibition of teasin& etc., in a zoo. – No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo.

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[1] Chapter IVA inserted by Act 44 of 1991, sec.26

[2] The Central Zoo Authority was constituted vide S.0 113 (E), dated 3rd February, 1992 published in Part-II, Section 3, sub-section (ii) of the Extra -Ordinary Gazette of India, dated 3rd February, 1992

[3] Sec.38H. "eighteen months from the date of such commencement" after the words "recognised for a period of' substituted by Act 26 of 1993, sec.2.

CHAPTER V

Trade or Commerce in Wild Animals, Animal Articles and Trophies

39. Wild Animal, etc. to be Government property. - (1) Every –

(a) wild animal, other than vermin, which is hunted under Sec. 11 or sec.29 or sub-section (6) of sec 35 or kept or [bred in captivity or hunted[1]] in contravention of any provisions of this Act or any rule or order made thereunder, or found dead, or killed by [***] mistake;

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in Cl.(a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;

[[2](c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed.

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provision of this Act.]

shall be the property of the State Government and, where such animal is hunted in a sanctuary or National Park declared by the Central Government such animal or any article, trophy, uncured trophy or meat [derived from such animal or any vehicle, vessel, weapon, trap, or tool used in such hunting, [3]] shall be the property of Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours of obtaining such possession, report it to the nearest police station or authorised officer and shall, if so required, hand over such property to the officer in charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

(a) acquire or keep in his possession, custody, or control, or

(b) transfer to any person, whether by way of gift, sale or otherwise, or

(c) destroy or damage

such Government property.

40. Declaration. – (1) Every person having at the commencement of this Act the control, custody, or possession of any captive animal specified in Sch. I or Part 11 of Sch. 11, or any uncured trophy derived from such animal or salted or dried skin of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wildlife-Warden or the authorised officer the number and description of animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale, or otherwise transfer or transport any animal specified in Sch. 1 or Part 11 of Sch. 11, any uncured trophy or meat derived from such animal, or the salted or dried skin of such animal or the musk of a deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

[[4](3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 381 or to a public museum.]

(4) The State Government may, by notification, require any person to declare to the Chief Wildlife Warden or the authorised officer any animal, article or trophy (other than the musk of musk deer or the horn of rhinoceros), or salted or dried skin derived from an animal specified in Sch. I or Part 11 of Sch. H in his control, custody or possession in such form, in such manner, and within such time as may be prescribed.

41. Inquiry and preparation of inventories. - (1) On receipt of a declaration made under sec.40, the Chief Wildlife Warden or the authorised officer may, after such notice, in such manner and at such time as may be prescribed,

(a) enter upon the premises of a person referred to in Sec.40;

(b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins, and captive animals specified in Sch. I and Part 11 of Sch. 11 and found thereon; and

(c) affix upon the animals, animal articles, trophies of uncured trophies, identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

42. Certificate of ownership. - The Chief Wildlife Warden may, for the purposes of Sec. 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, or uncured trophy, and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for the purposes of Identification.

43. Regulation of transfer of animal etc. - (1) Subject to the provisions of sub-section (2), (3) and (4), a person (other than a dealer) who does not possess a certificate of ownership shall not

(a) sell or offer for sale or transfer whether by way of sale, gift or otherwise, any wild animal specified in Sch. I or Part II of Sch. 11 or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;

(b) make animal articles containing part or whole of such animal;

(c) put under a process of taxidermy an uncured trophy of such animal;

except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another state or acquire by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer is to be effected.

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wildlife Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer or transport or any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1), the Chief Wildlife Warden or the authorised officer

(a) shall issue a certificate of ownership after such inquiry as he may deem fit;

(b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected,.

(c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

6. Nothing in this section shall apply –

[[5](a) to tail feather of peacock and animal articles or trophies made therefrom],

[[6](b) to any transaction entered into by a recognised zoo subject to the provisions of Sec 381 or by a public museum with any other recognised zoo or public museum]

44. Dealings in trophy and animal articles without licence prohibited. – (1) [[7]Subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, a licence granted under sub-section (4), –]

(a) commence or carry on the business as

(i) a manufacturer of, or dealer in, any animal article, or

(ia) [[8]Omitted]

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer in captive animal; or

(v) a dealer an meat; or

(b) cook or serve meat in any eating-house

[[9](c) derive, collect or prepare, or deal in, snake venom,]:

Provided that nothing in this sub-section shall prevent a person, who immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

[[10]Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such article.]

Explanation. – For the purposes of this section, "eating-house" includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged in board and lodging.

(2) Every manufacturer of, or dealer in animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wildlife Warden his stocks of animal articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such declaration and the Chief Wildlife Warden or the authorised officer may place an identification mark on every animal article, captive animal trophy or uncured trophy, as the case may be.

(3) Every person referred to in sub-section (1) who intends to obtain a licence shall[11], make an application to the Chief Wildlife Warden or the authorised officer for the grant of a licence.

(4) (a) Every application referred to in sub-section (3) shall be made in such form and on payment of such as fee as may be prescribed, to the Chief Wildlife Warden or the authorised officer.

[[12](b) No licence referred to in sub-section (1) shall be granted unless the Chief Wildlife Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implications which the grant of such licence would have on the status of wildlife and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted].

(5) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

(6) Every licence granted under this section shall

(a) be valid for one year from the date of its grant;

(b) not be transferable; and

(c) be renewable for a period not exceeding one year at a time.

(7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wildlife Warden or the authorised officer is satisfied that.

(i) the application for such renewal has been made after the expiry of the period specified thereof, or

(ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect of false in material particulars, or

(iii) the applicant has contravened any term of condition of the licence, or any provision of this Act, or any rule made thereunder, or

(iv) the applicant does not fulfill the prescribed conditions.

(8) Every order granting or rejecting in application for the grant or renewal of a licence shall be made in writing.

(9) Nothing in the foregoing sub-section shall apply in relation to vermin.

45. Suspension or calculation of licence. - Subject to any general or special order of the State Government the Chief Wildlife Warden or the authorised officer may, for reason to be recorded by him in writing, suspend or cancel any licence granted or renewed under sec.44:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

46. Appeal. – (1) An appeal from an order refusing to grant or renew a licence under sec.44 of an order suspending or canceling a licence under sec. 45 shall lie

(a) if the order is made by the aurhorised officer, to the Chief Wildlife Warden, or

(b) if the order is made by the Chief Wildlife Warden to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden' under C1. (a) of sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as a aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within days from the date of the communication, to be applicant, or the order appealed against.

Provided that the appellate authority may appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

47. Maintenance of records. - A licensee under this Chapter shall-

(a) keep records, and submit such returns of his dealings, as may be prescribed.

(i) to the Director or any other officer authorised by him in this behalf, and

(ii) to the Chief Wildlife Warden or the authorised officer, and

(b) make such records available on demand for inspection by such officers.

48. Purchase of animal, etc., by licensee. - No licensee under this Chapter shall

(a) keep in his control, custody, or possession

(i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of sec.44 has to be made but has not been made;

(ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule of order made thereunder.

(b) (i) capture any wild animal, or

(ii) acquire, receive, keep in his control, custody, or possession, or sell, offer for sale, or transport, any captive animal specified in Sch. I or Part II of Sch. 11 or any animal article, trophy or uncured trophy, or meat derived therefrom, or serve such meat, or put under a process or taxidening or make animal article containing part or whole of such animal,

except in accordance with such rules as may be made under this Act:

Provided that where the acquisition, or possession, or control, or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf.

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

[[13]**48A Restriction of transportation of wildlife.** - No person shall accept ~kny wild animal (other than vermin) or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.]

49. Purchase of captive animal, etc. person other than a licensee. - No person shall purchase, receive or acquire any captive animal, wild animal other than vermin, or any animal article, trophy, uncured trophy, or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act.

[[14]Provided that nothing is this section shall apply to a recognised zoo subject to the provision of section 38-1 or to a public museum.]

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1 Sec.39(l)(a) "or hunted" inserted in between "bred in captivity" and "in contravention" by Act 44 of 1991, sec.27. Sec.26(l)(a) The words "without a licence or" after "or killed" omitted by Act 44 of 1991, sec.27.

2 Sec.39.(1)(c) Inserted by Act 44 of 1991, sec.27.

3 Sec.39(1) "derived from such animal" substituted by Act 44 of 1991, sec.27.

[4] Sec.40(3) "Nothing in sub-section (1) or (2) shall apply to a public museum or zoo." susbtituted by Act 44 of 1991, sec.28.

[5] Sec.43(6)(a) "to animal articles or trophies made out of feathers of peacocks;" substituted by Act 44 of 1991, sec,29.

[6] Sec.43(6)(b) "to any transaction entered into by a public museum or zoo with any other public museum or zoo." substituted by Act 44 of 199 1, sec.29.

[7] Sec.44(l) Substituted by Act 28 of 1986, sec.2 for the words" Except under, and in accordance with, a licence granted under sub-section (4), no person shall".

[8] Sec.44(l)(a)(ia) 'a manufacturer of, or dealer in, any article made of ivory imported into India;' omitted by Act 44 of 1991, sec.30.

[9] Sec.44(l)(c) Inserted by Act 44 of 1991, sec.30.

[10] Sec.44(l) Second provision substituted by Act 44 of 1991, sec.30.

[11] Sec.44(3) The words "written fifteen days from the commencement of this Act." omotted by Ad 23 of 1992. sec.3.

[12] Sec.44(4) (b) substituted by Act 23 of 1982, sec.3.

[13] Sec.48A Inserted by Act 44 of 1991, sec.31.

[14] Sec.49 "Provided that nothing in this section shall apply to any transaction entered into by a public museum or zoo with any public museum or zoo." Substituted by Act 44 of 199 1, sec.32

[CHAPTER VA] [1]

Prohibition of Trade or Commerce in Trophies, Animal Articles, etc. derived from Certain Animals.

49A. Definitions. - In this Chapter, –

(a) "scheduled animal" means an animal specified for the time being in Sch. I or Part 11 of Sch. 11;

(b) "scheduled animal article" means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal (has been used but does not include tail-feather of peacock, an article or trophy made therefrom and snake venom or its derivative; [2]]

(c) "specified date" means -

(i) In relation to a scheduled animal on the commencement of the Wildlife (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement.]

(ii) in relation to any animal added or transferred to Sch. I or part II of Sch. 11 at any time after such commencement, the date of expiry of two months such addition or transfer;

[(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of 6 months from the commencement of the Wildlife (Protection Amendment) Act 1991.[3]]

49B. Prohibition of dealing in trophies, animal articles etc. derived from Scheduled animals.- (1) Subject to the other provisions of this section, on and after the specified date, no person shall

(a) commence or carry on the business as –

(i) a manufacturer of, or dealer, in scheduled animal articles; or

[(ia) a dealer in ivory imported into India or article made therefrom or a manufacturer of such article; or[4]]

(ii) a taxidermist with respect to any schedule animals or any parts of such animals; or

(iii) a dealer in trophy or unucred trophy derived from any scheduled animal; or

(iv) a dealer in any captive animal being scheduled animal; or

(v) a dealer in meat derived from any scheduled animal[5]; or

(b) cook or serve meat derived from any scheduled animal in any eating-house.

Explanation. - For the purposes of this sub-section, "eating-house" has the same meaning as in the Explanation below sub-section (1) of Sec.44.

(2) Subject to the other provisions of this section, no licence granted or renewed under sec. 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in Cl. (a) of sub-section (1) of this section on the occupation referred into Cl (b) of that sub-section after such date.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the Central Government is satisfied that it is necessary or expedient to do so in the public interest, it may, by general or special order published in the official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of Sec.617 of the Companies Act, 1956 (1 of 1956), or any society registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for -the time being in force, wholly or substantially financed by the Central Government, from the provisions of sub-section (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under sec-44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof,

(a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or

(b) with the previous authorisation in writing of the Chief Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

49C. Declaration by dealer. - (1) Every person carrying on the business or occupation referred to in sub-section (1) of Sec.49B shall, within thirty days from the specified date, declare to the Chief Wildlife Warden or the authorised officer,

(a) his stock, if any, as at the end of the specified date of -

(i) scheduled animal articles;

(ii) scheduled animals and part thereof;

(iii) trophies and uncured trophies derived from scheduled animals;

(iv) captive animals, being scheduled animals;

(v) ivory imported into India or article made therefrom.]

(b) the place of places at which the stocks mentioned in the declaration are kept; and

(c) the description of such items, if any, of the stocks mentioned in the declaration which he desires, to retain with himself for his bohafide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wildlife Warden or the authorised officer may take all or any of the measures specified in Sec.41 and for this purpose, the provisions of Sec. 41 shall , so far as may be, apply.

(3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his bona fide personal use, the Chief Wildlife Warden, with the prior approval

of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificates of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wildlife Warden are required for the bana fide personal use of such person and affix upon such items identification marks in such manner as may be prescribed.

Provided that no such item shall be kept in any commercial premises.

(4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3),

(5) An appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-section (2), (3) and (4) of sec. 46 shall, so far as may be, apply in relation to appeals under this sub-section.

(6) Where a person who has been issued a certificate of ownership under sub-section (3) in respect of any item,

(a) transfers such item to any person, whether by way of gift, sale of otherwise, or

(b) transfer or transports from the State in which he resides to another State any such item.

he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to [any person any scheduled animal or scheduled animal article or ivory imported into India or any article made therefrom.[6]]

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[1] Chap VA Inserted by Act 28 of 1986, sec.3.

[2] Sec.49A(b) "has been used.... derivatives" substituted by Act 44 of 199 1, sec.33.

[3] Sec.49(A)(c)(i) The word 'and after "commencement"; omitted by Act 44 of 1991, sec.33.

[4] Sec.49B(1)(a)(ia) Inserted by Act 44 of 199l,sec.34.

[5] Sec49B(1)(a)(v) Inserted by Act 44 of 1991, sec.35.

[6] Sec.49C(7) The words "any scheduled animal or a scheduled animal article or ivory imported into India or any article made therefrom." substituted by Act 44 of 1991, sec.35.

CHAPTER VI

Prevention and Detection of Offences

50. Power of entry, search, arrest and detention. - (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector may, if he has reasonable grounds for believing that any person has committed an offence against this Act,

(a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, [[1]trophy, uncured trophy, or any specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or any other document granted to him or required to be kept by him under the provisions of this Act;

(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel in the occupation of such person, and open and search any baggage or other things in his possession;

[[2](c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and unless he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant and detain him.

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park , inadvertently enters on a boat not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net no such boat shall not be seized.]

(2) [[3]Omitted 19911

(3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

[(3A) Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the magistrate having jurisdiction to try the offence on account of which the seizure has been made. [4]]

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.

(5) Any person who, without reasonable cause, fails to produce anything which he is required to produce under this section, shall be guilty of an offence against the Act.

(6) (a) Where any [5meat or uncured trophy, specified plant or part or derivative thereof] is seized under the provisions of this section, the Asstt. Director of Wildlife Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.

(b) Where it is proved that the [6meat or uncured trophy, specified plant or part or derivative thereof] seized under the provision of this section is not Government property, the proceed of the sale shall be returned to the owner.

(7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with Ct. (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

[7(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wildlife Preservation or Wildlife Warden shall have the powers, for the purpose of making investigation into any offence against any provision of this Act.

(a) to issue a search warrant;

(b) to enforce the attendance of witiness;

(c) to compel the discovery and production of documents and material objects, and;

(d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in presence of the accused person.[8]]

51. Penalties. - (1) Any person who [9][contravenes any provisions of this Act [10except Chapter VA and section 38J]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to [three years] or with fine which may extend to [twenty five thousand rupees] or with both.

Provided that where the offence committed is in relation to any animal specified in Scheduled I or Part 11 of Sch. 11, or meat of any such animal, animal article, trophy, or uncurled trophy derived from such animal or where offence [relates to hunting in, ox, altering the boundaries of] a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than [one year] but may extend to six years and also with fine which shall not be less than [five thousand rupees[11]].

[Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term or imprisonment may extend to six years ' and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.]

[[12] (1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a7 term which shall not be less then one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.]

[([13]1B) Any person who contravenes the provisions of Section 38J] shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

Provided that in case of second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.]

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, [[14]uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant or part or derivative thereof] in respect of which the offence has been committed, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit o r such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959) for possession of any arm with which an offence against this Act has been committed, shall be cancelled, and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction.

[[15](5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.]

52. Attempts and abetment. - Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule of order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. Punishment for wrongful seizure. - If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in sec. 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. Power to compound offences. - (1) [[16]The Central Government may, by notification empower the Director of Wildlife Preservation or any other officer and the State Government], may, by notification, empower the C-1-def Wildlife Warden or any officer or a rank not inferior to that of a Deputy Conservator of Forests,

(a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed; and .

(b) when any property that has been seized is liable to be forfeited, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, and the property, other than Government property, if any seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under C1. (b) of sub-section (1) shall, in no case, exceed the sum of two thousand rupees.

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of sec51, shall be compounded.

[[17]55 Cognizance of offences. - No court shall take cognizance of any offence against this Act on the complaint of any person other than

(a) the Director of Wildlife Preservation or any other officer authorised in this behalf by the State Government; or

(b) the Chief Wildlife Warden, or any other officer authorised in this behalf by the State Government; or

(c) any person who has given notice of not less than sixty days, in the mariner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the officer authorised as aforesaid.][18]

56. Operation of other laws not barred. - Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

Provided that no person shall be punished twice for the same offence.

57. Presumption to be made in certain cases. - Where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, [meat, trophy, uncured, trophy, specified plant, or part or derivative thereof, [19]] it shall be presumed until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, [trophy, uncured trophy] specified plant, or part or derivative thereof.]

58. Offenses by companies. - (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, 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 any such person 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 against this Act has been committed by a company 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 director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this Section,

(a) "company' means any body corporate and includes a firm or other association of individuals; and

(b) "director', in relation to. a firm, means a partner in the firm

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[1] Sec. 50(l)(a) The words "meat, trophy or uncured" substituted by Act 44 of 199 1, sec.36

[2] Sec.50(l)(c) "seize any captive animal, wild animal, animal article, meat trophy or uncured trophy in the possession of any person and appearing to him to be Government property, together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and, unless; he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant, and detain him. "substituted by Act 44 of 1991 sec.36.

[3] Sec.50(2) "Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordicate, has seized any trap, tool, vehicle, vessel, or weapon under CL(c) of sub-section (1), may release the same, on the execution by the owner thereof a bond for the production of the property so released, if and when required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made." omotted by Act 44 of 1991 sec.36.

[4] Sec.50.(3A) Inserted by Act 44 of 1991, sec.36.

[5] Sec.50(6)(a) The words "meat or uncured trophy" substituted by Act 44 of 199 1, sec.36.

[6] Sec.50(6)(b) The words" meat or uncured trophy" substituted by Act 44 of 1991, sec.36.

[7] Sec.50(8) Inserted by Act 44 of 1991, sec.36.

[8] Sec.50(9) Inserted by Act 44 of 1991, sec. 36.

[9] Subs. by Act 28 of 1986, sec.4. for the certain words (w.e.f 20th November, 1986).

[10] Sec.51(l) The words "contravenes any provision of this Act" substituted by Act 28 of 1986, sec.4. and the words "except Chapter VA" substituted by Act 44 of 1991, sec.37. The words "two years" and "two thousand rupees" substituted by Act 44 of 199 1, sec. 37.

[11] Sec.51(1) The words "or altering the boundaries of", six months", and "five thousand rupees" occurring in the first provision substituted by Act 44 of 199 1, sec. 37.

The second provision substituted by Act 44 of 1991, sec.37.

[12] Sec.5I(1A) Ins by Act 28 of 1986, sec.4. (w.e.f. 20th November, 1986).

[13] Sec.51 (1B) Inserted by Act 44 of 1991, sec. 37.

[14] Sec.51(2) The words "uncured trophy or meat" substituted by Act 44 of 199 1, sec.37

[15] Sec.51(5) Inserted by Act 44 of 1991, sec.37.

[16] Sec. 54(l) The words "The State Government" substituted by Act 44 of 1991, sec.38.

[17] Sec. 55 "No Court shall take cognizance of any offence against this Act except on the complaint of the Chief Wildlife Warden or such officer as the State Government may authorise in this behalf." substituted by Act 44 of 199 1, sec. 39.

[18] Sec. 55(c) came into force w.e.f. 20.4.1995 vide S.O. No. 344(E) Dt. 7.4.95 published in the Gazette of India, Extraordinary, Part II, Sec.3(ii) Dt. 18.4.95.

[19] Sec.57. The words "meat or trophy and uncured trophy" substituted by Act 44 of 1991, sec.40.

CHAPTER VII

Miscellaneous

59. Officers to be public servants. - Every officer referred to [in Chapter II and the chairperson, members, member-secretary, officers and other employees referred to in chapter IVA[1]] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of sec.21 of the Indian Pedal Code (45 of 1860).

60. Protection of action taken in good faith. - (1) No suit, prosecution, or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

[[2] (3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, member, member secretary, officers and other employees for any thing which is in good faith done or intended to be done under this Act.]

[[3] **(60A) Reward to persons.** - (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may when passing judgement order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty percent of such fine.

(2) When a cage is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty percent of such money].

61. Power to alter entries in schedules. – (41) The Central Government may, if it is of the opinion that it is expedient so to do, by notification, [[4]add or delete any entry to or from any schedule] or transfer any entry from one part of the schedule to another part of the same schedule or from one schedule to another.

(2) [[5]Omitted 1991]

(3) On the issue of a notification under sub-section (1) [6][***] the relevant schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

(4) [[7]Omitted 1991]

62. Declaration of certain wild animal to be vermin. - [[8]The Central Government] may by notification, declare any wild animal other than those specified in Sch. I and part 11 of Sch H to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Sch.V.

63. Power of Central Government to make rules. - [[9](1) The Central Government may, by notification, make rules for all or any of the following matters, namely:

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

(b) the salaries and allowances and other conditions of appointment of chairperson, members and members-secretary under sub-section (5) of Section 3813;

(c) the terms and conditions of service of the officer and other employees of the Central Zoo Authority under sub-section (7) of section 3813;

(d) the form in which the annual statement of accounts of Central Zoo Authority shall be prepared under sub-section (4) of Section 38E;

(e) the form in which and the time at which the annual report of Central Zoo Authority shall be prepared under section 38F;

(f) the form in which and the fee required to be paid with application for recognition of a zoo under sub-section (2) of section 38H;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;

(h) the form in which declaration shall be made under sub-section (2) of section 44;

(i) the matters to be prescribed under clause (b) sub-section (4) of section 44;

(j) the terms and conditions which shall govern transaction referred to in clause (b) of section 48;

(k) the manner in which notice may be given by a person under clause (c) of section 55;

(l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government]

(2) Every rule made under this section 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 session 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.

64. Power of State Government to make rules.– (1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of Sec.63

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the term of office of the members of the Board referred to in Cl. (g) of sub-section (1) of Sec.6 and the manner of filling vacancies among them;

(b) allowances referred to in sub-section (4) of Sec.6;

(c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return, or other document, made, granted, or submitted under the provisions of this Act and the fees, if, any therefor;

(d) the conditions subject to which any licence or permit may be granted under this Act;

(e) the particulars of the record of wild animal (captured or killed) to be kept and submitted by the licensee;

[[10](ee) the manner in which measures for immunization of live-stock shall be taken;]

(f) regulation of the possession, transfer, and the sale of captive animals, meat, animal articles, trophies, and uncured trophies;

(g) regulation of taxidermy;

(h) any other matter which has to be, or may be, prescribed under this Act.

65. Rights of Scheduled Tribes to be protected. - Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union Territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, NO. 40/97/1'. No.G-635. Vol. III, dated the 28th April, 1967 published at pages I to 5 Extraordinary issue of the Andaman and Nicobar Gazette, dated 28th April, 1967.

66. Repeal and savings. – (1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or -any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed :

Provided that such repeal shall not–

(i) affect previous' operation of the Act so repealed, or any thing duly done or suffered thereunder;

(ii) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the Act so repealed;

(iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, and punishment may be imposed, as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal,

(a) anything don0l or nay action taken under the Act so repealed (including any notification, order, certificate, notice, or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at the time such thing was done or action was taken, and shall continue to be

in force, unless and until superseded by anything done or an action taken under this Act;

(b) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such licence had been granted.

(3) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (1) shall be deemed to be a sanctuary or National Park, as the case may be, declared by the State Government under this Act and where any right in or over any land in any such National Park which has not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights, shall be made in accordance with the provisions of this Act.

[[11](4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of Sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wildlife (Protection) Amendment Act, 1991, any reserved forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary, before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.]

[1] Sec.59 The words "in chapter VII" substituted by Act 44 of 1991, sec.41.

[2] Sec.60(3) Inserted by Act 44 of 1991, sec.42.

[3] Sec 60A Inserted by Act 44 of 199 1, sec.43.

[4] Sec.61(l) "add any entry to any schedule" substituted by Act 44 of 1991, sec.44.

[5] Sec 61(2) "The Central Government may, if it is of the opinion that it is expedient so to do, any notification, transfer any entry from Sch.II, Sch. III, Sch.IV or Sch.V to Sch.I and many also transfer any entry from Part I of sch, II or Sch III, IV or Sch, V to any other schedule," omitted by Act 44 of 1991, sec.44.

[6] Sec.61(3) The words "or sub-section (2)" omitted by Act 44.of 1991, sec.44.

[7] Sec.61(4) "If any alteration of any schedule made by the State Government under sub-section (2) is repugnant to any alteration made therein by the Central Government under sub-section (1), then the alteration made by the Central Government, whether made before or after the notification made by the State Government, shall prevail and the alteration made by the State Government shall, to the extend of the repugnancy, be void.

Provided that any such lateration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State.

Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or concelling, at any time, the lateration made by the State Government." Omitted by Act 44 of 1991

[8] Sec.62. The words "subject to the provisions of Sec.61 the State Government" substituted by Act 44 of 1991, sec.45.

[9] Sec.63(l) Substituted by Act 44 of 1991, sec.46.

[10] Sec.64(2)(ee) Inserted by Act 44 of 199 1, sec.47.

[11] Sec.66 (4) Inserted by Act 44 of 199 1, sw.48.

SCHEDULE I

(Sections 2, 8,9,11, 40,41, 48,51, 61 & 62)

PART I
MAMMALS

[1. Andaman Wild pig (Sus sorofa andamanensis)]
[2][1-A. Bharal (Ovisnahura)]
[2][1 -B. Binturong (Arctictis Binturong)]
2. Black Buck (Antelope cervicapra) [2][2-A. •*•]
3. Brow-antlered Deer or Thamin (Cervus eldi) [3][3-A. Himalayan Brown bear (Ursus Arctos)] [3][3-B. Capped Langur (Presbytis pileatus)]
4. Caracal (Felis caracal) [4-A. Catecean specials]
5. Cheetah (Acinonyx jubatus)
[4][5-A. Chinese Pangolin (Mainis pentadactyla)]
'[5-B. Chinkara or India Gazelle (Gazella gazella bennetti)]
6. Clouded Leopard (Neofelis nebulosa) [2][6-A. Crab-eating Macaque (Macaca irus umbrosa)] [2][6-B. Desert Cat (Felis libyca)]
[3][6-C Desert fox (Vulpes bucapus)]
7. Dugong (Dugong dugon) [2][7-A Ermine (Mustele erminea)]
8. Fishing Cat (Felis viverrina)
[a][8-A Four-horned antelope (Tetraceros quadricomis)]
[2][8-B. *••]
[3][8-C ***]
[3][8-D. Gangetic dolphin (Platanista gangetica)]
[3][8-E. Gaur or Indian bison (Bos gaurus)]
9. Golden Cat (Felis temmincki)
10. Golden Langur (Presbytis geei) [3][10-A. Giant squirrel (Ratufa macroura)]
[10-B. Himalayan Ibex (Capra ibex)]
' [10-C. Himalayan Tahr (Hemitragus jemlahicus)]
11. Hispid Hare (Caprolagus hispidus) [3][11-A. Hog badgar (Arconyx collaris)]
12. Hoolock (Hyloba tes hoolock)

1 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 5-10-1977.
2 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
3 Vide Notification No. S.O. 859(E), dt. 24-11-1986.
4 Vide Notification No. F] 11012/31 FRY(WL), dt. 29-8-1977.

'[12-A. •••]
[2][12-B. Indian Elephant (Elephas maximus)]
13. Indian Lion (Panlhera leo persica)
14. Indian Wild Ass (Equus hemionus khur) [3][15. Indian Wolf (Canis lupas pallipes)]
16. Kashmir Stag (Cervus elaphus hanglu) [J][16-A Leaf Monkey (Presbytis phayrei)]
'[16-B. Leopard or Panther (Panthera pardus)]

17. Leopard Cat (Felis bengalensis)
18. Lesser or Red Panda (Ailurus fulgens)
19. Lion-tailed Macaque (Macaca silenus)
20. Loris (Loris tardigradus)
[2][20-A. Little Indian Porpoise (Neomeris phocenoides)]
21. Lynx (Felix lynx isabellinus)
22. Malabar Civet (Viverra megaspila) ['][22-A. Malay or Sun Bear (Helarctos malayanus)]
23. Marbled Cat (Felis marmorata)
24. Markhor (Capra falconeri) [4][24-A. Mouse Deer (Tragulus meminna)]
25. Musk Deer (Moschus moschiferus) [2][25-A. Nilgiri Lungur (Presbytis johni)] [2][25-B. Nilgiri Tahr (Hemitragus hylocrius)]
26. Nyan or Great Tibetan Sheep (Ovis ammon hodgsoni)
27. Pallas's Cat (Felis manul)
28. Pangolin (Manis crassicaudata)
29. Pygmy Hog (Sus salvanius) '[29-A. Ratel (Mellivora capensis)]
30. Rhinoceros (Rhinoceros unicornis)
31. Rusty spotted Cat (Felis rubiginosa) [31-A. Serow (Capricornis sumatraensis)] [2][31 -B. Clawless Otter (Aonyx cinerea)] [2][31-C. Sloth Bear (Melursus ursinus)]
32. Slow Loris (Nycticebus couceang)
[32-A. Small Travencore Flying Squirrel (Petinomys fuscocapillus)]
33. Snow Leopard (Panthera uncia)

1 Vide Notification No. Fl-28/78 FRY(WL). dt. 9-9-1980.
2 Vide Notification No. S.O. 859(E), dt. 24-11-1986.
3 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 29-8-1977.
4 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

'[33-A. Snubfin Dolphin (Oreaella brevezastris)]
34. Spotted Linsang (Prionodon pardicolor)
35. Swamp Deer (All sub-species of Cervus d uvauceli)
36. Takin or Mishmi Takin (Budorcas taxicolor) [2][36A. Tibetan Antelope or Chiru (Panthelops hodgsoni)] '[36B. Tibetan Fox (Vulpes ferrilatus)]
37. Tibetan Gazelle (Procapra picticaudata)
38. Tibetan Wild Ass (Equus beminus kiang)
39. Tiger (Panthera tigris)
40. Urial or Shapu (Ovis vignei)
41. Wild Buffalo (Bubalus bubalis) [2][41-A. Wild Yak (Bos grunniens)] '[41-B. Tibetan Wolf (Canis lupus chanco)]
• [42. Wroughton's free tailed bat (Otomops wroughtoni)
43. Salim Ali's fruit bat (Latidens salimalii)]

PART II AMPHIBIANS AND REPTILES

[1. Agra Monitor Lizard [Varanus griseus (Daudin)]]
[4][1A. *••]
'[IB. Audithia Turtle (Pelochelysbibroni)]
[IC. Barred, Oval, or Yellow Monitor Lizard (Varanus flavescens)]
[ID. Crocodiles (including the Estuarine or salt water crocodile) (Crocodilus porosus and Crocodilus palustris)]
'(IE. Terrapin (Batagur basika)]
IF. Eastern Hill Terrapin (Melanochelys tricarinata)
2. Gharial (Gravialis gangeticus)
[3. Ganges Soft-shelled Turtle (Trionyx gangeticus)]
'[3A. Golden Gecko (Caloductyloides aureus)]
4. Green Sea Turtle (Chelonia Mydas)
5. Hawksbill Turtle (Eretmochelys imbricata inlscata)
'[6. •••]
7. Indian Egg-eating Snake (Elachistodon westermanni)
8. Indian Soft-shelled Turtle (Lissemys punctata punctata)
9-A. Kerala Forest Terrapin (Hoesemys sylratica)
10. Large Bengal Monitor Lizard (Varanus bengalensis)
11. Leathery Turtle (Dermochelys coriacea)
12. Logger Head Turtle (Caretta caretta)
13. Olive Back Logger Head Turtle (Lepidochelys olivacea)
14. Peacock-marked Soft-shelled Turtle (Trionyx hurum)

1 Vide Notification No. SO 859(E), dt. 24-11-1986.
2 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.
3 Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.
4 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
5 Vide Notification No. FJ 11012/31/76 FRYfWL), dt. 29-8-1977.

'[14-A. Pythons (Genus Python)] [3][14-B. Sail terrapin (Kachuga Kachuga)] 14-C. Spotted black Terrapin (Geoclemys hamiltoni) [2][15. •••] [2][16. •»•] [2][17. ***] [3][17-A. Water Lizard (Varanus salvator)]

"[PART IIA FISHES

1. Whale Shark (Rhincodon typus)] [5][2. Shark and Ray

(i) Anoxypristis cuspidata (ii) Carcharhinus hemiodon
(iii) Glyphis gangeticus (iv) Glyphis glyphis
(v) Himantura fluviatilis (vi) Pristis microdon
(vii) Pristis zijsron (viii) Rhynchobatus djiddensis
(ix) Urogymus asperrimus.]

PART III BIRDS [6][1. Andaman Teal (Anas gibberifrons allagularis)] 1-A. Assam Bamboo Partridge (Bambusicola fytchii) [3][1 -B. Bazas (Aviceda jeordone and Aviceda

leuphotes)] [1-C. Bengal Florican (Eupodotis bengalensis)] 1-D. Black-necked Crane (Grus nigricollis)
1-E. Blood Pheasants (Ithaginis cruentus tibetanus, lthaginis Cruentus kuseri) [2][1F. ***]
2. Cheer Pheasant (Catreus wallichii)
[2][2A. Eastern White Stork (Ciconia ciconia boyciana)] [3][2B. Foret-spotted Owlet (Athene blewitti)] * [2C. Frogmouths (Genus batrachostomus)]
3. Great Indian Bustard (Choriotis nigriceps)
4. Great Indian Hornbill (Buceros bicornis) [2][4A. Hawks (Accipitridao)]
[3][4B. Hooded Crane (Grus monacha)]
[3][4C. Hornbills (Ptilolaemus tickelli austeni, Aceros nipalensis, Rhyticeros undulatus ticehursti)] [3][4D. Houbara Bustard (Chlamydotis undulata)] [3][4E. Humes Bar-backed Pheasant (Syrmaticus humiae)] [3][4F. Indian Pied Hornbill (Anthracoceros malabaricus)]
5. Jerdon's Courser (Cursorius bitorquatus)
6. Lammergeier(Gypaetusbarbatus)
1 Vide Notification No. SO 859(E), dt. 24-11-1986.
2 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
3 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 29-8-1977.
4 Inserted vide Notification No. 1-2/2001-WL-l, dt. 28-5-2001.
5 Substituted vide Notification No. 1-4/95-WL, dt. 5-12-2001, w.e.f. 6-12-2001.
6 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

7. Large Falcons (Falco peregrinus, Falco biarmicus and Falco chicuera) [3][7A Large Whistling Teal (Anatidae)]
'[7B. Lesser Florican (Sypheotides indica)]
[1][7C. Monal Pheasants (Lophophorus impeyanus, Lophophorus Sclateri)]
8. Mountain Quail (Ophrysia supericiliosa)
9. Narcondam Hornbill [Rhyticeros (undulatus) narcondami)] '[9-A. ***]
10. Nicobar Megapode (Megapodius freycinet) [10-A Nicobar Pigeon (Caloenas nicobarica pelewensis)]
[2][10-B. Osprey or Fish-eating Eagle (Pandion haliatetus)]
[2][10-C. Peacock Pheasants (Polyplectron bicalearaturn)]
11. Peafowl (Pavo cristatus)
12. Pink-headed Duck (Rhodonessa caryophyllacea)
13. Scalater's Monal (Lophophorus sclateri)
14. Siberian White Crane (Grus leucogeranus) [3][14-A- **»]
[2][14-B. Tibetan Snow-Cock (Tetraogallus tibetanus)]
15. Tragopan Pheasants (Tragopan melanocephalus, Tragopan blythii, Tragopan satyra, tragopan temminckii)
16. White-bellied Sea Eagle (Haliaetus leucogaster)
17. White-eared Pheasant (Crossoptilon crossoptilon) [1][\7-A. White Spoonbill (Platalea leucorodia)]
18. White-winged Wood Duck (Cairina scutulata)
[4][19. Swiftlets (Collocalia unicolor and Collacalia fusiphaga)

20. Hill myna (Gracula religiosa intermedia, Gracula religiosa peninsularis, Gracula religiosa indica and Gracula religiosa and amanesis)
21. Tibetan ear pheasant (Crossoptilon harmani) 22- Kalij pheasant (Lophurs leucomelana)
23. Lord Derby's parakeet (Psittacula derbyana)
24. Vultures (Gyps indicus, Gyps bengalensis, Gyps tenuirostris)
25. White bellied hereon (Ardea insignis)]

PART IV

CRUSTACEA AND INSECTS '[1.] Butterflies and Moths

Family Amathusildae	Common English name
Discophora deo deo	Duffer, banded
Discophora sondaica muscina	Duffer, common
Faunis faunula faunuloides	Pallid fauna
Family Danaidae	

1 Re-numbered vide Notification No. SO 859(E), dt. 24-11-1986.
2 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 29-8-1977.
3 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
4 Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

Danaus gautama gautamodies	Tigers
Euploea crameri nicevillei	Crow, spotted Black
Euploea midamus roepstorfti	Crow, Blue-spotted
Family Lycaenidae	
Allotinus drumila	Darkie, crenulate/Great
Allotinus fabius penormis	Angled darkie
Amblopala avidiena	Hairstreak, Chinese
Amblypodia ace arata	Leaf
Blue	
Amblypodia alea constanceae	Rosy Oakblue
Amblypodia ammonariel	Malayan Bush blue
Amblypodia arvina ardea	Purple Brown tailless Oakblue
Amblypodia asopia	Plain tailless Oakblue
Amblypodia comica	Comic Oakblue
Amblypodia opalima	Opal Oakblue
Amblypodia zeta	Andaman tailless Oakblue
Biduanda Melisa Cyana	
Biduanda melisa cyana	Blue posy
Callophyrs leechii	Hairstreak, Ferruginous
Castalius rosimon alarbus	Pierrot, common
Charana cephies	Mandar in Blue, Cachar
Chlioria othona	Tit,
orchid	
Deudoryx epijarbas amatius	Cornelian, scarce
Everes moorei	Cupid, Moore's

Gerydus biggsii	Bigg's Brownie
Gerydus symethus diopeithes	Great Brownie
Heliophorus hybrida	Sapphires
Horaga albimacula	
Onyxes	
Jamides ferrari	
Caeruleans	
Liphyra brassolis	Butterfly, Moth
Listeria dudgenni	Lister's hairstreak
Logania Watsoniana subsfasciata	Mottle, Wasten's
Lycaenopsis binghami	Hedge Blue
Lycaenopsis haraldus ananga	Hedge Blue, Felder's
Lycaenopsis puspa prominens	Common hedge Blue
Lycaenopsis quadriplaga dohertiya	Naga hedge Blue
Nacaduba noreia hampsoni	Lineblue, White-tipped
Polyommarus oritulus leela	Greenish mountain Blue
Pratapa Icetas mishmia	Royal, drak Blue
Simiskina phalena harterti	Brilliant, Broadlanded
Sinthusa Virgo	Spark,
Pale	
Spindasis elwesi	Silverline, Elwes's
Spindasis rukmini	Silverline, Khaki
Strymoni mackwoodi	Hairstreak, Mackwood's
Tajuria ister	Royal, uncertain
Tajuria luculentus nela	Royal, Chinese
Tajuria yajna yajna	Royal, Chestnut and Black
Thecla ataxus zulla	Wonderful hairstreak
Thecla bleti mendera	Indian Purple hairstreak
Thecla letha	Watson's hairstreak
Thecla paona	Paona hairstreak
Thecla pavo	Peacock
hairstreak	
Virchola smilis	Guava
Blues Family Nymphalidae	
Apatura ulupi ulupi	Emperor, Tawny
Argynnis hegemone	Silver-washed fritillary
Callnaga buddha	
Freak	
Charases durnfordi nicholi	Rajah, Chestnut
Cirrochroa fasciata	
Yeomen	
Diagora nicevillei	Siren,
Scarce	
Dillpa morgiana	Emperor, Golden

Doleschallia bisaltide andamana	Autumn leaf
Eriboea moorel sandakanas	Mayanan Nawab
Eriboea schreiberi	Blue
Nawab	
Eulaceura manipurensis	Emperor, Tytler's
Euthalia durga splendens	Barons/Connis/Duchesses
Euthaliaiva	Duke,
Grand	
Euthalia Khama Curvifascia	Duke, Naga
Euthalia tellehinia	Baron,
Blue	
Helcyra hemina	Emperor, White
Hypolimnas missipus	Eggfly, Danaid
Limenitis austenia purpurascens	Commodore, Grey
Limenitis zulema	
Admirals	
Melitaea shandura	Fritillaries/Silverstripes
Neptis antilope	Sailer, variegated
Neptis aspasia	Sailer, Great Hockeystick
Neptis columella kankena	Sailer.Short-banded
Neptis cydippe kirbariensis	Sailer, Chinese yellow
Neptis ebusa ebusa	Sailer/Lascar
Neptis jumbah binghami	Sailer, chestnut-streaked
Neptis manasa	Sailer, Pale Hockeystick
Neptis nycteus	Sailer, Hockeystick
Neptis poona	Lascar, tytler's
Neptis sankara nar	Sailer, Broad-banded
Panthoporia jina jina	Bhutan sergeant
Panthoporia reta moorei	Malay staff sergeant
Prothoc franckii regalis	Begum, Blue
Sasakia funebris	
Empress	
Sophisa chandra	Courtier, Eastern

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Symbrenthia silana	Jester, Scarce
Vanessa antiopa yedunula	Admirables
Family Papilionidae	
Chilasa clytea clytea of commixtus	Common mime
Papilio elephenor	Spangle, yellow-crested
Papilio liomedon	Swallowtail, Malabar Banded
Parnassiusaecogeminifer	Apollo
Parnassius delphius	Banded apollo
Parnassius hannyngtoni	Hannyngton's apollo

Parnassius imperator augustus	Imperial apollo
Parnassius stoliezkanuss	Ladakh Banded apollo
Polydorus coon sambilana	Common clubtail
Polydorus cerassipes	Black windmill
Polydorus hector	Crimson rose
Polydorus nevilli	Nevill's windmill
Polydorus plutonius pembertoni	Chinese windmill
Polydorus polla	Deniceylle's windmill
Family Pleridae	
Aporia harrietae harrietae	Black veins
Baltia butleri sikkima	White butterfly
Colias colias thrasibulus	Clouded yellows
Colias dubi	Dwarf clouded yellow
Delias samaca	Jezebel,
pale Pieris krueperi devta Butterfly cabbage/White II Family Satyriidae	
Coelitis mothis adamsoni	Cat's eye, 'Scarce
Cyllogenes janetae	Evening Brown, Scarce
Elymnias peali	Palmfly,
Peal's	
Elymnias penanga chilensis	Palmfly, Painted
Erebia annada annada	Argus, ringed
Erebia nara singha nara singha	Argus, Mottled
Lethe, distans	Forester, Scarce Red
Lethe dura gammiel	Lilacfork, Scarce
Lethe europa tamuna	Bamboo tree brown
Lethe gemina gafuri	Tayler's tree brown
Lethe guluihal guluihal	Forester, Dull
Lethe margaritae	Tree brown, Bhutan
Lethe ocellata lyncus	Mystic, dismal
Lethe ramadeva	Silverstripe, Single
Lethe satyabati	Forester,
pallid	
Mycalesis orseis nautilus	Bushbrown, Purple
Pararge menava maeroides	Wall dark
Ypthima doherryi persimilis	Five ring, Great

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'[1-A. Coconut or Robber Crab (Bigrus latro)] '[2. Dragon Fly (Epioplebia laidlawi)]

[2]**[PART IVA**

COELENTERATES 1 Reef Building Coral (All Scleractinians)

2. Black Coral (All Antipatharians)
3. Organ Pipe Coral (Tubipora musica)
4. Fire Coral (All Millipora Species) 5- Sea Fan (All Gorgonians)]

[3]**[PART IVB** MOLLUSCA

1. Cassis cornuta
2. Charonia tritonis
3. Conus milneedwardsi
4. Cypraecassis rufa
5. Hippopus hippopus
6. Nautilus pompilius
7. Tridacna maxima
8. Tridacna squamosa
9. Tudicla spirallus.

PART IV-C ECHINODERMATA Sea Cucumber (All Holothurians).]

SCHEDULE II

(Sections 2, 8, 9,11, 40, 41, 43,48,51, 61, and 62)

PARTI

¡ * * *

[1-A. Assamese macaque (Macaca assamensis)]

[2. Bengal Porcupine (Atherurus mecrourus assamensis)]

3. ***

3A. Bonnet macaque (Macaca radiata)]

[5][3-B. ••")

[6][3-C Cetatean spp. (other than those listed in Sch. I and Sch. II, Part II)]

»[4. *•*]

[4-A. Common langur (Presbytis entellus)]

1 Inserted vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.

2 Inserted by Notification No. 1-4/95-WL-l, dt. 11-7-2001.

3 Substituted vide Notification No. 1-4/95-WL-l, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1-4/95/WL-l, dt. 19-2-2002.

4 Vide Notification No. F) 11012/31/76 FRY(WL),dt. 29-8-1977.

5 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

6 Vide Notification No. SO 859(E), dt. 24-11-1986.

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•p.

[2][6.

7. Ferrest Badgers (Melogale moschata, Melogale personata)

[2][8. •*•]

[2][9. •••]

[2][10. ***]

11. Himalayan Crestless Porocupine (Hystrix hodgsoni)

[11-A. Himalayan Newtor Salamander (Tyletotriton verrucosus)]

[4][12. ***]

[4][13. ***]

[4][14. •••]

[4][15. •••]

16. Pig-tailed macaque (macaca nemestrina)]

[3][17. "*)

[3][17A. Rhesus macaque (Macaca mulatta)

[4][18. "**]

19. Stump-tailed macaque (Macaca speciosa)

[4][20. •••]

21. ***]

22. Wild dog or dhole (Cuon alpinus)

[4][23. ***]

[3][24. Chameleon (Chameleon calcaratus)] 25. Spiny-tailed Lizard or Sanda (Uromastix hardwickii)

PART II

[4][1. Beetles]
Family Amathueidae
Aemona amathusia amathusia
Amathusia phildippus andamanicus
Amathuxida amythaon amythaon
Discophora deo deodoides
Discophora lepida lepida
Discophora timora andamanensi
Enispe cycnus
Faunis sumeus assama
Sticopthalma nourmahal

1 Vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.
2 Substituted vide Notification No. 1-4/95-WL-l, dt. 5-12-2001 & corrected vide corrigendum Noti.No. l-4/95/WL-l,dt. 19-9-2002.
3 Vide Notification No. FJ 11012/31/76 FRYfWL), dt. 29-8-1977.
4 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

Thauria aliris amplifascia
Family Carabidae
Agonotrechus andrewesi
Amara brucei
Amara eleganfula
Brachinus atripennis
Broscosoma gracile
Brosous bipillifer
Broterovicollis
Calathus amaroides
Callistominus belli
Chalenius championi
Chlaenius kanarae
Chalenius masoni
Chlaenius nilgiricus
Family Chrysomelidae
Acrocrypta rotundata
Bimala indica
Clitea indica
Gopala pita

Griva cyanipennis
Nisotra cardoni
Nistora madurensis
Nistora nigripennis
Nistora semicoreulea
Nisotra striatipennis
Nonarthra patkaia
Psylliodes plana
Psyllidoes shira
Sebaethe cervina
Sebaethe patkaia
Sphaeroderma brevicorne
Family Cucujidae
Carinophlocus raffrayi

Cucujus bicolor
Cucujus grouvelle
Cucujus imperialis
Heterojinussemilaetaneus
Laemophloeus belli
Laemoploeus incertus
Pediacus refipes
Family Danaidae
Euploea melanaleuca
Euploea midamus rogenhofer
Family Erycinidae
Abisara kausambi
Dodona adonira
Dodona dipoea
Dodona egeon
Libythea lepita
Family Hesperiidae
Baoris phidippina
Bebasa sena
Halpe homolea
Family Inopeplidae
Inopeplus albonotalus
Family Lycaenidae
Allotinus subviolaceus manychus
Amblypodia aenea
Amblypodia agaba aurelia
Amblypodia agrata
Amblypodia alesia
Amblypodia apidanus ahamus
Amblypodia areste areste
Amblypodia bazaloides

Amblypodia camdeo
Amblypodia ellisi
Amblypodia fulla ignara

Amblypodia genesa watsoni
Amblypodia paraganesa zephyreeta
Amblypodia paralea
Amblypodia silhetensis
Amblypodia suffusa suffusa
Amblypodia yendava
Apharitis lilacinus
Araotes lapithis
Artipe eryx
Bindahara phocides
Bothrinia chennellia
Castalius roxus manluena
Catapoecilma delicatum
Catapoecilma elegans myositina
Charana jalindra
Cheritrella truncipennis
Chliaria kina
Deudoryx hypargyria gaetulia
Enchrysops cnejus
Everes kala
Helipphorus androcles moorei
Horage onyx
Horage viola
Hypolycaena nilgirica
Hypolycaena theclodies nicobarica
Iraota rochana boswelliana
Jamides alectokandulana
Jamides celeodus pura
Jamides coeruler
Jamides kankena
Lampides boeticus
Lilacea albocaerulea
Lilacea atroguttata
Lilacea lilacea

Lilacea melaena
Lilacea minima
Logania massalia
Lycaenesthes lycaenina
Mahathala ameria
Mahathala atkinsoni
Magisba malaya presbyter

Nacaduba aluta coelestis
Nacaduba ancyra aberrans
Nacaduba dubiosa fulva
Nacaduba helicon
Nacaduba hermus major
Nacaduba pactolus
Neucheritra febronia
Niphanda cymbia
Orthomiella pontis
Pithecops fulgens
Polymmatus devanica devancia
Polymmatus metallica metallica
Polymmatus orbitulus jaloka
Polymmatus yeonghusbandi
Poritia erycinoides elsiei
Poritia hewitsoni
Poritia plsurata geta
Pratapa bhetes
Pratapa blanka
Pratapa deva
Pratapa icetas
Rapala buxaria
Rapala chandrana chandrana
Rapala nasaka
Rapala refulgens
Rapala rubida
Rapala scintilla

Rapala sphinx sphinx
Rapala varuna
Spindasis elima elima
Spindasis lohita
Spindasis nipalicus
Suasa lisides
Surendra todara
Tajuria albiplaga
Tajuria cippus cippus
Tajuria culta
Tajuria diaeus
Tajuria illurgioides
Tajuria illurgis
Tajuria jangala andamanica
Tajuria melastigma
Tajuria sebonga
Tajuria thyia

Tajuria yajna istroides
Tarucus callinara
Tarucus dharta
Thaduka malticaudata kanara
Thecla ataxus ataxus
Theclabitel
Thecla icana
Thecla jakamensis
Thecla kabreea
Thecla khasia
Thecla kirbariensis
Thecla suroia
Thecla syla assamica
Thecla vittata
Thecla ziba
Thecla zoa
Thecla zsta

Una usta
Yasoda tripunctata
Family Nymphalidae
Adolias cyanipardus
Adolias dirtea
Adolias khasiana
Apatura chevana
Apatura parvata
Apatura sordida
Apatura ulupi florenciae
Argynnis adippe pallida
Argynnis altissima
Argynnis clara clara
Argynnis pales horla
Atella alciope
Calinaga buddha brahaman
Charaxes aristogiton
Charaxes fabius sulphureus
Charaxes karruba
Charaxes marmax
Charaxes polyxena heman
Cheroonesia rahria rahrioides
Cyrestis cloces
Diagora persimilis
Doleschallia bisaltide malabarica
Eriboea athames andamanicus
Eriboea delphis

Eriboea dolen
Eriboea harcoea lissainei
Euripus consimilis
Equipus halitherses
Euthalia anosia
Euthalia cocytus
Euthalia duda

Euthalia durga durga
Euthalia evalina landabilis
Euthalia franciae
Euthalia garuda acontius
Euthalia lepidea
Euthalia merta eriphyle
Euthalia nara nara
Euthalia patala taooana
Euthalia teuta
Horona marathus andamana
Hypolimnas missipus
Hypolimnas polynice birmana
Kallima albofasciata
Kallima alompra
Kallima philarchus horsfieldii
Limenitis austenia austenia
Limenitis damava
Limenitis dudu
Melitaea robertsi lutko
Neptis aurelia
Neptis anjana nashona
Neptis aurelia
Neptis magadh khasiana
Neptis nandina hamsoni
Nethis narayana
Neptis radha radha
Neptis soma
Neptis zaida
Neurosigma doublodayi doubledayi
Pantoporia ksura ksura
Pantoporia kanwa phorkys
Pantoporia larymna siamensis
Pantoporia pravara acutipennis
Pantoporia ranga

Parthenos sylvia
Penthema lisarda

Symbrenthia niphanda
Vanesa egea agnicula
Vanesa lalbum
Vanesa polychloros fervida
Vanesa prarsoides dohertyi
Vanesa urticoe rizama
Family Papilionidae
Bhutanitis liderdalei liderdalei
Chilasa epycides epycides
Chilasa paradoxa telearchus
Chilasa slateri slateri
Graphium aristeus anticrates
Graphium arycles arycles
Graphium eurypylus macronius
Graphium evemon albociliates
Graphium gyas gyas
Graphium megarus megarus
Papilio bootes
Papilio buddha
Papilio fuscus andamanicus
Papilio machaon verityi
Papilio mayo
Parnassius charltonius chartlonius
Parnassius epaphus hillensis
Parassius jacquemonti jacquemonti
Polydorus latreillei kabrua
Polydorus plutonius tytleri
Teinopalpus imerialis imperialis
Family Pieridae
Aporia nabellica
Appias albina darada
Appias indra shiva

Appias lyncida latifasciata
Appias wardi
Baltia butleri butleri
Cepora nadian remba
Cepora nerissa dapha
Colias ecocandiea hinducucica
Colias eogene
Colias ladakensis
Colias stoliczkana miranda
Delias lativitta
Dercas lycorias
Euchloe charlonia lucilla
Eurema andersoni ormistoni

Metaporia agathon
Pieris deota
Pontia chloridice alipina
Saletara panda Chrysaea
Valeria avatar avatar
Family Satyridae
Anlocera brahminus
Cyllogenes suradeva
Elymnias malelas milamba
Elymnias vasudeva
Erebia annada suroia
Erebia hygriva
Erebia kalinda kalinda
Erebia mani marti
Erebia seanda opima
Erites falcipennis
Hipparchis hoydenreichi shandura
Lethe atkinsoni
Lethe baladeva
Lethe brisanda
Lethe goalpara goalpara

Lethe insana insana
Lethe jalaurida
Lethe kaubra
Lethe latiaris latiaris
Lethe moelleri moelleri
Lethe naga naga
Lethe nicetella
Lethe pulaha
Lethe scanda
Lethe serbonis
Lethe siderca
Lethe sincrix
Lethe tristigmata
Lethe violaceopicta kanjupkula
Lethe visrava
Lethe yama
Maniola davendra davendra
Melanitis zitenius
Myscalesis adamsoni
Mycalesis anaxias
Mycalesis quotama chamka
Mycalesis heri
Mycalesis lepcha bethami

Mycalesis malsarida
Mycalesis mestra
Mycalesis misenus
Mycaleis mystes
Mycalesis suavolens
Neorina hilda
Neorina patria westwoodii
Oeneis buddha quaurhwalica
Parantirrhoea marshali
Pararge eversmanni cash mirensis
Pararge maerula maefula

Ragadia crislda crito
Rhapicera sttriens kabrua
Ypthima bolanica
Ypthima lycus lycus
Ypthima mathora mathora
Ypthima similis affectata
Zipotis saitis

[1-A. Civets (all species of Viverridae except Malabar civet)]
'[1-B. Common fox (Vulpes bengalensis)]
[1][1-C. Flying squirrels (all species of the genera Bulopetes, Petaurista, Pelomys and Eupetaurus)]
'[l-D. Giant squirrels (Ratufa macroura Ratufa indica, and Ratufa bicolor)]
'[2. Himalayan brown bear (Ursus arctos)]
[2][2A. Himalayan black bear (Selenarctos thibetanus)]
[1][2B. Jackal (Canis aureus)]
[1][2C. Jungle cat (Felis chaus)]
'[2D. Marmots (Marmota bobak himalayana, Marmota caudata)]
'[2E. Martens (Martes foria intermedia, Martes flovigule, Martes gwatkinsii)]
'[3. ***]
4. Otters (Luthra, L. perspicillata)
[3][4-A. Pole cats (Vormela peregusna, Mustila poturius)
4-B. Red fox (Vulpes vulpes, vulpes montana, vulpes griffithi, vulpes pusilla)
'[5. Sloth bear (Melursus ursinus)]
[1][5A. Sperm whale (Physeter macrocephalus)]
[a][6. ***]
'[7. Weasells (Mustela Sibirica, Mustela Kathian, Mustela Altaica)]
'[8. Checkered keelback snake (Xenochrophis piscatar)]
9. Dhaman or rat snake (Plyas mucosus)
10. Dog-faced water snake (Carbrus rhynchops)
11. Indian cobras (all sub-species belonging to genus Naja)
12. King cobra (Ophiophagus hannah)
13. Oliveceous keelback (Artaetium schistosum)

14. Russel's viper (Vipera ruselli)
15. Varanus species (excluding yellow monitor lizard)
[4][16. Mongooses (All species of genus Herpestes)
17. Grey jungle fowl (Gallus sonnerati)]

1 Vide Notification No. SO 859(E), dt. 24-11 -1986.
2 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
3 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.
4 Inserted vide Noti. No. 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

SCHEDULE III

(Sections 2, 8["] 9, 11 and 611*

[2][1. ***]
2. Barking deer or muntjac (Munticacus munrjak)
[3][3. ***]
'[4. »••]
5. Chital (Axix axis)
[x][6. •••]
7. Gorals (Nemorhaedus goral, Nemorhaedus hodgsoni)
[1][8. •••]
[4][9. ***]
'[10. ***]
11. Hegdeer (Axis porcinus)
12. Hyaena (Hyaena hyaena) *[13. ***]
14. Nilgai (Boselaphus tragocamelus)
'[15. **[4]]
16. Sambar (Cervus unicolor)
'[17.
'[IS-19. Wild pig (Sus scrofa)
[4] [20. Sponges (all calcareans)]

1 Omitted by Act 44 of 1991, w.e.l. 2-10-1991.
2 Omitted Notification No. SO 859(E), dt. 24-11-1986.
3 Vide Notification No. Fl-28/78 FRY(WL), dt, 9-9-1980.
4 Inserted vide Noti. No. l-4/95/WL-I,dt. 11-7-2001.
5 Omitted by Act 44 of 1991, w.e.f. 2-10-1991.
6 Vide Notification No. SO 859(E), dt. 24-11-1986.
7 Vide Notification No. Fl 28/78 FRY(WL), dt, 9-9-1980.
8 Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

SCHEDULE IV

(Sections 2, 8, 9,11 and 61)

[5]['*1

[6][1. •••]

[7][1-A. •»•]

[2][2. •••]

[3][3. *"]

[3][3-A. Five-striped plam squirrel (Funambulus pennanti)]

4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)

[8][4-A. Hedge hog (Hemiechinus auritus)]

[2][4-B. ***]

[2][4-C. *••]

[2][4-D. ***]

[2][4-E. Indian porcupine (Hystrix indica)]

[2][5. *»1

1 Omitted by Act 44 of 1991, w.e.l. 2-10-1991.
2 Omitted Notification No. SO 859(E), dt. 24-11-1986.
3 Vide Notification No. Fl-28/78 FRY(WL), dt, 9-9-1980.
4 Inserted vide Noti. No. l-4/95/WL-l,dt. 11-7-2001.
5 Omitted by Act 44 of 1991, w.e.f. 2-10-1991.
6 Vide Notification No. SO 859(E), dt. 24-11-1986.
7 Vide Notification No. Fl 28/78 FRY(WL), dt, 9-9-1980.
8 Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

'[6. ***]

[2][6-A •»»]

[3](6-B. ***]

[3][7. ***J

[4][7-A. Pole cats (Vormela peregusna, Mustela putorius))

*[7-B. ***]

8. [»»*]

[3][8-A. •••]

'[9. ***]

'[9-A. *»»]

10. [*••]

11. Birds [4][(other than those which appear in other Schedules)]:

1. Avadavat(Estrildinae)
2. Avocet (Recurvirostridae)
3. Babblers (Timaliinae)
4. Barbets (Capitonidae)
5. Barnowls (Tytonknae)
6. Bitterns (Ardeidae)

7. Brown-headed gull (Larus brunnicephalus)
8. Bulbuls (Pycnonotidae)
9. Buntings (Emberizidae)
10. Bustorda (Otididae)
11. Bustard-Qualis (Turnicidae)
12. Chloroppsis (Irenidae)
13. Comb duck (Sarkidiornis melanotes)
14. Coots (Rallidae)
15. Cormorants (Phalacrocoracidie)
16. Cranes (Gruidae)
17. Cuckoos (Cuculidae) 17-A. Curlews (Seoalopacinae)
18. Darters (Phalacrocoracidae)
19. Doves including the Emerald Dove (Columbidae)
20. Drongos (Dicruridae)
21. Ducks (Anatidae)
22. Egrets (Ardeidae)
23. Fairy Blue Birds (Irenidae)
24. Falcons (Falconidae), excepting the Shaheen and Peregrine falcons (Falco peregrinus), the shaker or chorrug, shanghar and lagger falcons (F. biarmicus), and the redheaded merlin (F. chicquera)
25. Finches including the chaffinch (Fringillidae)
26. Falmingos (Phoenicopteridae)

1 Omitted vide Notification No. SO 859(E), dt. 24-11-1986.
2 Omitted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.
3 Omitted vide Notification No. FJ 11012/31/76 FRY(WL),dt. 5-10-1977.
4 Inserted vide Notification No. FI-28/78-FRY(WL), dt. 9-9-1980, w.e.f. 2-10-1980.

27. Flowerpeckers (Dicaeidae)
28. Flycatchers (Muscicapidae)
29. Geese (Anatidae)
30. Goldfinch and allies (Carduelinae)
31. Grebes (Pooicipididae)
32. Gerons (Ardeidae)
33. Ibises (Thereskiornithidae)
34. Iorars (Irenidiae)
35. Jays (Corvidae)
36. Jacanas Gacanidae)
36A Junglefowl (Phasianidae)
37. Kingfishers (Alcedinidae)
38. Larks (Alcedinidae)
39. Lorikeets (Psittacidae)
40. Magpies including the Hunting magpie (Corvidae)
41. Mannikins (Estrildinae)
42. Megapodes(Megapodidae)

43. Minivest (Campephagidae)
44. Munias (Estrildinae)
45. Mynas (Sturnidae)
46. Nightijara (Caprimalgidae)
47. Orioles (Oriolidae)
48. Owls (Strigidae)
49. Oystercatchers (Haematopodidae)
50. Parakeets (Psittacidae)
51. Partridges (Phasianidae)
52. Pelicans (Pelecanidae)
53. Pheasants (Phasianidae)
54. Pigeons (Columbidae) except the Blue Rock Pigeon (Columba livia)
55. Pipits (Motacillidae) 55-A. Pittas (Pittidae)
56. Plovers (Charadriinae)
57. Quails (Rhasianidae)
58. Rails (Rallidae)
59. Rollers or Blue Jays (Coraciidae)
60. Sandgrouses (Pteroclididae)
61. Sandpipers (Scolopacinae)
62. Snipes (Scolopacinae)
63. Spurfowls (Phasianidae)
64. Starlings (Sturnidae)
65. Stone Curlew (Burhinidae)
66. Storks (Ciconiidae)
67. Stilts (Recurvirostridae)
68. Sunbirds (Nectariniidae)
69. Swans (Anatidae)
70. Teals (Anatidae)
71. Thurushes (Turadinae)

(Columba livia)
72. Tits (Paridae)
73. Tree pies (Corvidae)
74. Trogons (Trogonidae)
75. Vultures (Accipitridae)
76. Waxbills (Extrildinae)
77. Weaver Birds or Bayas (Ploceidae)
78. White-eyes (Zosteropidesa)
79. Woodpeckers (Picidae)
80. Wrens (Troglodytidae)

[1][12. Snakes [2][other than those species listed in Sch. II; Pt. II; and Sch. II, Pt. II]:

(i) Amblycaphalidae
(ii) Amilidae
(iii) Boidae
(iv) Colubridae
(v) Dasypeptidae (Egg-eating snakes)

(vi) Elapidae (Cobras; Kraits, and Coral Snakes)
(vii) Glauconndae
(viii) Hydrophidae (Fresh water and sea snakes)
(xi) Tlysiidae
(x) Leptotyphlopidae
(xi) Typhlopidae
(xii) Uropeltidae
(xiii) Viperidae
(xiv) Xenopeltidae]

[3][13. Fresh Water Frogs (Rana spp.)]
[1][14. Three-keeled Turtle (Geoemydas tricarinata)]
[1][15. Tortoise (Testudinidae, Tryonychidae)]
[1][16. Vivipaous toads (Nectophyrynoides sp.)]
[1][17. Voles]
[3][18. Butterflies and Moths]

Family Danaidae Euploca core simulatrix
Euploca crassa
Euploca dioclctianus ramsayi
Euploca muleiber
Family Hesperilidae
Baoris farri
Hasora vitta
Hyarotis adrastus
Oriens concinna

1 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.
2 Vide Notification No. SO 859(E). dt. 24-11-1986.
3 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

Pelopidas assamensis
Pelopidas sinensis
Polytrema discreta
Polytrema rubricans
Thoressa horiorei
Family Lycaenidae
Tarucus ananda
Family Nymphalidae
Euthalia lubentina
Family Pieridae
Aporia agathon ariaca
Appias libythea
Appiad nero galba Prioneris sita
*[19. Mollusca
(i) Cypraea lamacina

(ii) Cypraea mappa
(iii) Cypraea talpa
(iv) Fasciolaria trapezium
(v) Harpulina arausiaca
(vi) Lambis chiragra
(vii) Lambis chiragra arthiritica
(viii) Lambis crocea
(ix) Lambis millepeda
(x) Lambis scorpious
(xi) Lambis truncata
(xii) Placenta placenta
(xiii) Strombus plicatus sibbaldi
(xiv) Trochus niloticus
(xv) Turbo marmoratus]

SCHEDULE V

(Sections 2, 8, 61 and 62) 1.

Common crow

[2][*2.* •••]

3. Fruit bats

[2][4. ••*]

5. Mice

6. Rats \7. •••]

1 Inserted vide Noti. No. 1-4/95, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1-4/95/WL-l, dt. 19-2-2002.

2 Vide Notification No. FJ 11012/31 /76 FRY(WL), dt. 5-10-1977.

[1][SCHEDULE VI

(Section 2)

1. Beddomes' cycad (Cycas beddomei)
2. Blue Vanda (Vanda soerulec)
3. Kuth (Saussurea lappa)
4. Ladies slipper orchids (Paphiopedilum spp.)
5. Pitcher plant (Nepenthes khasiana)
6. Red Vanda (Rananthera inschootiana)]

1 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

WILDLIFE (PROTECTION) ACT, 2002

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th January, 2003/Pausa 30, 1924 (Saka)

The following Act of Parliament received the assent of the President on the I7th January, 2003, and is hereby published for general information:–

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2002

No. 16 of 2003

[*17thJanuary, 2003.*]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:

Short Title and Commencement

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, *2002.*
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of Long Title

53 of 1972
2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:–

"An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.".

Amendment of section 2

3. In section 2 of the principal Act,–

(a) for clause *(1)*, the following clause shall be substituted, namely:-

'*(1)* "animal" includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;';

(b) for clause *(4)*, the following clause shall be substituted, namely:-

'*(4)* "Board" means a State Board for Wild Life constituted under subsection *(1)* of section 6;';

(c) clause *(8)* shall be omitted;

(d) for clause *(9)*, the following clause shall be substituted, namely:-

'*(9)* "Collector" means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;';

(e) for clause *(11)*, the following clause shall be substituted, namely:–

'*(11)* "dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;';

(f) for clause *(12A)*, the following clauses shall be substituted, namely:–

16 of 1927
'*(12A)* "Forest officer" means the Forest officer appointed under clause *(2)* of section 2 of the Indian Forest Act, 1927 or under any other Act for the time being in force in a State;

16 of 1927
(12B) "forest produce" shall have the same meaning as in sub-clause *(b)* of clause *(4)* of section 2 of the Indian Forest Act, 1927;';

(g) in clause *(16)*, for sub-clauses *(a)* and *(b)*, the following sub-clauses shall be substituted, namely:

"*(a)* killing or poisoning of any wild animal or captive animal and every attempt to do so;

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;";

(h) for clause *(18A)*, the following clause shall be substituted namely:–

'*(18A)* "livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, homes, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;';

(i) for clauses *(19)* and *(20)*, the following clauses shall be substituted, namely:-

'*(19)* "manufacturer" means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;

(20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) "National Board" means the National Board for Wild Life constituted under section 5A;';

(j) after clause *(24)*, the following clause shall be inserted, namely:–

'*(24A)* "protected area means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;';

(k) for clauses *(25B)* and *(26)*, the following clauses shall be substituted, namely:–

'*(25B)* "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927, or declared as such under any other State Act;

(26) "sanctuary" means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;';

(l) clause *(28)* shall be omitted;

(m) for clause *(30)*, the following clause shall be substituted, namely:–

'*(30)* "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;';

(n) in clause *(31)*, for sub-clause *(b)*, the following sub-clause shall be substituted, namely:–

"*(b)* antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;";

(o) for clause *(36)*, the following clause shall be substituted, namely:–

'*(36)* "wild animal" means any animal specified in Schedules I to IV and found wild in nature;';

(p) for clause *(37)*, the following clause shall be substituted, namely:–

'*(37)* "wild life" includes any animal, aquatic or land vegetation which forms part of any habitat;';

(q) in clause *(39)*, for the words "but does not include a circus arid an establishment", the words "and includes a circus and rescue centres but does not include an establishment" shall be substituted.

Amendment of Section 3

4. In section 3 of the principal Act, –

(i) in sub-section *(1)*, clause *(b)* shall be omitted;

(ii) for sub-section *(3)*, the following sub-section shall be substituted, namely:–

"*(3)* The officers and other employees appointed under this section shall be required to assist the Director.".

Amendment of Section 4

5. In section 4 of the principal Act, in sub-section *(1)*, for clause *(bb)*, the following clause shall be substituted, namely:–

"*(bb)* Honorary Wild Life Wardens;".

Insertion of New Sections 5A to 5C

6. After section 5 of the principal Act, the following sections shall be inserted, namely:-

Constitution of the National Board for Wild Life

"5A. *(1)* The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002, constitute the National Board for Wild Life consisting of the following members, namely:-

(a) the Prime Minister as Chairperson;

(b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson;

(c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;

(d) Member, Planning Commission in-charge of Forests and Wild Life;

(e) five persons to represent non-governmental organisations to be nominated by the Central Government;

(f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;

(g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(h) the Chief of the Army Staff,

(i) the Secretary to the Government of India in-charge of the Ministry of Defence;

(j) the Secretary to the Government of India in-charge of the Ministry of information and Broadcasting;

(k) the Secretary to the Government of India in;-charge of the Department of Expenditure, Ministry of Finance;

(l) the Secretary to the Government of India, Ministry of Tribal Welfare;

(m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(n) the Director-General of Tourism, Government of India;

(o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;

(p) the Director, Wild Life Institute of India, Dehradun;

(q) the Director, Zoological Survey of India;

(r) the Director, Botanical Survey of India;

(s) the Director, Indian Veterinary Research Institute;

(t) the Member-Secretary, Central Zoo Authority;

(u) the Director, National Institute of Oceanography;

(v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;

(w) the Director of Wild Life preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members ex officio, the manner of filling vacancies referred to in clauses *(e)*, *(1)* and *(v)* of subsection *(1)*, and the procedure to be followed in the discharge of their functions by the members of the National. Board shall be such, as may be prescribed.

(3) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

(4) Notwithstanding anything contained in any other law for the time being in force, the office of the member of the National Board shall not be deemed to be an office of profit.

Standing Committee of the National Board

5B. *(1)* The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.

(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.

(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

Functions of the National Board

5C. *(1)* It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.:

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for–

(a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;

(b) making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;

(c) carrying out or causing to be carried but impact assessment of various projects and activities on wild life or its habitat;

(d) reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and

(e) preparing and publishing a status report at least once in two years on wild life in the country.".

Substitution of new section for section 6

7. For section 6 of the principal Act, the following section shall be substituted, namely:-

Constitution of State Board for Wild Life

"6. *(1)* The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitute a State Board for Wild Life consisting of the following members, namely:–

(a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be – Chairperson;

(b) the Minister in-charge of Forests and Wild Life – Vice-Chairperson;

(c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;

(d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;

(e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;

(f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;

(g) the Officer in-charge of the State Forest Department;

(h) the Secretary to the State Government, Department of Tribal Welfare;

(i) the Managing Director, State Tourism Development Corporation;

(j) an officer of the State Police Department not below the rank of Inspector General;

(k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;

(l) the Director, Department of Animal Husbandry of the State;

(m) the Director, Department of Fisheries of the State;

(n) an officer to be nominated by the Director, Wild We Preservation;

(o) a representative of the Wild Life Institute of India, Dehradun;

(p) a representative of the Botanical Survey of India;

(q) a representative of the Zoological Survey of India;

(r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses *(d)* and *(e)* of sub section *(1)* and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio* shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.".

Amendment of Section 8

8. In section 8 of the principal Act,–

(i) for the words 'qhe Wild Life Advisory Board", the words "State Board for Wild Life" shall be substituted;

(ii) for clause *(a)*, the following clause shall be substituted, namely:–

"*(a)* in the selection and management of areas to be declared as protected areas;".

Amendment of Section 11

9. In section 11 of the principal Act, in sub-section *(1)*,–

(i) in clause *(a)*, the following provisos and *Explanation* thereunder shall be inserted, namely:–

"Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation–For the purposes of clause (a), the process or capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.";

(ii) in clause *(b)*, for the words "such animal or cause such animal to be hunted", the words "such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted" shall be substituted.

Substitution of Heading of Chapter IV

10. In Chapter IV of the principal Act, for the heading "SANCTUARIES, NATIONAL PARK AND CLOSED AREAS", the following heading shall be substituted, namely:-

"PROTECTED AREAS"

Insertion of new sections 18A and 18B

11. After section 18 of the principal Act, the following sections shall be inserted, namely:–

Protection to Sanctuaries

"18A. *(1)* When the State Government declares its intention under sub-section of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected in terms of their rights as per the Government records.

Appointment of Collector

18B. The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002, or within thirty days of the issue of notification under section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub section *(1)* of section 18.".

Amendment of Section 21

12. In section 21 of the principal Act, after the words "the Collector shall", the words "within a period of sixty days," shall be inserted.

Insertion of New Section 25A

13. After section 25 of the principal Act, the following section shall be inserted, namely:-

Time-limit for Completion Acquisition Proceedings

"25A. *(1)*The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

(2) The notification shall not lapse if, for any reasons, the proceedings are- not completed within a period of two years.".

Amendment of Section 26

14. In section26A of the principal Act for sub-section *(3)*, the following sub-section shall be substituted, namely:-

"*(3)* No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board.".

Substitution of New Section for Section 29

15. For section 29 of the principal Act, the following section shall be substituted, namely:–

Destruction etc., in a Sanctuary Prohibited without a Permit

"29. No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation- For the purposes of this section, grazing or movement of livestock permitted under clause *(d)* of section 33 shall not be deemed to be an act prohibited under this section.".

Amendment of Section 33

16. In section 33 of the principal Act after clause *(a)*, the following proviso shall be inserted, namely:–

"Provided that no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board;".

Insertion of New Section 33B

17. After section 33A of the principal Act, the following section shall be inserted, namely:–

"33B. *(1)* The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters. Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The Committee shall regulate its own procedure including quorum.".

Insertion of New Section 34A

18. After section 34 of the principal Act, the following section shall be inserted, namely-:–

Power to remove Encroachment

"34A., *(1)* Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may,–

(a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;

(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act.".

Amendment of section 35

19. In section 35 of the principal Act,–

(i) for sub-sections *(5)* and *(6)*, the following sub-sections shall be substituted, namely:–

"*(5)* No alteration of the boundaries of a National Park by the State Government-shall be made except on a recommendation of the National Board.

(6) No person shall destroy, exploit or remove any Wild Life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the National Park, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purpose.";

(ii) after sub-section *(8)*, the following *Explanation* shall be inserted, namely:–

"*Explanation.*-For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub-sections *(3)* and *(4)* of this section shall not apply.".

Insertion of New Sections 36A to 36D

20. After section 36 of the principal Act, the following sections shall be inserted, namely:-

Declaration and Management of a Conservation Reserve

"36A. *(1)* The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat:

Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration.

(2) The provisions of sub-section *(2)* of section 18, sub-sections *(2)*, *(3)* and *(4)* of section 27, sections 30, 32 and clauses *(b)* and *(c)* of section 33 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary

Conservation Reserve Management Committee

36B. *(1)* The State Government shall constitute a conservation reserve management committee to advise the Chief Wild Life Warden to conserve, manage and maintain the conservation reserve.

(2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the Committee, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each from the Department of Agriculture and Animal Husbandry.

(3) The Committee shall regulate its own procedure including the quorum.

Declaration and Management of Community Reserve

36C. *(1)* The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

(2) The provisions of sub-section *(2)* of section 18, sub-sections *(2)*, *(3)* and *(4)* of section 27, sections 30, 32 and clauses *(b)* and *(c)* of section 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

(3) After the issue of notification under sub-section *(1)*, no change in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management, committee and approval of the same by the State Government.

Community Reserve Management Committee

36D. *(1)* The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve.

(2) The committee shall consist of five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

(3) The committee shall be the competent authority to prepare and implement the management plan for the community reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.

(4) The committee shall elect a Chairman who shall also be the Honorary Wild Life Warden on the community reserve.

(5) The committee shall regulate its own procedure including the quorum.".

Omission of Section 37

21. Section 37 of the principal Act shall be omitted.

Amendment of Section 38B

22. In section 38B of the principal Act, In sub-section *(l)* after the words "every member", the words "other than the Member-Secretary" shall be inserted.

Amendment of Section 38H.

23. In section 38H of the principal Act, after sub-section *(1)*, the following sub-section shall be inserted, namely:–

"*(1A)* On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 a zoo shall not be established without obtaining the prior approval of the Authority.".

Substitution of New Section for Section 38-1.

24. For section 38-1 of the principal Act, the following section shall be substituted, namely:–

Acquisition of Animals by a Zoo

"38-1. *(1)* Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I and 11 except with the previous permission of the Authority.

(2) No zoo shall acquire, sell or transfer any wild or captive animal except from or to a recognised zoo.".

Amendment of Section 40

25. In section 40 of principal Act,–

(i) in sub-section *(1)*, for the words "or any uncured trophy", the words "or animal article, trophy or uncured trophy" shall be substituted;

(ii) after sub-section *(2)*, the following sub-sections shall be inserted, namely:–

"*(2A)* No person other than a person having a' certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.

(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section *(2A)* shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section *(1)* of section 40;

Provided that nothing in sub-sections *(2A)* and *(2B)* shall apply to the live elephant.".

(iii) in sub-section *(4)*, for the words "any animal article", the words "any animal or animal article" shall be substituted.

Insertion of New Section 40A

26. After section 40 of the principal Act, the following section shall be inserted, namely:–

Immunity in Certain Cases

"40A. (1) Notwithstanding anything contained in sub-sections *(2)* and *(4)* of section 40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life Warden or

the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animal, specified in Schedule I or Part 11 of Schedule 11 in his control, custody or possession, in respect of which no declaration had been made under sub-section *(1)* or sub-section *(4)* of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 shall not be proceeded with and all pending proceedings shall stand abated.

(3) Any captive animal, animal article, trophy or uncured trophy declared under sub-section *(1)*, shall be dealt with in such manner and subject to such conditions as may be prescribed.".

Amendment of Section 42

27. In section 42 of the principal Act, the following proviso shall be added, namely:-

"Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal.".

Substitution of New Section for Section 43

28. For section 43 of the principal Act, the following section shall be substituted, namely-.-

Regulation of Transfer of Animal, etc.

"43. *(1)* No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) Nothing in this section shall apply–

(a) to tail feather of peacock and the animal article or trophies made therefrom;

(b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-1, and transfer amongst zoos and public museums.".

Amendment of Section 50

29. In section 50 of the principal Act.

(i) in sub-section *(3A)*, for the words "Wild Life Warden," the words "an of section 50. Assistant Conservator of Forests" shall be substituted;

(ii) in sub-section *(4)* the words "under intimation to the Chief Wild Life Warden or the-officer authorised by him in this regard" shall be inserted at the end;

(iii) for sub-section *(6)*, the following sub-section shall be substituted, namely:–

"*(6)* Where any meat, uncured trophy, specified plant or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a

gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed.";

(iv) in sub-section (8), for the words "Wild Life Warden", the words "an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf- shall be substituted.

Amendment of Section 51

30. In section 51 of the principal Act,–

(i) in sub-section *(1)*, for the first and second provisos, the following provisos shall be substituted, namely:–

"Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy diri4ed from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.";

(ii) in sub-section *(1A)*, for the words "one year ", the words "three years" and for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted.

Insertion of New Section 51A

31. After section 51 of the principal Act, the following section shall be inserted, new section namely:–

Certain Condition to Apply while Granting Bail

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"51A. When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule If or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 no such person who had been previously convicted of an offence under this Act shall, be released on bail unless–

(a) the Public Prosecutor has been given an opportunity of opposing the release on bail, and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.".

Substitution of New Section for Section 54

32. For section 54 of the principal Act, the following section shall be substituted, namely:–

Power of Compound Offences

"54. *(1)* The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a

reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty-five thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51, shall be compounded." .

Amendment of Section 55

33. In section 55 of the principal Act,–

(i) after clause *(a)*, the following clause shall be inserted, namely:–

"*(aa)* the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or";

(ii) in clause *(b)*, after the words "State Government", the words "subject to such conditions as may be specified by that Government" shall be inserted;

(iii) after clause *(b)*, the following clause shall be inserted, namely:-

"(bb) the officer- in-charge of the zoo in respect of violation of provisions of section 38J; or".

Insertion of New Chapter VI A

34. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:–

CHAPTER VI A

FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

Application

58A. The provisions of this Chapter shall apply only to the following persons, namely:–

(a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;

(b) every associate of a person referred to in clause *(a)*;

(c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause *(a)* or clause *(b)* unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

Definition

58B. In this Chapter, unless the context otherwise requires,–

(a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 58N;

(b) "associate" in relation to a person whose property is liable to be forfeited under this Chapter, includes–

(i) any individual who had been or is managing the affairs or keeping the accounts of such person;

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(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act 1956 of which such person had been or is a member, partner or director;

(iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause *(ii)* at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause *(iii)*;

(v) the trustee of any trust, where–

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;

(vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(c) "competent authority" means an officer authorised under section 58D;

(d) "concealment" means the concealment or disguise of the nature, source disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(e) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an, order issued under section 58F;

(f) "identifying' includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;

(g) "illegally acquired property" in relation to any person to whom this Chapter applies, means–

(i) any property acquired by such person, wholly or partly out of or by means of any income earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause *(i)* or the income or earning from such property,

and includes–

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property failing under item *(A)*, or the income or earnings therefrom;

(h) "property' means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;

(i) "relative" means–

(1) spouse of the person;

(2) brother or sister of the person;

(3) brother or sister of the spouse of the person;

(4) any lineal ascendant or descendant of the person,

(5) any lineal ascendant or descendant of the spouse of the person;

(6) spouse of a person referred to in sub–clause *(2)*, sub-clause *(3)*, sub-clause *(4)* or sub-clause *(5)*;

(7) any lineal descendant of a person referred to in sub-clause *(2)* or sub-clause *(3)*;

(j) "tracing" means determining the nature, source, disposition, movement, title or ownership of property;

(k) "trust" includes any other legal obligation.

Prohibition of Holding Illegally Acquired Property

58C. *(1)* From the date of commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section *(1)*, such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for-an offence relating to illegal hunting and trade of wild life and its products.

Competent Authority

58D. The State Government may, by order published in the Official Gazette, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may, direct.

Identifying Illegally Acquired Property

58E. *(1)* An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

(2) The steps referred to in sub-section *(1)* may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section *(2)* shall be carried out by an officer mentioned in sub-section *(1)* in accordance with which directions or guidelines as the competent authority may make or issue in this behalf.

Seizure or Freezing of Illegally Acquired Property

58F. *(1)* Where any officer conducting an inquiry or investigation under section 58E has mason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property arid where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority arid a copy of such order shall be served on the person concerned:

Provided that a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section *(1)* shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation.- For the purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes–

(a) the creation of a trust in property;

(b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;

(c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and

(d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

Management of Properties Seized or Forfeited under this Chapter

58G. *(1)* The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section *(1)* shall receive and manage the property in relation to which an order has been made under sub-section *(1)* of section 58F or under section 58-1 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.

Notice of Forfeiture of Property

58H. *(1)* If having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any, other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 58E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this, Chapter and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section *(1)* to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

Forfeiture of Property in Certain Cases

58-I *(1)* The competent authority may, after considering the explanation, if any, to the show cause notice Issued under section 58H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether al I or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person, such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section *ex parte* on the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section *(1)* within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under section 58H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this, Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 or the article of association of the company, forthwith register the State Government as the transferee of such shares.

Burden of Proof

58J. In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 59H is not illegally acquired property shall be on the person affected.

File in Lieu of Forfeiture

58K. *(1)* Where the competent authority makes, a declaration that any property stands forfeited to the State Government under section 58-1 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section *(1)*, the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section *(1)*, within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-1 and thereupon such property shall stand released.

Procedure in relation to certain Trust Properties

58L. In the case of any person referred to in sub-clause *(vi)* of clause *(b)* of section 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other asset out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation.–For the purposes of this section "illegally acquired property" in relation to any property held in trust, includes–

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired-such property out of su6 contributions.

Certain Transfers to be Null and Void

58M. Where after the making of an order under sub-section *(1)* of section 58F or the issue of a notice under section 58k or under section 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the State Government under section 584, then, the transfer of such property shall be deemed to be null and void.

Constitution of Appellate Tribunal

58N. *(1)* The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58F, section 58-I, sub-section *(i)* of section 58K or section 58L.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Appeals

58-O. *(1)* Any person aggrieved by an order of the competent authority made under section 58F, section 58-1, sub-section *(1)* of section 58K or section 58L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section *(1)*, the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

Notice or Order not to be invalid for Error in Description

58P. No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

Bar of Jurisdiction

58Q. No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

Competent Authority and Appellate Tribunal to have Powers of Civil Court

58R. The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:–

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for examination of witnesses or documents;

(f) any other matter which may be prescribed

Information to Competent Authority

58S. *(1)* Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in section 58T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

Certain Officers to Assist Administrator, Competent Authority and Appellate Tribunal

58T. For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely:–

(a) officers of Police;

(b) officers of the State Forest Departments;

(c) officers of the Central Economic Intelligence Bureau;

(d) officers of the Directorate of Revenue Intelligence;

(e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

Power to Take Possession

58U. *(1)* Where any property has been declared to be forfeited to the State Power to take Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section *(1)* of section 58K within the time allowed therefor under subsection *(3)* of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section *(1)*, the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section *(2)*, the Administrator may, for the purpose of taking possession of any property referred to in sub-section *(1)* requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

Rectification of Mistakes

58V. With a view to rectifying any mistake apparent from record, the competent authority or the Appellate Tribunal, as the case maybe, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.

Findings under other Laws not Conclusive for Proceedings under this Chapter

58W. No finding of any officer or, authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

Service of Notices and Orders

58X. Any notice or order issued or made under this Chapter shall be served,–

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;

(b) if the notice or order cannot be served in the manner provided in clause *(a)*, then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

Punishment for Acquiring Property in relation to which Proceedings have been taken under this Chapter

58Y. Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term Which may extend to five years and with fine which may extend to fifty thousand rupees.'.

Amendment of Section 60A

35. In section 60A of the principal Act,–

(i) in sub-section *(1)*, for the words "twenty per cent of such fine", the words "fifty per cent. of such fine" shall be substituted;

(ii) in sub-section *(2)*, for the words "twenty per cent of such money", the words "fifty per cent of such money" shall be substituted.

Insertion of New Section 60B

36. After section 60A of the principal Act, the following section shall be inserted, namely:–

Reward by State Government

"60B.The State Government may empower the Chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may, be prescribed.".

Amendment of Section 63

37. In section 63 of the principal Act, in sub-section *(1)*, the following clause shall be inserted, namely:–

"*(ai)* the term of office of members other than those who are members *ex officio*; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section *(2)* and allowances of those members under sub-section, *(3)* of section 5A;".

Amendment of Section 64

38. In section 64 of the principal Act, in sub-section (2),–

(i) for clauses *(a)* and *(b)*, the following clauses shall be substituted, namely:–

"*(a)* the term of office of members other than those who are members, *ex officio*, the manner of filling vacancies and the procedure to be followed by the Board under sub-section *(2)* of section 6;

(b) allowances referred to in sub-section *(3)* of section 6;";

(ii) after clause *(d)*, the following clause shall be inserted, namely:–

"*(dd)* the conditions subject to which the officers will be authorised to file cases in the court;";

"*(iii)* after clause *(g)*, the following clauses shall be inserted, namely:–

"*(ga)* the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section *(2)* of section 58G;

(gb) the terms and conditions of service of the Chairman and other members under sub-section *(3)* of section 58N;

(gc) the fund from which and the manner in which payment of reward under section 60B shall be made;".

K.N. CHATURVEDI,
Additional Secy. to the Govt. of India.

WILDLIFE (PROTECTION) ACT, 2006

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2006—08 REGISTERED NO. DL—(N)04/0007/2006—08

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 4th September, 2006/*Bhadra 13,* 1928 (*Saka*)

The following Act of Parliament received the assent of the President on the 3rd September, 2006, and is hereby published for general information:—

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

No. 39 OF 2006

[*3rd September*, 2006.]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Wild Life (Protection) Amendment Act, 2006.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

Insertion of new Chapters IVB and IVC.

2. After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

'CHAPTER IVB

NATIONAL TIGER CONSERVATION AUTHORITY

Definitions.

38K. In this Chapter,—

(*a*) "National Tiger Conservation Authority" means the Tiger Conservation Authority constituted under section 38L;

(*b*) "Steering Committee" means the Committee constituted under section 38U;

(*c*) "Tiger Conservation Foundation" means the foundation established under section 38X;

(*d*) "tiger reserve State" means a State having tiger reserve;

(*e*) "tiger reserve" means the areas notified as such under section 38V.

Constitution of National Tiger Conservation Authority.

38L. (*1*) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(*2*) The Tiger Conservation Authority shall consist of the following members, namely:—

(*a*) the Minister in charge of the Ministry of Environment and Forests—Chairperson;

(*b*) the Minister of State in the Ministry of Environment and Forests—Vice-Chairperson;

(*c*) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(*d*) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(*e*) Secretary, Ministry of Environment and Forests;

(*f*) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(*g*) Director, Wild Life Preservation, Ministry of Environment and Forests;

(*h*) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(*i*) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(*j*) Secretary, Ministry of Tribal Affairs;

(*k*) Secretary, Ministry of Social Justice and Empowerment;

(*l*) Chairperson, National Commission for the Scheduled Tribes;

(*m*) Chairperson, National Commission for the Scheduled Castes;

(*n*) Secretary, Ministry of Panchayati Raj;

(*o*) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,

to be notified by the Central Government, in the Official Gazette.

(*3*) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office and conditions of service of members.

38M. (*1*) A member nominated under clause (*d*) of sub-section (*2*) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (*d*) of sub-section (2) of section 38L, from office if he—

(*a*) is, or at any time has been, adjudicated as insolvent;

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(*c*) is of unsound mind and stands so declared by a competent court;

(*d*) refuses to act or becomes incapable of acting;

(*e*) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or

(*f*) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

Officers and employees of Tiger Conservation Authority.

38N. (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

Powers and functions of Tiger Conservation Authority.

38O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

(*a*) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;

(*b*) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(*c*) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(*d*) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(*e*) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species,

status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(*f*) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(*g*) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(*h*) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(*i*) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(*j*) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(*k*) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(*2*) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

Procedure to be regulated by Tiger Conservation Authority.

38P. (*1*) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(*2*) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(*3*) The Tiger Conservation Authority shall regulate its own procedure.

(*4*) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

Grants and loans toTiger Conservation Authority and Constitution of Fund.

38Q. (*1*) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(*2*) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

(*i*) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(*ii*) all fees and charges received by the Tiger Conservation Authority under this Act; and

(*iii*) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(*3*) The Fund referred to in sub-section (*2*) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

Accounts and audit of Tiger Conservation Authority.

38R. (*1*) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(*4*) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

Annual report of Tiger Conservation Authority.

38S. The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report and audit report to be laid before Parliament.

38T. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Constitution of Steering Committee.

38U. (*1*) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

(*2*) The Steering Committee shall consists of—

(*a*) the Chief Minister — Chairperson;

(*b*) the Minister in-charge of Wild Life — Vice-Chairperson;

(*c*) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(*d*) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;

(*e*) two members from the State's Tribal Advisory Council;

(*f*) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(*g*) Chief Wild Life Warden of the State shall be the Member-Secretary, *ex officio*,

to be notified by the State Government, in the Official Gazette.

Tiger Conservation Plan.

38V. (*1*) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve.

(*2*) The provisions of sub-section (*2*) of section 18, sub-sections (*2*), (*3*) and (*4*) of section 27, sections 30, 32 and clauses (*b*) and (*c*) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(*3*) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (*1*), so as to ensure—

(*a*) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(*b*) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(*c*) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(*4*) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation.— For the purposes of this section, the expression "tiger reserve" includes—

(*i*) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(*ii*) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in *Explanation* (*i*) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(*5*) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—

(*i*) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(*ii*) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(*iii*) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(*iv*) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(*v*) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(*vi*) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

Alteration and de-notification of tiger reserves.

38W. (*1*) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

(*2*) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

Establishment of Tiger Conservation Foundation.

38X. (*1*) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

(*2*) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:—

(*a*) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(*b*) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;

(*c*) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;

(*d*) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;

(*e*) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(*f*) to support research, environmental education and training in the above related fields.

CHAPTER IV C

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

Constitution of Tiger and other Endangered Species Crime Control Bureau.

38Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of—

(*a*) the Director of Wildlife Preservation—Director *ex-officio*;

(*b*) the Inspector-General of Police—Additional Director;

(*c*) the Deputy Inspector-General of Police—Joint Director;

(*d*) the Deputy Inspector-General of Forests—Joint Director;

(*e*) the Additional Commissioner (Customs and Central Excise)—Joint Director; and

(*f*) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

Powers and functions of the Wildlife Crime Control Bureau.

38Z. (*1*) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to—

(*i*) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action, so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(*ii*) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(*iii*) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(*iv*) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;

(*v*) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(*vi*) advice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(*2*) The Wildlife Crime Control Bureau shall exercise—

"(*i*) such powers as may be delegated to it under sub-section (*1*) of section 5, sub-sections (*1*) and (*8*) of section 50 and section 55 of this Act; and

(*ii*) such other powers as may be prescribed.".

Amendment of section 51.

3. In section 51 of the principal Act, after sub-section (*1B*), the following sub-sections shall be inserted, namely:—

"(*1C*) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to

seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(*1D*) Whoever, abets any offence punishable under sub-section (*1C*) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.".

Amendment of section 55.

4. In section 55 of the principal Act, after clause (*aa*), the following clauses shall be inserted, namely:—

"(*ab*) Member-Secretary, Tiger Conservation Authority; or

(*ac*) Director of the concerned tiger reserve; or".

Amendment of section 59.

5. In section 59 of the principal Act, after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted.

Amendment of section 60.

6. In section 60 of the principal Act, in sub-section (*3*), after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted.

Amendment of section 63.

7. In section 63 of the principal Act, in sub-section (*1*), after clause (*g*), the following clauses shall be inserted, namely:—

"(*gi*) qualifications and experience of experts or professionals under clause (*d*) of sub-section (*2*) of section 38-I;

(*gii*) the salaries and allowances and other conditions of appointment of the members under sub-section (*4*) of section 38M;

(*giii*) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (*2*) of section 38N;

(*giv*) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (*1*) of section 38R;

(*gv*) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(*gvi*) other powers of the Wild Life Crime Control Bureau under clause (*ii*) of sub-section (*2*) of section 38Z.".

K. N. CHATURVEDI,
Secy. to the Govt. of India.

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THE BIOLOGICAL DIVERSITY ACT, 2002

THE BIOLOGICAL DIVERSITY ACT, 2002

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THE BIOLOGICAL DIVERSITY ACT, 2002

ACT NO. 18 OF 2003

[*5th February,* 2003.]

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto.

AND WHEREAS India is a party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992;

AND WHEREAS the said Convention came into force on the 29th December, 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilisation of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilisation and equitable sharing of the benefits arising out of utilisation of genetic resources and also to give effect to the said Convention.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Biological Diversity Act, 2002.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "benefit claimers" means the conservers of biological resources, their by-products, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;

(*b*) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;

(*c*) "biological resources" means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;

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1. 1st October, 2003 (ss. 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 48, 54, 59, 62, 63, 64, 65), *vide* notification No. S.O. 1146(E), dated 1st October, 2003, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

1st July, 2004 (ss. 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61), *vide* notification No. S.O. 753(E), dated 1st July, 2004, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*d*) "bio-survey and bio-utilisation" means survey or collection of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterisation, inventorisation and bioassay;

(*e*) "Chairperson" means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;

(*f*) "commercial utilisation" means end uses of biological resources for commercial utilisation such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;

(*g*) "fair and equitable benefit sharing" means sharing of benefits as determined by the National Biodiversity Authority under section 21;

(*h*) "local bodies" means Panchayats and Municipalities, by what ever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;

(*i*) "member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;

(*j*) "National Biodiversity Authority" means the National Biodiversity Authority established under section 8;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*l*) "regulations" means regulations made under this Act;

(*m*) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;

(*n*) "State Biodiversity Board" means the State Biodiversity Board established under section 22;

(*o*) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

(*p*) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

CHAPTER II

REGULATION OF ACCESS TO BIOLOGICAL DIVERSITY

3. Certain persons not to undertake Biodiversity related activities without approval of National Biodiversity Authority.—(*1*) No person referred to in sub-section (*2*) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilisation or for bio-survey and bio-utilisation.

(*2*) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (*1*) are the following, namely:—

(*a*) a person who is not a citizen of India;

(*b*) a citizen of India, who is a non-resident as defined in clause (*30*) of section 2 of the Income-tax Act, 1961 (43 of 1961);

(*c*) a body corporate, association or organisation—

(*i*) not incorporated or registered in India; or

(*ii*) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

4. Results of research not to be transferred to certain persons without approval of National Biodiversity Authority.—No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India or citizen of India who is non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961 (43 of 1961) or a body corporate or organisation which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management.

Explanation.—For the purposes of this section, "transfer" does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.

5. Sections 3 and 4 not to apply to certain collaborative research projects.—(*1*) The provisions of sections 3 and 4 shall not apply to collaborative search projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (*3*).

(*2*) All collaborative research projects, other than those referred to in sub-section (*1*) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (*a*) of sub-section (*3*), be void.

(*3*) For the purposes of sub-section (*1*), collaborative research projects shall—

(*a*) conform to the policy guidelines issued by the Central Government in this behalf;

(*b*) be approved by the Central Government.

6. Application for intellectual property rights not to be made without approval of National Biodiversity Authority.—(*1*) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application:

Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity Authority shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

(*2*) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial benefits arising out of the commercial utilisation of such rights.

(*3*) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.

(*4*) Where any right is granted under law referred to in sub-section (*3*), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

7. Prior intimation to State Biodiversity Board for obtaining biological resource for certain purposes.—No person, who is a citizen of India or a body corporate, association or organisation which is registered in India, shall obtain any biological resource for commercial utilisation, or bio-survey and bio-utilisation for commercial utilisation except after giving prior intimation to the State Biodiversity Board concerned:

Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and *vaids* and *hakims*, who have been practicing indigenous medicine.

CHAPTER III

NATIONAL BIODIVERSITY AUTHORITY

8. Establishment of National Biodiversity Authority.—(*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

(*2*) The National Biodiversity Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(*3*) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.

(*4*) The National Biodiversity Authority shall consist of the following members, namely:—

(*a*) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;

(*b*) three *ex officio* members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests of whom one shall be the Additional Director General of Forests or the Director General of Forests;

(*c*) seven *ex officio* members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with—

(*i*) Agricultural Research and Education;

(*ii*) Biotechnology;

(*iii*) Ocean Development;

(*iv*) Agriculture and Cooperation;

(*v*) Indian Systems of Medicine and Homoeopathy;

(*vi*) Science and Technology;

(*vii*) Scientific and Industrial Research;

(*d*) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.

9. Conditions of service of Chairperson and members.—The term of office and conditions of service of the Chairperson and the other members other than *ex officio* members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.

10. Chairperson to be Chief Executive of National Biodiversity Authority.—The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

11. Removal of members.—The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has—

(*a*) been adjudged as an insolvent; or

(*b*) been convicted of an offence which involves moral turpitude; or

(*c*) become physically or mentally incapable of acting as a member; or

(*d*) so abused his position as to render his continuance in office detrimental to the public interest; or

(*e*) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

12. Meetings of National Biodiversity Authority.—(*1*) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(*2*) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.

(*3*) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.

(*4*) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

(*5*) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or

(*b*) any defect in the appointment of a person acting as a member; or

(*c*) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

13. Committees of National Biodiversity Authority.—(*1*) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation.—For the purposes of this sub-section, "agro-biodiversity" means biological diversity of agriculture related species and their wild relatives.

(*2*) Without prejudice to the provisions of sub-section (*1*), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

(*3*) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(*4*) The persons appointed as members of the committee under sub-section (*2*) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

14. Officers and employees of National Biodiversity Authority.—(*1*) The National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(*2*) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.

15. Authentication of orders and decisions of National Biodiversity Authority.—All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorised by the National Biodiversity Authority in this behalf and all other

instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorised by it in this behalf.

16. Delegation of powers.—The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64) as it may deem necessary.

17. **Expenses of National Biodiversity Authority to be defrayed out of the Consolidated Fund of India.**—The salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the Consolidated Fund of India.

CHAPTER IV

FUNCTIONS AND POWERS OF THE NATIONAL BIODIVERSITY AUTHORITY

18. Functions and powers of National Biodiversity Authority—(*1*) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in sections 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.

(*2*) The National Biodiversity Authority may grant approval for undertaking any activity referred to in sections 3, 4 and 6.

(*3*) The National Biodiversity Authority may—

(*a*) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilisation of biological resources;

(*b*) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (*1*) of section 37 as heritage sites and measures for the management of such heritage sites;

(*c*) perform such other functions as may be necessary to carry out the provisions of this Act.

(*4*) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER V

APPROVAL BY THE NATIONAL BIODIVERSITY AUTHORITY

19. Approval by National Biodiversity Authority for undertaking certain activities.—(*1*) Any person referred to in sub-section (*2*) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilisation or for bio-survey and bio-utilisation or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

(*2*) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (*1*) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(*3*) On receipt of an application under sub-section (*1*) or sub-section (*2*), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(*4*) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

20. Transfer of biological resource or knowledge.—(*1*) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.

(*2*) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (*1*) shall make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(*3*) On receipt of an application under sub-section (*2*), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(*4*) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

21. Determination of equitable benefit sharing by National Biodiversity Authority.—(*1*) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

(*2*) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:—

(*a*) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;

(*b*) transfer of technology;

(*c*) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;

(*d*) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilisation;

(*e*) setting up of venture capital fund for aiding the cause of benefit claimers;

(*f*) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

(*3*) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organisations in accordance with the terms of any agreement and in such manner as it deems fit.

(*4*) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER VI

STATE BIODIVERSITY BOARD

22. Establishment of State Biodiversity Board.—(*1*) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the_____ (name of the State) Biodiversity Board.

(*2*) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:

Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

(*3*) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(*4*) The Board shall consist of the following members, namely:—

(*a*) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the State Government;

(*b*) not more than five *ex officio* members to be appointed by the State Government to represent the concerned Departments of the State Government;

(*c*) not more than five members to be appointed from amongst experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.

(*5*) The head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

23. Functions of State Biodiversity Board.—The functions of the State Biodiversity Board shall be to—

(*a*) advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilisation of biological resources;

(*b*) regulate by granting of approvals or otherwise requests for commercial utilisation or bio-survey and bio-utilisation of any biological resource by Indians;

(*c*) perform such other functions as may be necessary to carry out the provisions of this Act or as may be prescribed by the State Government.

24. Power of State Biodiversity Board to restrict certain activities violating the objectives of conservation, etc.—(*1*) Any citizen of India or a body corporate, organisation or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.

(*2*) On receipt of an intimation under sub-section (*1*), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquires as it conservation, may deem fit, by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:

Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

(*3*) Any information given in the form referred to in sub-section (*1*) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

25. Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board.—The provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely:—

(*a*) references to the Central Government shall be construed as references to the State Government;

(*b*) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;

(*c*) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPER VII

FINANACE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

26. Grants or loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

27. Constitution of National Biodiversity Fund—(*1*) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto—

(*a*) any grants and loans made to the National Biodiversity Authority under section 26;

(*b*) all charges and royalties received by the National Biodiversity Authority under this Act; and

(*c*) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.

(*2*) The Fund shall be applied for—

(*a*) channeling benefits to the benefit claimers;

(*b*) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;

(*c*) socio-economic development of areas referred to in clause (*b*) in consultation with the local bodies concerned.

28. Annual report of National Biodiversity Authority.—The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditors report thereon.

29. Budget, accounts and audit.—(*1*) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the

right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority.

(*4*) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report there on shall be forwarded annually to the Central Government.

30. Annual report to be laid before parliament.—The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

31. Grants of money by State Government to State Biodiversity Board.—The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board by way of grants or loans such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

32. Constitution of State Biodiversity Fund.—(*1*) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto—

(*a*) any grants and loans made to the State Biodiversity Board under section 31;

(*b*) any grants or loans made by the National Biodiversity Authority;

(*c*) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.

(*2*) The State Biodiversity Fund shall be applied for—

(*a*) the management and conservation of heritage sites;

(*b*) compensating or rehabilitating any section of the people economically affected by notification under sub-section (*1*) of section 37;

(*c*) conservation and promotion of biological resources;

(*d*) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;

(*e*) meeting the expenses incurred for the purposes authorised by this Act.

33. Annual report of State Biodiversity Board.—The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

34. Audit of accounts of State Biodiversity Board.—The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

35. Annual report of State Biodiversity Board to be laid before State Legislature.—The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

36. Central Government to develop National strategies plans, etc., for conservation, etc., of biological diversity.—(*1*) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ*,

conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity.

(*2*) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.

(*3*) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

(*4*) The Central Government shall undertake measures,—

(*i*) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimise such effects and where appropriate provide for public participation in such assessment;

(*ii*) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(*5*) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including *sui generis* system.

Explanation.—For the purposes of this section,—

(*a*) "*ex situ* conservation" means the conservation of components of biological diversity outside their natural habitats;

(*b*) "*in situ* conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

37. Biodiversity heritage sites.—(*1*) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.

(*2*) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.

(*3*) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

38. Power of Central Government to notify threatened species.—Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

39. Power of Central Government to designate repositories.—(*1*) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.

(*2*) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.

(*3*) Any new tax on discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

40. Power of Central Government to exempt certain biological resources.—Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National

Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

CHAPTER X

BIODIVERSITY MANAGEMENT COMMITTEES

41. Constitution of Biodiversity Management Committee.—(*1*) Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

Explanation.—For the purposes of this sub-section,—

(*a*) "cultivar" means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;

(*b*) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(*c*) "landrace" means primitive cultivar that was grown by ancient farmers and their successors.

(*2*) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.

(*3*) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER XI

LOCAL BIODIVERSITY FUND

42. Grants to Local Biodiversity Fund.—The State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

43. Constitution of Local Biodiversity Fund.—(*1*) There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto—

(*a*) any grants and loans made under section 42;

(*b*) any grants or loans made by the National Biodiversity Authority;

(*c*) any grants or loans made by the State Biodiversity Boards;

(*d*) fees referred to in sub-section (*3*) of section 41 received by the Biodiversity Management Committees;

(*e*) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.

44. Application of Local Biodiversity Fund.—(*1*) Subject to the provisions of sub-section (*2*), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.

(*2*) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

45. Annual report of Biodiversity Management Committees.—The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as

may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the concerned local body.

46. Audit of accounts of Biodiversity Management Committees.—The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

47. Annual report, etc., of the Biodiversity Management Committee to be submitted to District Magistrate.—Every local body constituting a Biodiversity Management Committee under sub-section (*1*) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46, respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

CHAPTER XII

MISCELLANEOUS

48. National Biodiversity Authority to be bound by the directions given by Central Government.—(*1*) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is one of policy or not shall be final.

49. Power of State Government to give directions.—(*1*) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the State Government whether a question is one of policy or not shall be final.

50. Settlement of disputes between State Biodiversity Boards.—(*1*) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.

(*2*) Every appeal made under sub-section (*1*) shall be in such form as may be prescribed by the Central Government.

(*3*) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government:

Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of being heard.

(*4*) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.

(*5*) While adjudicating any dispute under sub-section (*4*), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.

(*6*) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) receiving evidence on affidavits;

(*d*) issuing commissions for the examination of witnesses or documents;

(*e*) reviewing its decisions;

(*f*) dismissing an application for default or deciding it *ex parte*;

(*g*) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;

(*h*) any other matter which may be prescribed.

(*7*) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860) and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXV1 of the Code of Criminal Procedure, 1973 (2 of 1974).

51. Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants.—All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

52. Appeal.—Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

[1][Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010 (19 of 2010):

Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010 (19 of 2010), shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act, 2010.]

[1][**52A. Appeal to National Green Tribunal.**—Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, on or after the commencement of the National Green Tribunal Act, 2010 (19 of 2010), may file an appeal to the National Green Tribunal establishment under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]

53. Execution of determination or order.—Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Explanation.—For the purposes of this section and section 52, the expression "State Biodiversity Board" includes the person or group of persons to whom the powers or functions under sub-section (*2*) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.

54. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or State Government or any member, officer or employee of the National Biodiversity Authority or the

1. Ins. by Act of 19 of 2010, s. 36 and Schedule III (w. e. f. 18-10-2010).

State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

55. Penalties.—(*1*) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.

(*2*) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (*2*) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

56. Penalty for contravention of directions or orders of Central Government, State Government, National Biodiversity Authority and State Biodiversity Boards.—If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees every day during which the default continues.

57. Offences by companies—(*1*) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

58. Offences to be cognizable and non-bailable.—The offences under this Act shall be cognizable and non-bailable.

59. Act to have effect in addition to other Acts.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife.

60. Power of Central Government to give directions to State Government.—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder.

61. Cognizance of offences.—No Court shall take cognizance of any offence under this Act except on a complaint made by—

(*a*) the Central Government or any authority or officer authorised in this behalf by that Government; or

(*b*) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

62. Power of Central Government to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) terms and conditions of service of the Chairperson and members under section 9;

(*b*) powers and duties of the Chairperson under section 10;

(*c*) procedure under sub-section (*1*) of section 12 in regard to transaction of business at meetings;

(*d*) form of application and payment of fees for undertaking certain activities under sub-section (*1*) of section 19;

(*e*) the form and manner of making an application under sub-section (*2*) of section 19;

(*f*) form of application and the manner for transfer of biological resource or knowledge under sub-section (*2*) of section 20;

(*g*) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;

(*h*) form in which the annual statement of account shall be prepared under sub-section (*1*) of section 29;

(*i*) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;

(*j*) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (*h*) of sub-section (*6*) of section 50;

(*k*) the manner of giving notice under clause (*b*) of section 61;

(*l*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(*3*) Every rule made under this section and every regulation 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 or 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation 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 or regulation.

63. Power of State Government to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the other functions to be performed by the State Biodiversity Board under clause (*c*) of section 23;

(*b*) the form in which the prior intimation shall be given under sub-section (*1*) of section 24;

(*c*) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;

(*d*) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;

(*e*) management and conservation of national heritage sites under section 37;

(*f*) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (*1*) of section 44;

(*g*) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;

(*h*) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;

(*i*) any other matter which is to be, or may be, specified.

(*3*) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

64. Power to make regulations.—The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

65. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

Forest Rights Act, 2006

Act, Rules and Guidelines

रजिस्ट्री सं. डी. एल्. - (एन) 04/0007/2006-08 REGISTERED NO. DL - (N)04/0007/2006-08

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

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PART II – Section I

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:-

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

[29th December, 2006]

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

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

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, -

(a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) "forest rights" means the forest rights referred to in section 3;

(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) "nodal agency" means the nodal agency specified in section 11;

(k) "notification" means a notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Scheduled Areas" means the Scheduled Areas referred to in clause (l) of article 244 of the constitution;

(n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;

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(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation – For the purpose of this clause, "generation" means a period comprising of twenty-five years.

(p) "village" means –

40 of 1996

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

53 of 1972

(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II
FOREST RIGHTS

Forest rights of Forest dwelling Scheduled Tribes and

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

other traditional forest dwellers.

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:- 69 of 1980

(a) schools;

(b) dispensary or hospital;

(c) anganwadis;

(d) fair price shops;

(e) electric and telecommunication lines;

(f) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill up-gradation or vocational training centers;

(l) roads; and

(m) community centers:

Provided that such diversion of forest land shall be allowed only if, -

(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III
RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in – Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

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(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act. 69 of 1980

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

Duties of holders of forest rights.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to -

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV
AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

Authorities to vest forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers and procedure thereof.

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition.

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V
OFFENCES AND PENALTIES

Offences by members or officers of authorities and Committees under this Act.

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Cognizance of offences.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI
MISCELLANEOUS

Members of authorities, etc., to be public servants.

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

Power of Central Government to issue directions.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Act not in derogation of any other law.

40 to 1996.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to make rules

14 (1) The Central Government may; by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely:-

(a) procedural details for implementation of the procedure specified in section 6;

(b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

(c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government 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 on 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.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

Comprehensive Tribal Rules

**(TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)
OF DATED 1st JANUARY, 2008)**

With Amendments on 6th September 2012

**GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS**

New Delhi, the 1st January, 2008

NOTIFICATION[1]

G.S.R. No. 1(E) WHEREAS the draft of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437 (E), dated the 19th June 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS the copies of the said Gazette were made available to the public as on 25.06.2007.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

1. Short title, extent and commencement.-

(1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007[2].

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication in the Official Gazette.

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[1] Note: The symbol *"#" represents* the original formulation of Rules issued in 2007 and notified on January 1, 2008; and has also been reproduced for easy reference.

[2] Note that these Rules have been substantially amended by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

2. Definitions.-

(1) In these rules, unless the context otherwise requires,-

a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

b) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of Section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;'[3]

c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

'(ca) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of Section 3.[4]

d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood;

Explanation:

(1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha,

(2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,

(3) The collection of minor forest produce shall be free of all royalties or fees or any other charges"[5]

e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

f) "section" means the section of the Act

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

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[3] Substituted by Rule 2(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

*# **Rule 2(1) (b)** "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of Section 3 of the Act;*

[4] Inserted by Rule 2(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[5] Substituted by Rule 2(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

*# **Rule 2(1)(d)** "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;*

2A. Identification of hamlets or settlements and process of their consolidation.- The State Government shall ensure that, -

(a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

(b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.

(c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.[6]

3. Gram Sabha.-

(1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes.[7]

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

(4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012.[8]

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[6] *Inserted by Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)*

[7] Substituted by the words of Rule 4(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
***# Rule 3 (1)** "……wherein at least one-third members shall be the Scheduled Tribes"*

[8] Inserted by Rule 4 (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

4. Functions of the Gram Sabha.-

(1) The Gram Sabha shall -

(a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

(b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;

(c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;

(d) consider resettlement packages under clause (e) of sub-section (2) of Section 4 of the Act and pass appropriate resolutions; and

(e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of Section 5 of the Act.

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) Approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.[9]

(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting.[10]

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

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[9] Inserted by Rule 5(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[10] Substituted by Rule 5(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

 # Rule 4 (2) *The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha: Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.*

5. Sub-Divisional Level Committee.- The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

(a) Sub-Divisional Officer or equivalent officer - Chairperson;

(b) Forest Officer in charge of a Sub-division or equivalent officer - member;

(c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee.- The Sub-Divisional Level Committee (SDLC) shall -

(a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;

(b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;

(c) collate all the resolutions of the concerned Gram Sabhas;

(d) consolidate maps and details provided by the Gram Sabhas;

(e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;

(f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;

(g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;

(h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;

(i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;

(j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;

(k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;

(l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules.[11]

(m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee.- The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

(a) District Collector or Deputy Commissioner - Chairperson;

(b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;

(c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. Functions of District Level Committee.- The District Level Committee shall

(a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;

(b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;

(c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;

(d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;

(e) co-ordinate with other districts regarding inter-district claims;

(f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;

(g) ensure publication of the record of forest rights as may be finalized (**)[12]

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[11] Substituted by Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

***# Rule 6 (l)** "ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules".*

[12] The word "and" omitted by Rule 7(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively and[13]

(i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of Section 3.[14]

9. State Level Monitoring Committee. - The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

(a) Chief Secretary - Chairperson;

(b) Secretary, Revenue Department - member;

(c) Secretary, Tribal or Social Welfare Department - member;

(d) Secretary, Forest Department - member;

(e) Secretary, Panchayati Raj - member;

(f) Principal Chief Conservator of Forests - member;

(g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;

(h) Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

10. Functions of the State Level Monitoring Committee.- The State Level Monitoring Committee shall –

(a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;

(b) monitor the process of recognition, verification and vesting of forest rights in the State;

(c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.[15]

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[13] The word "and" inserted by Rule 7 (ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[14] Inserted by Rule 7(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[15] Substituted by Rule 8 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 10 (c). *"furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency".*

(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

(e) monitor resettlement under sub-section (2) of Section 4 of the Act.

(f) Specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of Section 3 and sub-section (8) of Section 4.[16]

11. Procedure for filing, determination and verification of claims by the Gram Sabha.-

(1) The Gram Sabhas shall :-

(a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if considers necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;

(ii) prepare the record of claims and evidence including maps;

(iii) prepare a list of claimants on forest rights;

(iv) verify claims as provided in these rules;

(v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for #community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C.[17]

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

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[16] Inserted by Rule 8(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[17] The word "community forest rights in Form B" substituted by Rule 9 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

***# Rule 11(4)** "community forest rights in Form B"*

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.-

(1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department:-

(a) visit the site and physically verify the nature and extent of the claim and evidence on the site;

(b) receive any further evidence or record from the claimant and witnesses;

(c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;

(d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and

(e) prepare a map delineating the area of each claim indicating recognizable landmarks.

(f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access

(g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources."[18]

(2) The Forest Rights Committee' shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing: Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

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[18] Inserted by Rule 10 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

12 A. Process of recognition of rights.-

(1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

(2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

(4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.

(5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.

(6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

(7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

(8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of Section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

(9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.

(10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation:

1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.
2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.[19]

12 B. Process of Recognition of Community Rights.-

(1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of Section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

(2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of Section 3 before the concerned Gram Sabhas.

(3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of Section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

[19] Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

(5) The conversion of forest villages, unrecorded settlement under clause (h) of Section 3 shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.[20]

13. Evidence for determination of forest rights.-

(1) The evidence for recognition and vesting of forest rights shall, inter alia, include -

(a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

(b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;

(c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;

(d) quasi-judicial and judicial records including court orders and judgments;

(e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;

(f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;

(g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) Statement of elders other than claimants, reduced in writing.

(2) An evidence for "Community Forest Resource"[21] inter alia, include –

(a) community rights such as *nistar* by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

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[20] Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

[21] Substituted by Rule 12(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 13 "community forest rights"

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(d) Government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, *nistari* forests

(e) Earlier or current practice of traditional agriculture.[22]

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.-

(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee.-

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

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[22] Inserted by Rule 12 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

16. Post Claim support and handholding to holders of forest rights.-

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.[23]

Dr. Bachittar Singh, Joint Secretary
[F. No.17014/02/2007–PC&V (Vol.VII)]
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

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[F. No. 23011/32/2010-(Vol. II)]
Dr. Sadhana Rout, Joint Secretary
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012

[23] Inserted by Rule 13 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexures

Annexure I

[See Rule 6(I)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)
   (b) Other Traditional Forest Dweller: Yes/No
   (If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:
    (including children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied
   (a) for habitation
   (b) for self-cultivation, if any:
   (See Section 3(1) (a) of the Act)
2. disputed lands if any:
   (See Section 3(1)(f) of the Act)
3. Pattas/leases/grants, if any:
   (See Section 3(1)(g) of the Act)
4. Land for in situ rehabilitation or alternative land, if any:
   (See Section 3(1)(m) of the Act)
5. Land from where displaced without land compensation:
   (See Section 4(8) of the Act)

6. Extent of land in forest villages, if any:
   (See Section 3(1)(h) of the Act)
7. Any other traditional right, if any:
   (See Section 3(1)(l) of the Act)
8. Evidence in support:
   (See Rule 13)
9. Any other information:

Signature/Thumb Impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

FORM – B

CLAIM FORM FOR COMMUNITY RIGHTS

[See Rule 11(1)(a) and (4)]

1. Name of the claimant(s):
   (a) FDST community: Yes/No
   (b) OTFD community: Yes/No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as *nistar*, if any:
   (See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any:
   (See Section 3(1)(c) of the Act)
3. Community rights
   (a) Uses or entitlements (fish, water bodies), if any:
   (b) Grazing, if any
   (c) Traditional resource access for nomadic and pastoralist, if any:
   (See Section 3(1)(g) of the Act)
4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:
   (See Section 3(1)(e) of the Act)
5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
   (See Section 3(1)(k) of the Act)
6. Other traditional right, if any:
   (See Section 3(1)(l) of the Act)
7. Evidence in support:
   (See Rule 13)
8. Any other information

Signature/Thumb Impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

FORM – C[24]

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See Section 3(1)(i) of the Act and Rule 11(1) and 4(a)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes/ Other Traditional Forest Dwellers indicated next to each member].

   Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim.

   We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under Section 3(1)(i).

   (Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)
6. Khasra/Compartment No.(s), if any and if known:
7. Bordering Villages:

   (i)

   (ii)

   (iii)

   (This may also include information regarding sharing of resources and responsibilities with any other villages.)
8. List of Evidence in Support (Please see Rule 13)

Signature/Thumb impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012
Government of India
Ministry of Tribal Affairs

[24] Inserted by Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure II

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder(s) of forest rights (including spouse):
2. Name of the father/mother:
3. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent landmarks including khasra/compartment No: This title is heritable, but not alienable or transferable under sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the above forest right.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure III

[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right:
2. Village/Gram Sabha:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe/Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/compartment No:

Name(s) of the holder(s) of community forest right:

1. .....
2 .....
3. .....

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure IV[25]

TITLE TO COMMUNITY FOREST RESOURCES

[See Rule 8(i)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Scheduled Tribe/Other Traditional Forest Dweller: Scheduled Tribes community/Other Traditional Forest Dwellers community/Both
6. Description of boundaries including customary boundary, by prominent landmarks, and by khasra/ compartment No:

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per Section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies).

(Divisional Forest Officer/
Deputy Conservator of Forests)

(District Tribal Welfare Officer)

(District Collector/Deputy Commissioner)

[25] Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure V[26]

FORMAT FOR FURNISHING QUARTERLY REPORT

1. Name of State **[See Rule 10(c)]**

2. Status of Claims

   a) Individual Rights

   - Filed
   - Accepted
   - Rejected
   - Pending
   - Reasons for rejection with examples
   - Corrective measures suggested
   - Any other observations
   - Extent of forest land covered (in Ha.)
   - Status of updation of forest and revenue records under Section 3(1)(a) of the Act (in Ha.)

   b) Community Forest Rights

   - Filed
   - Accepted
   - Rejected
   - Pending
   - Extent of forest land covered
   - Status of updation of forest and revenue record under Section 3(1)(b) to 3(1)(l) of the Act (in Ha.)
   - Reasons for rejections with example
   - Corrective measures suggested
   - Any other observations

   c) Details of Community Forest Resource being managed and by whom

   d) Good Practices (if any)

   e) Area diverted under Section 3(2) of the Act (in Ha.)

   f) Any other Remarks

(Chairman)
State Level Monitoring Committee

(Member Secretary)
State Level Monitoring Committee

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

[F.No. 23011/32/2010-(Vol. II)]

Dr. Sadhana Rout, Joint Secretary

[26] Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Forest Rights Act, 2006: Guidelines



Government of India
Ministry of Tribal Affairs

Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations.

i. Process of Recognition of Rights:

a. The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.

b. In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

c. The Sub-Divisional Level Committee or the District Level Committee should, if deemed necessary, remand the claim to the Gram Sabha for reconsideration instead of rejecting or modifying the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

d. In cases where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.

e. On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue/Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.

f. All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/recommendation should be in the form of speaking orders.

g. The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.

h. Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.

i. The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.

j. A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of Section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to rights under Section 3(1)(a) of the Act only and not to any other right under Section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

ii. Minor Forest Produce:

a. The State Governments should ensure that the forest rights relating to MFPs under Section 3(1)(c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".

b. The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.

c. The forest right holders or their cooperatives/federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

d. The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/federations of the rights holders would also be ultra vires of the Act.

e. The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them.

iii. Community Rights:

a. The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;

b. The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha(s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.

c. In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

d. The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlements and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognizes the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion on forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right.

iv. Community Forest Resource Rights:

a. The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.

b. In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.

c. The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.

d. The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.

e. Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that prejudicially affects the wild-life, forest and bio-diversity in forest area would be dealt with under the provisions of the relevant Acts.

v. Protection against Eviction, Diversion of Forest Lands and Forced Relocation:

a. Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

b. The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/UT Governments to enclose certain evidences relating to completion of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forest's letter dated 30.07.2009, as modified on 03.08.2009.

c. There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

d. The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders recognized under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their

rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under Section 4(2) of the Act.

e. The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

vi. Awareness-Raising, Monitoring and Grievance Redressal:

a. Each State should prepare suitable communication and training material in local language for effective implementation of the Act.

b. The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives. Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.

c. In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.

d. If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, that is required. The complainant and the Gram Sabha should be informed about the outcome of the inquiry.

COMPENSATORY AFFORESTATION FUND ACT, 2016

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—16 REGISTERED NO. DL—(N)04/0007/2003—16

भारत का राजपत्र
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No. 45] NEW DELHI, WEDNESDAY, AUGUST 3, 2016/SHRAVANA 12, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 3rd August, 2016/*Shravana* 12, 1938 (*Saka*)

The following Act of Parliament received the assent of the President on the 3rd August, 2016, and is hereby published for general information:—

THE COMPENSATORY AFFORESTATION FUND ACT, 2016

No. 38 OF 2016

[*3rd August*, 2016.]

An Act to provide for the establishment of funds under the public accounts of India and the public accounts of each State and crediting thereto the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value and all other amounts recovered from such agencies under the Forest (Conservation) Act, 1980; constitution of an authority at national level and at each of the State and Union territory Administration for administration of the funds and to utilise the monies so collected for undertaking artificial regeneration (plantations), assisted natural regeneration, protection of forests, forest related infrastructure development, Green India Programme, wildlife protection and other related activities and for matters connected therewith or incidental thereto.

WHEREAS the Supreme Court in its order in T.N. Godavarman Thirumulpad vs. Union of India and Others [Writ Petition (Civil) No. 202 of 1995], dated the 30th October, 2002, observed that a Compensatory Afforestation Fund be created in which all the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of the diverted forest land or catchment area treatment plan shall be deposited;

AND WHEREAS it had also been observed that the money received from the user agencies in cases where forest land diverted falls within protected areas, that is, the areas notified under the Wild Life (Protection) Act,1972 for undertaking activities related to protection of biodiversity or wildlife shall also be deposited in the Fund; 35 of 1972.

AND WHEREAS the Supreme Court has directed that, besides artificial regeneration (Plantations), the Fund shall also be utilised for undertaking assisted natural regeneration, protection of forests, infrastructure development, wildlife protection and other related activities and an independent system of concurrent monitoring and evaluation should be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilisation of funds;

AND WHEREAS the Supreme Court in its judgment dated 26th September, 2005 in the said Writ Petitiion observed that the Fund generated for protecting ecology and providing regeneration should not be treated as a Fund under article 266 and article 283 of the Constitution;

AND WHEREAS in its direction dated the 5th May, 2006, the Supreme Court had directed that since the Government has not constituted a Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as Authority), an *ad hoc* Authority should be constituted till the Compensatory Afforestation Fund Management and Planning Authority becomes operational and directed to centrally pool the money recovered on behalf of the said Authority lying in the States and Union territories into the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority;

AND WHEREAS Central Government formulated guidelines dated the 2nd July, 2009 on the subject of State Authority for utilisation of funds lying with the *ad hoc* Authority;

AND WHEREAS in its direction dated the 10th July, 2009, the Supreme Court had directed that the guidelines and structure of the State Authority prepared by the Central Government may be notified and implemented;

AND WHEREAS in its directions dated the 10th July, 2009, the Supreme Court further directed that till an alternative system is put in place, after obtaining permission from the Supreme Court, the money towards compensatory afforestation, net present value and protected areas (national parks, wildlife sanctuaries) shall continue to be deposited in the *ad hoc* Authority;

AND WHEREAS in compliance of the directions of the Supreme Court including its order dated the 5th May, 2006, over rupees thirty eight thousand crores as collected by the State Governments and Union territory Administrations have been placed under the *ad hoc* Authority, and deposited in the nationalised banks;

AND WHEREAS absence of permanent institutional mechanism for utilisation of funds collected by the State Governments and Union territory Administrations is the main reason for accumulation of huge unspent funds in the *ad hoc* Authority;

NOW, THEREFORE, based on the above orders, directions and observations of the Supreme Court to ensure safety, security and expeditious utilisation in a transparent manner of funds accumulated with the *ad hoc* Authority and the funds to be collected by the State Governments and Union territory Administrations, it is proposed to create a National Compensatory Afforestation Fund and a National Compensatory Afforestation Fund Management and Planning Authority at the national level, and a State Compensatory Afforestation Fund and a State Compensatory Afforestation Fund Management and Planning Authority in each State and Union territory, by an Act of Parliament.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Compensatory Afforestation Fund Act, 2016.

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

(*3*) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "*ad hoc* Authority" means the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority constituted under the order dated the 5th May, 2006 of the Supreme Court in T.N. Godavarman Thirumulpad *vs.* Union of India and Others, [Writ Petition (Civil) No. 202 of 1995];

(*b*) "Chairperson, National Authority" means the Chairperson of the governing body of the National Authority;

(*c*) "Chairperson, State Authority" means the Chairperson of the governing body of the State Authority;

(*d*) "compensatory afforestation" means afforestation done in lieu of the diversion of forest land for non-forestry use under the Forest (Conservation) Act, 1980; 69 of 1980.

(*e*) "environmental services" includes—

(*i*) provision of goods such as wood, non-timber forest products, fuel, fodder, water and provision of services such as grazing, tourism, wildlife protection and life support;

(*ii*) regulating services such as flood moderation, carbon sequestration and health of soil, air and water regimes;

(*iii*) supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production including pollination and seed dispersal;

(*f*) "Head of the regional office" means the senior-most officer appointed by the Central Government at regional office to deal with the forest conservation matters under the Forest (Conservation) Act, 1980; 69 of 1980.

(*g*) "monitoring group" means a group of experts to monitor the activities undertaken from amounts released from the National Fund and State Fund constituted under sub-section (*3*) of section 9;

(*h*) "National Authority" means National Compensatory Afforestation Fund Management and Planning Authority constituted under section 8;

(*i*) "National Fund" means the National Compensatory Afforestation Fund established under sub-section (*1*) of section 3;

(*j*) "net present value" means the quantification of the environmental services provided for the forest area diverted for non-forestry uses, as may be determined by an expert committee appointed by the Central Government from time to time in this regard;

(*k*) "penal compensatory afforestation" means afforestation work to be undertaken over and above the compensatory afforestation specified in the guidelines issued under the Forest (Conservation) Act, 1980, in lieu of the extent of area over which non-forestry activities have been carried out without obtaining prior approval of the competent authority under the Forest (Conservation) Act, 1980; 69 of 1980.

(*l*) "prescribed" means prescribed by rules made by the Central Government in consultation with the State Governments under this Act;

(*m*) "State Authority" means the State Compensatory Afforestation Fund Management and Planning Authority constituted under section 10;

(*n*) "State Fund" means the State Compensatory Afforestation Fund established by each State under sub-section (*1*) of section 4;

(*o*) "State Government" includes Union territory Administration;

(*p*) "user agency" means any person, organisation or company or department of the Central Government or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the provisions contained in the Forest (Conservation) Act, 1980 and the rules made and guidelines issued, thereunder. 69 of 1980.

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND UTILISATION OF NATIONAL COMPENSATORY AFFORESTATION FUND AND STATE COMPENSATORY AFFORESTATION FUNDS

Establishment of National Fund.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "National Compensatory Afforestation Fund" under the public account of India.

(*2*) The National Fund shall be under the control of the Central Government and managed by the National Authority in such manner as may be prescribed.

(*3*) On the date of establishment of the National Fund, all monies collected by the State Governments and Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks shall be transferred to the National Fund.

(*4*) There shall also be credited into the National Fund, by each State on yearly basis, ten per cent. of the funds realised from the user agencies in respect of the forest land diverted in their favour, which have been credited directly into the State Fund.

(*5*) There shall also be credited to the National Fund—

(*a*) grants-in-aid received, if any, by the National Authority;

(*b*) any loan taken or any borrowings made by the National Authority;

(*c*) any other sums received by the National Authority by way of benefaction, gift or donations.

(*6*) The monies received in the National Fund shall be an interest bearing fund under public accounts of India.

(*7*) The balance in the National Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

Establishment of State Fund.

4. (*1*) With effect from such date as each State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "State Compensatory Afforestation Fund-..... (name of State)" under public accounts of such State:

Provided that in case of Union territory having no legislature, such fund shall be established under the public account of Union of India with effect from such date as the Union territory Administration may, by notification in the Official Gazette, appoint in this behalf.

(*2*) The State Fund in each State shall be under the control of the State Government of such State and managed by the State Authority of such State, in such manner as may be prescribed.

(*3*) There shall be credited into the State Fund of a State—

(*i*) the unspent balance of all monies which has been transferred by *ad hoc* Authority to the State Compensatory Afforestation Compensatory Afforestation Funds

Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009;

(*ii*) all monies transferable from the National Fund under clause (*a*) of section 5;

(*iii*) all monies realised from user agencies by such State towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value, catchment area treatment plan or any money for compliance of conditions stipulated by the Central Government while according approval under the provisions of the Forest (Conservation) Act, 1980; and

69 of 1980.

(*iv*) the funds recoverable from user agencies by such State in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 18, 26A or 35 of the Wild Life (Protection) Act, 1972 for undertaking activities relating to the protection of biodiversity and wildlife.

53 of 1972.

(*4*) A State Government may also credit to the State Fund constituted by it—

(*i*) grants-in-aid received, if any, by the State Authority;

(*ii*) any loan taken or any borrowings made by the State Authority;

(*iii*) any other sums received by the State Authority by way of benefaction, gift or donations.

(*5*) The monies received in the State Fund shall be an interest bearing fund under public accounts.

(*6*) The balance in each State Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

Disbursement and utilisation of National Fund.

5. Save as otherwise provided in this Act, the monies available in the National Fund shall be disbursed and utilised in the following manner, namely:—

(*a*) ninety per cent. of the all monies collected by a State, which has been placed under the *ad hoc* Authority and the interest accrued thereon, shall be transferred to the State Fund established in such state under sub-section (*1*) of section 4;

(*b*) the balance ten per cent. of all monies collected by the States and Union territory Administrations, which has been placed under the *ad hoc* Authority and the interest accrued thereon, and all fresh accrual to the National Fund, as provided in sub-section (*4*) of section 3, and the interest accrued thereon, shall be utilised for meeting—

(*i*) the non-recurring and recurring expenditure for the management of the National Authority including the salary and allowances payable to its officers and other employees;

(*ii*) the expenditure incurred on monitoring and evaluation of works executed by the National Authority and each State Authority;

(*iii*) the expenditure incurred on specific schemes approved by governing body of the National Authority.

Explanation.—For the purposes of this section, "scheme" includes any institute, society, centre of excellence in the field of forest and wildlife, pilot schemes, standardisation of codes and guidelines and such other related activities for the forestry and wildlife sector.

Disbursement and utilisation of State Fund.

6. Save as otherwise provided in this Act, the monies available in a State Fund shall be disbursed and utilised in the following manner, namely:—

(*a*) the money received for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and

for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980; 69 of 1980.

(*b*) the monies received towards net present value and penal net present value shall be used for artificial regeneration (plantation), assisted natural regeneration, forest management, forest protection, forest and wildlife related infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities in the manner as may be prescribed;

(*c*) the interest accrued on funds available in a State Fund and the interest accrued on all monies collected by the State Governments, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks, in compliance of the directions of the Supreme Court dated the 5th May, 2006, shall be used for conservation and development of forest and wildlife in the manner as may be prescribed;

(*d*) all monies realised from the user agencies in accordance with the decision taken by the Standing Committee of the National Board for Wild Life constituted under section 5A of the Wild Life (Protection) Act, 1972 or the orders of the Supreme Court involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom shall be used exclusively for undertaking protection and conservation activities in protected areas of the State including facilitating voluntary relocation from such protected areas and in exceptional circumstance, a part of the corpus may also be used subject to prior approval of the National Authority; 35 of 1972.

(*e*) ten per cent. of amount realised from the user agencies, which has been credited directly into the State Fund in a year shall be transferred to the National Fund to meet expenditure as provided in clause (*b*) of section 5;

(*f*) the non-recurring and recurring expenditure for the management of a State Authority including the salary and allowances payable to its officers and other employees may be met from a part of the interest accrued on the amounts available in the State Fund, in the manner as may be prescribed;

(*g*) in case of trans-boundary forestry or environmental implication of diversion of forest land for non-forest purposes in a particular State, if found expedient and necessary by the National Authority, it may, in consultation with the concerned Sate Authorities order that such sum as may be justified for reparation of the trans-boundary effects, be transferred to State Fund of such State or States;

(*h*) State Authority shall release monies to agencies identified for execution of activities in pre-determined installments as per the annual plan of operation finalised by steering committee of such State Authority and executive committee of the National Authority.

Accounting procedure.

7. The accounting procedure to regulate the manner of crediting the monies to the National Fund and State Fund in a year shall be in such manner as may be prescribed.

CHAPTER III

CONSTITUTION OF NATIONAL AUTHORITY AND STATE AUTHORITIES

Constitution of National Authority.

8. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a National Authority to be called the "National Compensatory Afforestation Fund Management and Planning Authority".

(*2*) The National Authority shall manage and utilise the National Fund for the purposes of this Act.

(*3*) The National Authority shall consist of a governing body and shall be assisted by an executive committee, monitoring group and administrative support mechanism.

(*4*) The governing body of the National Authority shall consist of the following, namely:—

(*i*) Minister for Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(*ii*) Secretaries of Ministries dealing with Environment, Forest, Climate Change, Finance (Expenditure), Rural Development, Land Resources, Agriculture, Panchayati Raj, Tribal Development, Science, Technology, Space and Earth Sciences and Chief Executive Officer, National Institution for Transforming India Ayog, Government of India—Members, *ex officio*;

(*iii*) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*iv*) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*v*) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*vi*) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio;*

(*vii*) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*viii*) five Principal Chief Conservator of Forests, not more than one from each of the ten regions, to be nominated by the Ministry of Environment, Forest and Climate Change, Government of India on rotation basis for a period of two years, at a time— Members, *ex officio*;

(*ix*) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*x*) five experts, one each from environmentalists, conservationists, scientists, economists, and social scientists appointed by the Central Government for a period of two years subject to not more than two consecutive terms— Members.

(*5*) The Central Government may appoint an officer of the rank of an Additional Director General of Forests as the Chief Executive Officer of the National Authority who shall be the Member- Secretary of the governing body and the executive committee of the National Authority.

Executive committee and monitoring group of National Authority.

9. (*1*) The governing body of the National Authority shall, in performance of its functions and powers under the Act, be assisted by the executive committee and the monitoring group.

(*2*) The executive committee of the National Authority shall consist of the following, namely:—

(*i*) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(*ii*) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio;*

(*iii*) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*iv*) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*v*) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*vi*) Head of all regional offices of the Ministry of Environment, Forest and Climate Change, Government of India —Members, *ex officio;*

(*vii*) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(*viii*) a professional ecologist, not being from the Central Government, to be appointed by the Central Government— Member;

(*ix*) three experts, one each in the fields of forestry, tribal development, forest economy development, not being from the Central Government, to be appointed by the Central Government— Members;

(*x*) Chief Executive Officer of the National Authority—Member-Secretary.

(*3*) The monitoring group shall consist of six experts in the field of environment, economics, wildlife, forest, remote sensing and geographical information system and social sector and the Director General, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India.

(*4*) The following officers shall be appointed by the National Authority for a period not exceeding five years, to assist the executive committee in performance of its functions and powers under the Act, namely:—

(*i*) Joint Chief Executive Officer of the rank of Inspector General of Forests;

(*ii*) Financial Advisor and Chief Accounts Officer of the rank of Director in the Government of India; and

(*iii*) Deputy Chief Executive Officers of the rank of Deputy Inspector General of Forests.

(*5*) The governing body of the National Authority may with the prior concurrence of the Central Government create posts in the National Authority at the level of Assistant Inspector General of Forests and other officials to assist the executive committee and monitoring group in performance of its functions under the Act.

Constitution of State Authority.

10. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a State Authority to be called the "State Compensatory Afforestation Fund Management and Planning Authority" in each State.

(*2*) The Central Government may, if so desires, appoint different dates for constitution of State Authority in each of the States.

(*3*) The State Authority constituted in a State shall be responsible for the management of the State Fund of such State and its utilisation for the purposes of the Act.

(*4*) The State Authority shall consist of a governing body and shall be assisted by a steering committee and an executive committee.

(*5*) The governing body of a State Authority shall consist of the following, namely:—

(*i*) Chief Minister of the State and in case of a Union territory having no legislature, the Lieutenant Governor or the Administrator, as the case may be—Chairperson, *ex officio*;

(*ii*) Minister of Forests—Member, *ex officio*;

(*iii*) Chief Secretary—Member, *ex officio*;

(*iv*) Principal Secretaries of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*v*) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;

(*vi*) Chief Wildlife Warden—Member, *ex officio*;

(*6*) Principal Secretary in-charge of the Forest Department in a State shall be Member Secretary of the State Authority in such State.

(*7*) The State Government shall appoint an officer of the rank not below the rank of a Chief Conservator of Forests as the Chief Executive Officer of the State Authority who shall be the Member-Secretary of the steering committee and the executive committee of the State Authority.

Steering committee and executive committee of State Authority.

11. (*1*) The governing body of the State Authority shall, in performance of its functions and powers under the Act, be assisted by the steering committee and the executive committee.

(*2*) The steering committee of a State Authority shall consist of the following, namely:—

(*i*) Chief Secretary—Chairperson, *ex officio*;

(*ii*) Principal Secretaries of the Departments dealing with Forests, Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*iii*) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;

(*iv*) Chief Wildlife Warden—Member, *ex officio*;

69 of 1980.

(*v*) Nodal Officer, the Forest (Conservation) Act, 1980—Member, *ex officio*;

(*vi*) Head of the concerned regional office of the Ministry of Environment, Forest and Climate Change—Member, *ex officio;*

(*vii*) Nodal Officer, State Forest Development Agency—Member, *ex officio;*

(*viii*) an expert on tribal matters or a representative of tribal communities to be appointed by the State Government—Member;

(*ix*) Chief Executive Officer, State Authority—Member-Secretary.

(*3*) The executive committee of a State Authority shall consist of the following, namely:—

(*i*) Principal Chief Conservator of Forests (Head of Forest Force)—Chairperson, *ex officio*;

(*ii*) Chief Wildlife Warden—Member, *ex officio*;

(*iii*) an officer not below the rank of a Chief Conservator of Forests dealing with forest and wildlife related schemes—Member, *ex officio;*

(*iv*) an officer not below the rank of a Chief Conservator of Forests dealing with forestry research—Member, *ex officio*;

(*v*) Nodal Officer, State Forest Development Agency—Member, *ex officio;*

(*vi*) a representative each of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(*vii*) Financial Controller or Financial Adviser, to be nominated by the Finance Department—Member, *ex officio;*

(*viii*) two eminent non- government organisations to be appointed by the State Government—Members;

(*ix*) two representatives of district level Panchayati Raj Institutions to be appointed by the State Government—Members;

(*x*) an expert on tribal matters or a representative of tribal community to be appointed by the State Government—Member;

(*xi*) Chief Executive Officer, State Authority—Member-Secretary.

(*4*) The State Authority may appoint the following officers for a period not exceeding five years, to assist the steering committee and executive committee in performance of its functions under the Act, namely:—

(*i*) Joint Chief Executive Officer of the rank not below the rank of a Conservator of Forests;

(*ii*) Financial Advisor and Chief Accounts Officer of the rank not below the rank of a Deputy Secretary in the State Government;

(*iii*) Deputy Chief Executive Officer of the rank not below the rank of a Deputy Conservator of Forests.

(*5*) The governing body of the State Authority may with the prior concurrence of the State Government create posts in the State Authority at the level of Assistant Conservator of Forests and other officials to assist the steering committee and executive committee in performance of its functions under the Act.

Term of office and conditions of service of members.

12. Save as otherwise provided in this Act, the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority shall be such as may be prescribed.

Disqualifications.

13. A person shall be disqualified for being appointed as a member of the National Authority, executive committee of the National Authority, a State Authority, steering committee and executive committee of a State Authority, monitoring group, if he—

(*i*) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*ii*) is an undischarged insolvent; or

(*iii*) is of unsound mind and stands so declared by the competent court; or

(*iv*) has been removed or dismissed from the service of the Government or organisation or undertaking owned by the Government; or

(*v*) has, in the opinion of the Central Government, such financial or other interest in the National Authority or the concerned State Authority as is likely to affect the duties discharged by him of his function as a member.

CHAPTER IV

POWERS AND FUNCTIONS OF NATIONAL AUTHORITY AND STATE AUTHORITIES

Powers and functions of National Authority.

14. (*1*) The governing body of the National Authority shall—

(*i*) formulate broad policy framework for functioning of the National Authority and State Authorities as may be notified by the Central Government;

(*ii*) approve the annual report and audited accounts of the National Authority;

(*iii*) review reports on decision taken by executive committee and monitoring group of the National Authority including investment decisions;

(*iv*) approve the proposal for the schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*v*) approve the proposals for creation of posts in the National Authority, subject to prior permission of the Central Government;

(*vi*) provide a mechanism to State Authorities to resolve issues of inter-State or Centre-State character;

(*vii*) formulate such procedures for delegation of financial and administrative powers to the National Authority and State Authorities as may be notified by the Central Government.

(*2*) The governing body of the National Authority shall meet at least once in six months.

(*3*) The governing body and executive committee of the National Authority and the monitoring group of the National Authority shall meet at such places and shall observe such rules and procedures in regard to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

Powers and functions of executive committee of National Authority.

15. (*1*) The executive committee of the National Authority shall—

(*i*) approve within three months from the date of receipt, annual plan of operations of State Authorities, with such amendments as it deems fit and proper;

(*ii*) formulate proposals for schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*iii*) execute schemes specified in sub-clause (*iii*) of clause (*b*) of section 5;

(*iv*) deploy staff on contract or on deputation basis to the posts in the National Authority;

(*v*) formulate proposals for creation of posts in the National Authority at the level of Assistant Inspector General of Forests and other officers;

(*vi*) invest surplus amounts available in the National Fund;

(*vii*) execute other day-to-day work in respect of receipt of amounts in the National Fund;

(*viii*) maintain books of account and such other records;

(*ix*) facilitate scientific, technological and other assistance that may be required by State Authorities;

(*x*) present its decisions to the governing body of the National Authority for information;

(*xi*) maintain and update a public information system on the National Authority and present all information on its transaction in the public domain;

(*xii*) undertake any other work as may be assigned by the governing body of the National Authority or the Central Government, from time to time.

(*2*) The executive committee of the National Authority shall meet at least once in every three months.

Functions of monitoring group.

16. (*1*) The monitoring group shall—

(*i*) evolve independent system for concurrent monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities to ensure effective and proper utilisation of funds by utilising the services of the regional offices, of the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided that the Central Government may also undertake third party monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities through individual and institutional experts including remote sensing agencies;

(*ii*) inspect and undertake financial audit of works executed by utilising the funds released by the National Authority and State Authorities in the State and Union territories;

(*iii*) devise measures for transparency and accountability.

(*2*) The monitoring group shall meet at least once in three months.

Powers and functions of State Authority.

17. (*1*) The governing body of a State Authority shall—

(*i*) lay down the broad policy framework for the functioning of such State Authority within the overall framework notified by the Central Government on the recommendations of the National Authority;

(*ii*) review the working of the State Authority from time to time.

(*2*) The governing body of a State Authority shall meet at least once in six months.

(*3*) The governing body, steering committee and executive committee of a State Authority shall meet at such places and shall observe such rules and procedures in regards to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

Powers and functions of steering committee of State Authority.

18. (*1*) The steering committee of a State Authority shall—

(*i*) scrutinise and approve with such amendments as it may deems fit and proper the annual plan of operations prepared by the executive committee of such State Authority and send the same to the executive committee of the National Authority for final approval;

(*ii*) monitor the progress of the utilisation of funds released from the State Fund;

(*iii*) review reports on decision taken by executive committee including investment decisions;

(*iv*) approve, subject to prior concurrence of the State Government, proposals formulated by the executive committee for creation of posts in the State Authority;

(*v*) approve annual report of the State Authority and send the same to the State Government to lay it, each year, in each House of the State Legislature;

(*vi*) ensure inter-departmental coordination.

(*2*) The steering committee of a State Authority shall meet at least once in every three months.

Functions and powers of executive committee of State Authority.

19. (*1*) The executive committee of a State Authority shall—

(*i*) formulate and submit annual plan of operations to the steering committee of the State Authority for its concurrence;

(*ii*) undertake qualitative and quantitative supervision, monitoring and evaluation of the works being implemented from amounts available in the State Fund;

(*iii*) invest surplus amounts available in the State Fund of such State;

(*iv*) maintain books of account and other records;

(*v*) submit reports to the steering committee of the State Authority;

(*vi*) prepare annual report of the State Authority;

(*vii*) deploy staff on contractual basis or on deputation to the posts in the State Authority;

(*viii*) formulate proposals for creation of posts in the State Authority;

(*ix*) be responsible for delegation of financial or administrative powers;

(*x*) be responsible for other day-to-day working in respect of the State Authority;

(*xi*) maintain and update public information system on the State Authority and present all information on its transaction in the public domain;

(*xii*) undertake any other work as may be assigned by the governing body or steering committee of the State Authority or the State Government, from time to time.

(*2*) The executive committee of a State Authority shall meet at least once in every three months.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

Budget of National Authority.

20. (*1*) The National Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the National Authority and forward the same to the Central Government, in such form and at such time in each financial year as may be prescribed.

(2) The National Authority, shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority as may be prescribed.

Investment of funds by National Authority.

21. The National Authority may invest its funds, including any reserve fund, in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Provided that the grants received from the Central Government shall not be invested and shall be utilised for the purposes and in the manner attached to it.

Accounts and audit of National Authority.

22. (1) The National Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the National Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the National Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the National Authority.

(4) The accounts of the National Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the National Authority.

(5) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of the all monies collected by the State Governments and Union territory Administrations, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and submit the report to the Central Government under this section.

(6) The Central Government shall have the power to conduct the special audit or performance audit of the National Fund and of the National Authority through the Comptroller and Auditor- General.

Annual report of National Authority.

23. (1) The National Authority shall prepare, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government, in such form and at such time, for each financial year, as may be prescribed.

(2) The annual report shall, *inter alia*, provide for—

(*i*) the summary of monitoring and evaluation of activities undertaken from amounts released from the National Fund and State Funds during the year;

(*ii*) the summary of specific schemes specified in sub-clause (*iii*) of clause (*b*) of section 5 executed during the year;

(*iii*) the amount of money received and expended.

Annual report and audit report of National Authority to be laid before Parliament.

24. The Central Government shall cause the annual report and audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of Parliament.

Budget of State Authority.

25. (*1*) Each State Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the State Authority and forward the same to the State Government, in such form and at such time, in each financial year, as may be prescribed.

(*2*) Each State Authority shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authority as may be prescribed.

Investment of funds by State Authority.

26. State Authority may invest funds available in the State Fund of such State in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Provided that the grants received from the State Government shall not be invested and shall be utilised for the purpose and in the manner prescribed.

Accounts and audit of State Authority.

27. (*1*) Each State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of each State Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the State Authority.

(*4*) The Accounts of the State Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the State Government by the State Authority.

(*5*) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of all the monies which have been transferred by the *ad hoc* Authority to the State Compensatory Afforestation Fund Management and Planning Authorities constituted in the States in compliance of guidelines dated the 2nd July, 2009 and submit the report to the State Government under this section.

(*6*) The Central Government and the State Government concerned shall have the power to conduct the special audit or performance audit of the State Fund and of the State Authority through the Comptroller and Auditor-General.

Annual report of State Authority.

28. (*1*) Each State Authority shall prepare its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the concerned State Government, in such form and at such time, for each financial year, as may be prescribed.

(*2*) The annual report of a State Authority shall, *inter alia*, provide for—

(*i*) the number and location of each reforestation, afforestation and conservation activity subject to the requirement of this section;

(*ii*) the amount and location of lands in hectares, cleared, conserved and planted in connection with the activity; and

(*iii*) the amount of afforestation money collected and expended.

Annual report and audit report of State Authority to be laid before State Legislature.

29. The State Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of the State Legislature:

Provided that in case of a Union territory having no legislature, the Central Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as so on as may be after the reports are received before each House of the Parliament.

CHAPTER VI

MISCELLANEOUS

Power to make rules.

30. (*1*) The Central Government in consultation with the State Governments may, after previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the management of the National Fund by the National Authority under sub-section (*2*) of section 3;

(*b*) the management of State Fund by the State Authorities under sub-section (*2*) of section 4;

(*c*) the manner of using the money for purposes specified in clause (*b*) of section 6;

(*d*) the manner of utilising the money for purposes specified in clause (*c*) of section 6;

(*e*) the manner of payment of the salary and allowances payable to the officers and other employees of the State Authority under clause (*f*) of section 6;

(*f*) the accounting procedure regulating the manner of crediting the monies to the National Fund and State Funds under section 7;

(*g*) the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority under section 12;

(*h*) the rules and procedures in respect of the transaction of business of the governing body and executive committee of the National Authority and monitoring group of the National Authority and the place of meeting, including the quorum under sub-section (*3*) of section 14;

(*i*) the rules and procedures in respect of the transaction of business of the governing body, steering committee and executive committee of a State Authority and the place of meeting, including the quorum under sub-section (*3*) of section 17;

(*j*) the preparation of the budget of the National Authority under sub-section (*1*) of section 20;

(*k*) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority under sub-section (*2*) of section 20;

(*l*) the investment of the funds of the National Authority under section 21;

(*m*) the maintenance of the accounts and other relevant records and preparation of an annual statement of accounts by the National Authority under sub-section (*1*) of section 22;

(*n*) the preparation of the annual report by the National Authority under sub-section (*1*) of section 23;

(*o*) the preparation of the budget of the State Authority under sub-section (*1*) of section 25;

(*p*) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authorities under sub-section (*2*) of section 25;

(*q*) the investment of funds by the State Authorities under section 26;

(*r*) the maintenance of the accounts and other relevant records and preparation of annual statement of accounts by each State Authority under sub-section (*1*) of section 27;

(*s*) the preparation of the annual report by the State Authorities under sub-section (*1*) of section 28; and

(*t*) any other matter which is required to be, or may be prescribed.

(*3*) 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.

Transfer of assets, liabilities, etc.

31. (*1*) On and from the date of constitution of the National Authority—

(*i*) all the assets and liabilities of the *ad hoc* Authority shall stand transferred to, and vested in, the National Authority;

Explanation.—The assets of the *ad hoc* Authority shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the *ad hoc* Authority and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(*ii*) without prejudice to the provisions of clause (*i*), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the *ad hoc* Authority immediately before constitution of the National Authority, for or in connection with the purpose of the *ad hoc* Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the National Authority;

(*iii*) all sums of money due to the *ad hoc* Authority immediately before constitution of the National Authority shall be due to the National Authority;

(*iv*) all suits and legal proceedings instituted or which could have been instituted by or against the *ad hoc* Authority may be continued or may be instituted by or against the National Compensatory Authority.

(*2*) On and from the date of constitution of a State Authority—

(*i*) all the assets and liabilities of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall stand transferred to, and vested in, the State Authority.

Explanation.—The assets of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(*ii*) without prejudice to the provisions of clause (*i*), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before this Act came into force, for or in connection with the purpose of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;

(*iii*) all sums of money due to the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before constitution of the State Authority shall be due to the State Authority;

(*iv*) all suits and legal proceedings instituted or which could have been instituted by or against the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 may be continued or may be instituted by or against the State Authority.

Validation.

32. (*1*) Notwithstanding anything contained in any judgment, decree or order of any court, the amount credited to the National Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of India within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by Parliament in this behalf.

(*2*) Notwithstanding anything contained in any judgment or order of any court, all the monies collected by the State Governments and the Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and the interest accrued thereon shall stand transferred to the National Fund.

(*3*) Notwithstanding anything contained in any judgment or any order of any court, the amount credited to the State Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of the State within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by the State Legislature in this behalf.

Power of Central Government to issue directions.

33. (*1*) The Central Government may, if it finds necessary or expedient in the public interest, issue such policy directives to the National Authority or any State Authority, in writing and such policy directives shall be binding upon the National Authority or the State Authority, as the case may be.

(*2*) The decision of the Central Government, whether a question is one of policy or not, shall be final.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

In the Appropriation Acts (Repeal) Act, 2016, (No. 22 of 2016) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 9th May, 2016 (Issue No. 25),—

Page No.	Column	Line(s) No.	For	Read
8	3	3	The Appropriation (Railways) (Vote on Account) Act, 1972	The Appropriation (Railways) Vote on Account Act, 1972
10	3	51	The Appropriation No. 3 Act, 1983	The Appropriation (No. 3) Act, 1983
10	3	52	The Appropriation No. 4 Act, 1983	The Appropriation (No. 4) Act, 1983
11	3	15	The Appropriation (Vote on Account) 1985	The Appropriation (Vote on Account) Act, 1985

MANOJ KUMAR Digitally signed by MANOJ KUMAR Date: 2016.08.04 03:24:18 +05'30'

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INDIAN FOREST (AMENDMENT) ACT, 2017

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—18 REGISTERED NO. DL—(N)04/0007/2003—18

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, सोमवार, जनवरी 8, 2018/पौष 18, 1939 (शक)
No. 5] NEW DELHI, MONDAY, JANUARY, 8, 2018/PAUSHA 18, 1939 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2018/*Pausha* 18, 1939 (*Saka*)

The following Act of Parliament received the assent of the President on the 5th January, 2018, and is hereby published for general information:—

THE INDIAN FOREST (AMENDMENT) ACT, 2017

NO. 5 OF 2018

[*5th January,* 2018.]

An Act further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Indian Forest (Amendment) Act, 2017. Short title and commencement.

(*2*) It shall be deemed to have come into force on the 23rd day of November, 2017.

2. In the Indian Forest Act, 1927, in section 2, in clause (*7*), the word "bamboos" shall be omitted. Amendment of section 2 of Act 16 of 1927.

Ord. 6 of 2017.

3. (*1*) The Indian Forest (Amendment) Ordinance, 2017 is hereby repealed. Repeal and savings.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Indian 16 of 1927. Forest Act, 1927, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

In the MENTAL HEALTHCARE ACT, 2017 (10 OF 2017) as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 10, dated the 7th April, 2017,—

Page No.	Line(s)	*For*	*Read*
2	20	"sub-section (*1*) of section 80"	"sub-section (*1*) of section 73"
4	6	"clause (*x*)"	"clause (*y*)"
6	16	"clause (*a*) of sub-section (*1*) of section 91"	"clause (*a*) of sub-section (*1*) of section 82"
6	25	"section 103"	"section 94"
10	15 and 16	"clause (*e*) of sub-section (*4*)"	"cloause (*e*) of this sub-section"
20	10	":clause (*q*)"	"clause (*r*)"
30	31	"section 85"	"section 77"
43	4	"sub-section (*5*)"	"sub-section (*6*)"
47	29 and 30	"sub-clause (*ii*) of clause (*f*) of sub-section (*1*) of section 2"	"sub-clause (*ii*) of clause (*g*) of sub-section (*1*) of section 2"
47	31 and 32	"clause (*w*) of sub-section (*1*) of section 2"	"clause (*x*) of sub-section (*1*) of section 2"
48	14	"manner"	"the manner"
48	15	"a State"	a State under sub-section (*3*) of section 73"
48	16 and 17	"clause (*e*) of sub-section (*2*) of section 82"	"clause (*e*) of sub-section (*2*) of section 74"
49	16	"confirm under sub-section (*6*) of section 103"	"conform under sub-section (*7*) of section 103"
49	25	"manner"	"the manner"
49	39	"provisions"	"the provisions"
50	1	"manner"	"the manner"
50	3 to 5	-	*Omitted.*
50	6	"clause (*n*)"	"clause (*m*)"
50	8	"clause (*o*)"	"clause (*n*)"
51	5	"14 of 1897."	"14 of 1987."

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THE BIOLOGICAL DIVERSITY RULES, 2004

The Gazette of India
EXTRAORDINARY
PART II – Section 3- Sub-section (i)

PUBLISHED BY AUTHORITY

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, Thursday, April 15, 2004

G.S.R. 261 (E) - In exercise of the powers conferred by section 62 of the Biological Diversity Act , 2002, and in supersession of the National Biodiversity Authority (salary, Allowances and conditions of service of Chairperson and other Members) Rules, 2003 except as respect to things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely:-

1. Short title and commencement

(1) These rules may be called the Biological Diversity Rules, 2004.
(2) Thus shall come into force on 15th April, 2004.

2. Definitions

In these rules, unless the context otherwise requires, -

(a) "Act" means the Biological Diversity Act 2002 (18 of 2003);
(b) "Authority" means the National Biodiversity Authority established
under sub- section (1) of Section 8,
(c) "Biodiversity Management Committee" means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;
(d) "Chairperson" means the chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.
(e) "fee" means any fee stipulated in the Schedule;
(f) "Form" means form annexed to these rules;
(g) "Member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;
(h) "section" means a section of the Act;
(i) "Secretary" means the full time Secretary of the Authority.

(j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson

(1) The Chairperson of the Authority shall be appointed by the Central Government.

(2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.

4. Term of Office of the Chairperson

(1) The Chairperson of the Authority shall hold the office for a term of three years' and shall be eligible for re-appointment,

(2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which is earlier.

(3) The Chairperson may resign from his office by giving at least one month notice in writing to the Central Government.

5. Pay and Allowances of Chairperson :-

(1) A Chairperson shall be entitled to a fixed pay of Rs. 26,000/- per month. In case of retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons. .

(2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, house and other perquisites etc. to be decided by the Central Government from time to time.

6. Term of Office and Allowances of non-official Members. -

(1) Every non-official member of the Authority shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the official Gazette.

(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of commissions and committees of the Central Government attending the meeting (s) of such Commissions or Committees.

7. Filling up of vacancies of non-official members

(1) A non-official member of the Authority may resign his office at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.

(2) A casual vacancy of a non-official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.

8. Removal of the members of the Authority.

No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Secretary of the Authority

(1) The Authority shall appoint a Secretary to it.

(2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.

(3) The Secretary shall be responsible for co-coordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.

10. Meetings of the Authority

(1) The Authority shall meet at least four times in a year normally after a period of three months at the Head quarters of the Authority or at such place as may be decided by the Chairperson.

(2) The Chairperson shall, upon a written request from not less than five Members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.

(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and atleast three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.

(4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.

(5) The decision of the Authority at a meeting shall, if necessary, be taken by a simple majority of the Members present and voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.

(6) Each member shall have one vote.

(7) The quorum at every meeting of the Authority shall be five.

(8) No Member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.

(9) Notice of the meeting may be given to the Members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.

11. Appointment of Expert Committee by the Authority and their entitlements :-

(1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.

(2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.

12. General functions of the Authority :-

The Authority may perform the following functions; namely :-

(i) lay down the procedure and guidelines to govern the activities provided under sections 3 ,4 and 6 ;

(ii) advise the Central Government on any matter concerning conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

(iii) coordinate the activities of the State Bio-diversity Boards;

(iv) provide technical assistance and guidance to the State Bio-diversity Boards;

(v) commission studies and sponsor investigations and research;

(vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions:

Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.

(vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

(viii) organise through mass media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.

(ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;

(x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;

(xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent/ temporary or of any nature, would be created without prior approval of the Central Government;

(xii) approve the method of recruitment to the officers and servants of the Authority;

(xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses;

(xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act ;

(xv) report to the Central Government about the functioning of the Authority and implementation of the Act ;

(xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time ;

(xvii) sanction grants-in-aid and grants to the State Bio-diversity Board and Bio-diversity Management Committees for specific purposes;

(xviii) undertake physical inspection of any area in connection with the implementation of the Act ;

(xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained from India in an illegal manner;

(xx) do such other functions as may be assigned or directed by the Central Government from time to time.

13. Powers and duties of Chairperson

(1) The Chairperson shall have the overall control of the day- to -day activities of the Authority.

(2) Subject to the provisions of Section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.

(3) The Chairperson shall be In charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.

(4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorized by the Chairperson in this behalf.

(5) The Chairperson, either himself or through an officer of the authority authorized for the purpose, may sanction and disburse all payments against the approved budget.

(6) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates.

(7) The Chairperson shall convene and preside over all the meetings of the Authority and shall ensure that all decisions taken by the Authority are implemented in proper manner.

(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.

14. Procedure for access to biological resources and associated traditional knowledge

(1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial utilization shall make an application in Form I.

(2) Every application under sub-rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.

(3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts.

(4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.

(5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.

(6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following ; namely :-

(i) general objectives and purpose of the application for seeking approval ;
(ii) description of the biological resources and traditional knowledge including accompanying information;
(iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)
(iv) conditions under which the applicant may seek intellectual property rights;
(v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.

(vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority;

(vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;

(viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;

(ix) submitting to the Authority a regular status report of research and other developments;

(x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country ;

(xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed ;

(xii) commitment to minimize environmental impacts of collecting activities ;

(xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.

(7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.

(8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.

(9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.

(10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and shall periodically monitor compliance of conditions on which the approval was accorded.

15. Revocation of access or approval . -

(1) The Authority may either on the basis of any complaint or *suo moto* withdraw the approval granted for access under rule 15 and revoke the written agreement under the following conditions ; namely:-

(i) on the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted ;

(ii) when the person who has been granted approval has failed to comply with the terms of the agreement ;

(iii) on failure to comply with any of the conditions of access granted;

(iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;

(2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

16. Restriction on activities related to access to biological resources. -

(1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons ; namely :-

(i) the request for access is for any endangered taxa ;

(ii) the request for access is for any endemic and rare species;

(iii) the request for access may likely to result in adverse effect on the livelihoods of the local people;

(iv) the request to access may result in adverse environmental impact which may be difficult to control and mitigate;

(v) the request for access may cause genetic erosion or affecting the ecosystem function;

(vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.

17. Procedure for seeking approval for transferring results of research.-

(1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II.

(2) Every application under sub-rule (i) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.

(3) Every application under sub-rule (i) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.

(4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.

(5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.

(6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed;
Provided that the application shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

18. Procedure for seeking prior approval before applying for intellectual property protection. -

(1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.

(2) Every application under sub-rule (1) shall be accompanied by paying a fee of five hundred rupees.

(3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.

(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.

(5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.

(6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of hearing.

19. Procedure for third party transfer under sub-section (2) of Section 20.-

(1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed

biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV.

(2) Every application under sub-rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.

(3) The Authority shall after collecting any additional information, decide upon the application as far as possible within a period of six months of receipt of the same.

(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.

(5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.

(6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

20. Criteria for equitable benefit sharing (Section 21)

(1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.

(2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.

(3) The formula for benefit sharing shall be determined on a case-by case basis.

(4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.

(5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined parameters of access, the extent of use, the

sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.

(6) Depending upon each case, the Authority shall stipulate the time frame for assessing benefit sharing on short, medium, and long term benefits.

(7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.

(8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.

(9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be , towards administrative and service charges.

(10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a manner determined by it.

21. Application of National Biodiversity Fund . -

(1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard

(2) The National Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority.

22. Constitution of Biodiversity Management Committees

(1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.

(2) The Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not les than 18% should belong to the Scheduled Castes/Scheduled Tribes.

(3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie .

(4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.

(5) The local Member of Legislative Assembly/ Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.

(6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.

(7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vaids and practitioners using the biological resources.

(8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.

(9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.

(10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.

(11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

23. Appeal for settlement of disputes under Section 50. -

(1) If a dispute arises between the Authority or a State Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e. , Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India

(2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.

(3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for.

(4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorised representative of the appellant.

(5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impunged provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.

(6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.

(7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.

(8) In disposing of an appeal it may vary or modify or cancel impugned order, direction or policy, as the case may be.

(9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.

24. Manner of giving notice under Section Section 61

(1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely:-

(i) The notice shall be in writing in Form VII.
(ii) The person giving the notice may send it to ,-

(a) If the alleged offence has taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and

(b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board

(2) The notice referred to in sub-rule (1) shall be sent by registered post acknowledgement due; and

(3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub-rule (1).

Schedule

FORM I

(see rule 14)

Application form for access to Biological resources and associated traditional knowledge

Part A

(i) Full particulars of the applicant
(ii) Name:
(iii) Permanent address:
(iv) Address of the contact person / agent, if any, in India:
(v) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication):
(vi) Nature of business:
(vii) Turnover of the organization in US$:

2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed

a) Identification (scientific name) of biological resources and its traditional use:

b) Geographical location of proposed collection:

c) Description / nature of traditional knowledge (oral / documented):

d) Any identified individual / community holding the traditional knowledge:

e) Quantity of biological resources to be collected (give the schedule):

f) Time span in which the biological resources is proposed to be collected:

g) Name and number of person authorized by the company for making the selection:

h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:

i) Whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access:

3. Details of any national institution which will participate in the Research and Development activities.

4. Primary destination of accessed resource and identity of the location where the R&D will be carried out.

5. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs

6. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs

7. Estimation of benefits, that would flow to India/ communities arising out of the use of accessed bioresources and traditional knowledge

8. Proposed mechanism and arrangements for benefit sharing.

9. Any other information considered relevant.

Part B
Declaration

I/ we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

I/we further declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed
Name
Title

Place
Date

FORM II

(see Rule 17)

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI`s, for commercial purposes.

1. Full particulars of the applicant
   i) Name
   ii) Address:
   iii)Professional profile
   iv)Organizational affiliation (Please attach relevant documents of authentication):

2. Details of the results of research conducted

3. Details of the Biological resources and /or associated knowledge used in the research.

4. Geo-graphical location from where the biological resources used in the research are collected

5 Details of any traditional knowledge used in the research and any identified individual /community holding the traditional knowledge

6. Details of institution where R&D activities carried out.

7. Details of the individual / organization to whom the research results are intend to transfer.

8. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual /organization due to commercialization of transferred research results.

9. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.

10. Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed
Name
Title

Place
Date

FORM III

(See rule 18)

Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

1. Full particulars of the applicant
   i) Name
   ii) Address:
   iii) Professional profile
   iv) Organizational affiliation (Please attach relevant documents of authentication):

2. Details of the invention on which IPRs sought

3. Details of the Biological resources and /or associated knowledge used in the invention.

4. Geo-graphical location from where the biological resources used in the invention are collected

5. Details of any traditional knowledge used in the in the invention and any identified individual /communiti\y holding the traditional knowledge

6. Details of institution where Research and Development activities carried out.

7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed
Name
Title

Place
Date

FORM IV

(See rule 19)

Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.

1. Full particulars of the applicant
   (i) Name
   (ii) Address:
   (iii) Professional profile
   (iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the biological material and traditional knowledge accessed.
3. Details of the access contract entered (Copy to be enclosed)
4. Details of the benefits and mechanism / arrangements for benefit sharing already implemented.
5. Full particulars of the third part to whom the accessed material / knowledge is intended to transfer.
6. The purpose of the intended third party transfer.
7. Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
8. Details of any agreement to be entered between the applicant and the third party.
9. Estimation of benefits that would flow to India/ communities arising out of the third party transfer of accessed biological resources and traditional knowledge
10. Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
11. Any other relevant information

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed
Name
Title

Place
Date

FORM V
(See rule-23(1)

Form of Memorandum of Appeal

BEFORE THE _____MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002.)

Appeal No. _____of 200

_____
_____ .....Appellant (s)

Vs.

_____
_____ .....Respondent(s)
(here mention the designation of the Authority/
Board, as the case may be)

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the Respondent on the following facts and grounds.

1. FACTS:
(Here briefly mention the facts of the case):

2. GROUND:
(Here mention the grounds on which the appeal is made) :

i.)
ii.)
iii.)

3. RELIEF SOUGHT:
i)
ii)
iii)

4. PRAYER:

a) In the light of what is stated above, the appellant respectfully prays that the order/decision of the respondent be quashed/set-aside .

b) The policy/guidelines/regulation framed by the Respondent be quashed /modified/annulled to the extent_____
_____

c)_____

Place:_____
Dated:_____

Signature of the appellant
with Seal
Address:

VERIFICATION

I , the appellant do hereby declare that what is stated above is true to the best of my information and belief .

Verified on _____day of_____.

Signature of the appellant
With Seal
Address

Signature of the Authorised representative of the appellant

Enclosures: 1. Authenticated copy of the order/direction/policy decision, against which the appeal has been preferred.

FORM VI
(See rule 28)

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

Appeal No. _____ of 200

Between :

_____

_____ ... Appellant(s)

Vs.

_____

_____ ... Respondents(s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order/direction/policy decision (give details) is fixed for hearing on _____ at _____.

The copies of the appeal memorandum and other annexure filed alongwith the appeal are sent herewith for your reference.

Please note that if you fails to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorised signatory on behalf of the Appellate Authority (Seal)

Date: _____
Place : _____

FORM VII

FORM OF NOTICE
(See rule 24 (1)

By Registered Post/Acknowledgement due

From,

Shri _____
_____
_____

To,

_____
_____
_____

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002.

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by_____

2. I/we hereby give notice of 30 days under Section 61(b) of the Biological Diversity Act, 2002 of my /our intention to file a complaint in the Court against _____for violation of the provisions of the Biological Diversity Act, 2002.

3. In support of my/our notice , I am/we are enclosing herewith the following documents as evidence of proof.

Place:_____
Dated:_____

Signature

EXPLANATION:

(1) In case the notice to be given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed to the notice.

(2) Give the name and address of the alleged offender. In case of using biological resource/ knowledge/research/bio-survey and bio utilisation /the intellectual property right /patent , without the approval of the

Authority, the details thereof and the commercial utilisation if any, may be furnished.

(3) Documentary evidence shall include photograph, technical report etc. for enabling enquiry into the alleged violation/offence.

[No. J 22018/57/2002 CSC (BC)]

(Desh Deepak Verma)
Joint Secretary

THE RECOGNITION OF ZOO RULES, 2009
WITH AMENDMENTS RULES, 2013

Recognition of Zoo Rules, 2009 with (Amendment) Rules, 2013

MINISTRY OF ENVIRONMENT AND FORESTS
GOVERNMENT OF INDIA

New Delhi, the 11th November, 2009

NOTIFICATION

G. S. R.807(E). dated 10th November, 2009, published in the Gazette of India, Extra., Pt.II, Sec. 3(i), No. 643, dated 11th November, 2009. In exercise of the powers conferred by clauses (f) and (g) of Sub-section (1) of section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), and in supersession of the Recognition of Zoo Rules, 1992, except as in respect of things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely; :-

1. Short title and commencement

(1) These rules may be called the Recognition of Zoo Rules, 2009.

(2) 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 Wild Life (Protection) Act, 1972 (53 of 1972);

(b) "Central Zoo Authority" means the Central Zoo Authority constituted under section 38A of the Act;

(c) "Conservation Breeding Centre" means the facility specially dedicated to planned conservation breeding of an endangered species of wildlife.

(d) "Enclosure" means any accommodation provided for zoo animals.

(e) "Enclosure barrier" means a physical barrier to contain an animal within an enclosure.

(f) "Endangered Species' means species included in Schedule I and Schedule II of the Act.

(g) "Critically endangered species' means an endangered species whose total number in all the zoos in the country put together does not exceed 200.

(h) "Form" means a form appended to these rules.

(i) "Performance" means any effort to force the animal to carry out unnatural act including performance of circus tricks.

(j) "Rescue Centre" means an establishment for the long-term care of animals specified in the Schedules to the Act.

(k) "Stand-off-barrier" means a physical barrier set back from the outer edge of an enclosure barrier.

(l) "Zoo Director"' means an in-charge of the zoo with whatever designation, responsible for day to day management of the zoo.

(m) "Zoo Operator" means the person who has ultimate control over the affairs of the zoos provided that_____

I. in the case of a firm or other association of individuals, any one of the individual partners or members thereof; or

II. in the case of a company, any director, manager, secretary or other officer, who is in-charge of and responsible to the company for the affairs of the zoo; or

III. In case of zoo owned or controlled by the Central Government or any State Government or Union Territory Administration or any Trust or Society funded by the Central Government or a State Government or a Union Territory Administration, the Secretary of the concerned Department of that Government, or as the case may be the Union Territory Administration, shall be deemed to be the Zoo Operator.

3. **Application for Recognition**

(1) An application for recognition of a Zoo under section 38H of the Act, shall be made to the Central Zoo Authority in Form I.

(2) An application for obtaining prior approval of the Central Zoo Authority under sub-section (1A) of section 38H of the Act for establishment of a new zoo shall be made to the Central Zoo Authority in Form I along with a detailed project report.

4. **Fees for Application**

There shall be paid in respect of every application made under rule 3, a fee of ten thousand rupees to be paid through Demand Draft or Postal Order in favour of the "Central Zoo Authority, New Delhi".

5. **Documents to be filled along with the application and particulars it should contain. --------**

Every application under rule 3 shall be accompanied by the fee specified under rule 4 and shall also contain documents and particulars as to the matters specified in Form I.

6. **Power to make inquiries and call for information**

The Central Zoo Authority may, before granting recognition to a zoo under Section 38H of the Act, make such inquiries and ask for from the applicant such further information, as it may considers necessary.

7. **Form of recognition ------** (1) The Central Zoo Authority may, on being satisfied with regard to sufficiency of facilities and standards in the zoo, grant recognition to such zoo.

(2) The recognition granted to a zoo under sub-rule (1) shall be subject to the following conditions, namely;

(a) that the recognition unless granted on a permanent basis, shall be for such period not less than one year as may be specified in the recognition.

(b) that the zoo shall comply with such standards and norms as are, or may be specified or imposed, by or under the provisions of the Act or the rules made thereunder; and

(c) the zoo shall comply with the directions and guidelines issued by the Central Zoo Authority from time to time, for the purpose of maintenance and upkeep of the zoo.

8. **Renewal of recognition ------** (1) A zoo, recognized under these rules, shall make an application to the Central Zoo Authority in Form I three months before the expiry of the period of recognition..

(2) The provisions of rule 3, rule 4, rule 5, rule 6 and rule 7 shall apply in relation to renewal of recognition as they apply in relation to grant of recognition except that the fee payable in respect of an application for renewal of recognition shall be five thousand rupees.

9. **Classification of zoos. -------** (1) For the purposes of deciding standards and norms for recognition of zoo and monitoring and evaluating its performance, the zoo, on the basis of area, number of visitors, number of species and animals, endangered species and number of animals of endangered species in its collection shall be taken into consideration and the zoo shall accordingly be classified into following four categories as specified in the Table, namely:-

S. No.	Category of zoo	Criteria for Qualifying to the category					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		Area of the zoo (hectares)	No. of visitors in a year (in lakhs)	No. of species	No. of animals	No. of endan-gered species	No. of animals of endan-gered species
1.	Large	75	7.5	75	750	20	100
2.	Medium	35	3.5	35	350	10	50
3.	Small	10	1.0	10	100	3	15
4.	Mini	Less than 10	Less than 1.00	Less than 10	Less than 100	--	----

"(2) The zoo which meets at least any four of the aforesaid criteria (but including number of species and number of animals) shall be classified as such by the Central Zoo Authority.

Provided that the Central Zoo Authority may, by order in writing, allow a mini zoo to keep animals of endangered species subject to the conditions, if any, laid down in that order with regard to the area of the zoo, housing, upkeep and healthcare facilities including deployment of veterinarian and supervisory level staff.

**** Amended vide the Gazette Notification GSR 657 (E) dated 02.08.2013, (Pg. No.76).***

In the Recognition of Zoo Rules, 2009, in rule 9, for sub-rule (2) the following sub-rule be substituted, namely :-

"(2). The Zoo which meets any two of the criteria specified in columns (3) to (6) and meet the criteria specified in column (7) and (8)

specified in the Table above shall be classified as such by the Central Zoo Authority:

Provided that the Central Zoo Authority may, by order in writing allow a mini Zoo to Keep animals of endangered species subject to the conditions, if any, laid down in that order with regard to the area of the Zoo, housing, upkeep and healthcare facilities including deployment of veterinarian and supervisory level staff."

10. **Standards and norms for recognition.-----**

The Central Zoo Authority shall grant recognition to a zoo, with due regard to the interest of protection and conservation of wildlife, and on being satisfied that the standards and norms and other matters specified in the Schedule are met by such zoo:

Provided that the Central Zoo Authority may, if it considers appropriate, and for reason to be recorded in writing, grant recognition, with conditions, if any, to such zoo which have shown considerable improvement in the past and have the potential and resources to come up to the prescribed standards and norms within a reasonable time frame and are willing to do so. Such an action would lead to qualitative improvement in the zoos, and avoid logistic problems arising due to the closure of the zoos on the basis of their present status.

11. **Maintenance of Records and submission of Inventory**

(1) Every zoo shall maintain record of the births, acquisitions, deaths and disposals of animals of each species in its collection in the manner and in the format determined by the Central Zoo Authority and the inventory of the animals in the collection of each zoo, along with the details mentioned above for each financial year shall be submitted to the Central Zoo Authority by 30th day of April of the ensuing year in Form II.

Provided that the details in respect of the animals pertaining to the species included in Schedule I and Schedule II to the Act, along with the detailed reasons of death identified on the basis of the post-mortem examination reports shall be submitted to the Central Zoo Authority every quarter, within a period of fifteen days of the end of that quarter.

(2) Every zoo shall submit an annual report of its activities and compliance of the conditions stipulated by CZA for each financial year to the Central Zoo Authority by the 30th day of June of the year.

THE SCHEDULE

[See rule 10]

1. General requirements.---------

(1) Every zoo shall endeavour to establish and sustain population of physically, genetically and behaviorally healthy animals for furthering the cause of wildlife conservation and communicating credible conservation message to the visitors through display of healthy animals in naturalistic settings.

(2) Every zoo shall, through proper landscaping and planting of appropriate species, provide a naturalistic environment within the zoo to enable the visitors to have communion with nature and get motivated for living in harmony with nature.

(3) Every zoo shall endeavour to regulate the movement of visitors in the zoo in such a manner that zoo animals are not unduly disturbed, stressed or provoked and the zoo shall be closed to visitors at least one day in a week.

(4) Every zoo, as a safeguard against the un-regulated access of visitors to the zoo and zoo animals being subjected to injury, pilferage and predation, shall design appropriately the barriers along the boundary of the zoo in accordance with the standards issued by the Central Zoo Authority in this regard.

(5) Every zoo, which is surrounded by human landscape shall be encompassed by a perimeter wall of at least two meter in height from the ground level on both sides.

(6) No residential colony shall be constructed within the zoo premises.

Provided that where such colonies already exist, it shall be separated from the zoo premises by a boundary wall with a minimum height of two meters from the ground level. The entry to the residential colony shall not be through the zoo premises.

(7) Every zoo shall carry out its operations in a manner that causes minimum stress on natural resources and produces the minimum of solid wastes and effluents and the zoo shall also endeavour to put in place the practices of effective waste management through reducing, reusing and recycling and disposing the effluents and the solid wastes in a manner that causes least adverse environmental impact.

(8) Every zoo shall refrain from display of sick, injured, infirm and tethered animals to the visitors and such animals shall be housed in off-display facilities specially earmarked for and providing appropriate upkeep and healthcare for such animals

(9) Every zoo shall refrain from housing of domestic animals and pets within the zoo premises and adequate safeguards shall also be put in place to prevent the entry of domestic livestock, stray animals and pets into the premises of the zoo.

2. Administrative and Staffing Pattern

(1) The zoo operators shall post an officer of appropriate rank as "whole time in-charge" of the zoo with powers to take decision and ensure that adequate financial resources and infrastructural support is made available to such officer for proper housing, upkeep and healthcare of the zoo animals and managing the zoo in a planned manner.

(2) Every zoo operator shall provide adequate scientific and technical staff to support the officer-in-charge of the zoo in carrying out the responsibilities of housing, upkeep and healthcare of zoo animals, research and visitor education as specified in the Table below, namely:

S. No.	Category of Staff	Large Zoo	Medium Zoo	Small Zoo	Mini Zoo
(1)	(2)	(3)	(4)	(5)	(6)
1.	Curator	1	1	1	Mini Zoos shall avail the assistance of appropriately qualified individuals available locally
2.	Veterinarian	2	1	1	
3.	Education Officer	1	1		
4.	Biologist	1	1	1	

(3) In case the scientific and technical posts are filled by direct recruitment, the recruitment rule for such posts shall provide for their career progression including the benefit of flexible complementing scheme for their promotions.

3. Development and Planning

(1) Every zoo shall prepare and get the master plan approved by the Central Zoo Authority

(2) Zoos which are in operation at the time of the commencement of these rules, shall prepare and get the master plans approved from the Central Zoo Authority within one year from the date of commencement of these rules.

(3) The master plan referred to in sub-paragraphs (1) & (2), shall inter alia, include all round development of the zoo for a period of twenty years which shall be revised every ten years along with a detailed layout plan prepared on the basis of the theme adopted by the zoo, indicating the locations of green belts, lawns, gardens, animal display area, visitor facilities, support infrastructure for animal upkeep and healthcare, buildings for administrative and maintenance unit.

(4) Atleast 30% of the area earmarked for the zoo shall be kept under green belt and natural vegetation and the area for animal housing shall not exceed 30% area of the zoo.

(5) Every zoo shall take adequate care to locate and design all 'pucca' buildings including the visitor facilities in such a manner that the natural landscape of the zoo and animal enclosures are not masked and the cleanliness and hygiene of the zoo is not affected.

(6) Every zoo shall, in consultation with the Central Zoo Authority, prepare a collection plan indicating the names of the species and maximum number of animals of each species to be housed in the zoo, having due regard to the congeniality of the climatic conditions of the locality for the general health and well being of the species, availability of the space and infrastructural support for proper upkeep and healthcare of the species, proximity of the zoo to the habitat range of the species and the past record of the zoo in management and breeding of the species and no zoo shall compromise on housing and upkeep standards of animals for accommodating new species or additional animals of the species in its collection.

(7) No zoo shall accept any rescued animal unless it has appropriately designed enclosure and upkeep facilities for the animal as well as

the facilities for keeping it in isolation during quarantine period.

(8) Whenever any zoo decides to accept any rescued animal for housing, a detailed report regarding the source from which the animal has been received, legality of its acquisition and the facilities available at the zoo for housing, upkeep and healthcare shall be sent to the Chief Wildlife Warden of the State.

Provided that in case, the rescued animal pertains to an endangered species a copy of the report shall also be sent to the Central Zoo Authority.

(9) Any decision of the Central Zoo Authority about any animal being sent to a particular zoo for augmenting the number of founder animals for the conservation breeding programme of the species shall be binding on the concerned zoo.

4. Animal housing, display of animals and animal enclosures

(1) Every zoo shall endeavour to display the animals in nature immersing enclosures.

(2) The designs and dimensions of every enclosure shall be determined having due regard to the biological behaviour of the species and the number of animals to be housed therein as per the standards specified by the Central Zoo Authority in this regard from time to time.

(3) The zoo shall ensure that the enclosure is safe and secure for the animals, animal keepers and the visitors and has requisite space for free movement, exercise and expression of natural behaviour by the animals.

(4) Adequate space shall also be made available to the animals in order to maintain safe distance from the dominant animals in the group or herd.

(5) No zoo shall display any animal in the enclosure that is not in accordance with the standards specified by the Central Zoo Authority in this regard.

(6) Every zoo shall make special efforts to enrich the environment of the enclosure to meet the species specific behavioural requirements of the animals in accordance with the standards specified by the Central Zoo Authority.

(7) Adequate screening shall be provided between adjacent enclosures to safeguard against the animals getting unduly excited or stressed due to visibility of animals housed in these enclosures

(8) No new enclosures for endangered species shall be constructed without prior approval of the Central Zoo Authority.

(9) Every zoo shall provide appropriately designed and effective stand off barriers at every animal display enclosure to regulate the movement of visitors in the zoo in a manner that facilitates the visitors in getting unobstructed view of wild animals, without reaching in the vicinity or proximity of the animals and getting the opportunity to physically touch or provoke the animals and shall also display adequate sign boards so as to give warning to the visitors to keep a safe distance from the animals.

(10) Every zoo shall provide appropriate signage with relevant information on the biology, behaviour and the population status of the species in the wild at every display enclosure.

Provided that large and medium zoos shall endeavour to provide interactive interpretation facilities for the purpose of explaining behaviour and biology of the species displayed in the enclosure.

5. Upkeep and healthcare of animals

(1) Every zoo shall house and maintain the animals in its collection in socially and behaviourally viable groups. No animal shall be separated from the group unless doing so is necessary for the security and welfare of the animal or other animals in the group.

Provided that the animals, so separated, shall be housed in accordance with standards specified by the Central Zoo Authority in this regard.

(2) Every zoo shall endeavour to provide all the animals in its collection timely supply of quality food of such a composition and in such quantities that nutritional and behavioural requirement of each animal are fully met and adequate safeguards shall be taken to ensure that no animal remains under-nourished on account of dominant animals not permitting other animals getting their share of the feed and the zoo operator shall ensure round the clock supply of potable water to all the animals in the zoo.

(3) The timing of distribution of food, placement of food and way of distribution of food to the animals shall be regulated in such a manner that the animals get maximum opportunity to express natural instincts and skills and behaviour related to feeding.

(4) As a safeguard against feral animals, free ranging wild animals and scavengers sharing the feed of the zoo animals, each animal shall be provided feed in the feeding cells/ kraals specially earmarked for the purpose and such feeding cells and kraals shall be so designed that these can also serve as indoor enclosures for the animals during extreme weather conditions as well as for secure stay during the nights:

Provided that the dimensions and designs of the feeding cells and kraals shall be as per the standards specified by the Central Zoo Authority.

(5) Every zoo operators shall ensure that the left over feed, excreta of animals and all other wastes are removed promptly from the feeding cells and kraals and the feeding cells and kraals are washed and disinfected as per the advice of the authorized veterinary officers and the solid and the liquid waste generated during the process shall be disposed off in such manner that has no adverse impact on the hygiene and cleanliness of the zoo and the landscape surrounding the zoo.

(6) The curatorial and the veterinary staff shall keep a close watch on the general behaviour and health parameters of the zoo animals. The animals shall be handled only by the staff having experience and training in handling the individual animals.

(7) Any animal that shows any sign of dullness, loss of appetite, injury or abnormal behaviour shall be thoroughly assessed and provided medical attention promptly as per the standards specified by the Central Zoo Authority in this regard from time to time and the direction of the Zoo administration.

(8) Every zoo animals shall be screened for parasitic loads as per written schedule prepared by the zoo in consultation with the veterinary officer and prophylactic medicines administered as per clinical requirements and vaccination of animals against infectious diseases shall also be done, as per the schedule prescribed by the Veterinary Officer from time to time.

(9) All staff involved with upkeep and healthcare of zoo animals shall be screened against zoonotic diseases once every year and those found positive to any communicable disease shall be provided appropriate treatment till they get cured and freed of the infection and during the period of such treatment, the infected employees shall be kept away from the responsibility of upkeep and healthcare of the animals.

(10) Every zoo shall maintain detailed records of observations of biological and social behaviour and health status of the animals including feed intake, medication and treatment provided in the keeper's diary, daily reports, animal history cards and treatment cards, as per standards specified by the Central Zoo Authority.

6. Veterinary and infrastructure facilities

(1) Every zoo shall, ------

(a) have veterinary facilities appropriate to the size and type of the animal collection of the zoo;

(b) have a full fledged veterinary unit with all basic diagnostic facilities, comprehensive range of drugs, operation theatre and in-patient wards.

Provided that a mini zoo shall have at least facilities of a treatment room.

(2) No zoo shall acquire sophisticated and costly diagnostic equipments unless there is adequate technically qualified manpower to operate and use the same.

(3) Every zoo, except mini zoo, shall have a postmortem room, isolation ward, quarantine ward, animal restraining and tranquilizing equipments and a veterinary care reference library.

(4) Tranquilization of any animal shall be done exercising utmost care and following the standards specified in this regard by the Central Zoo Authority from time to time.

(5) Every zoo operator shall provide each zoo the veterinary support staff as specified in the Table below; namely:-

S. No.	Support Staff	Large zoo	Medium zoo	Small zoo
(1)	(2)	(3)	(4)	(5)
1.	Lab. Assistant	1	1	-
2.	Stockman or compounder	2	1	1

Provided that a Mini zoo shall have atleast one whole time employee to take care of upkeep and feeding of the zoo animals.

(6) Every zoo shall have linkages with the eminent institutions and organizations working in the field of wild animal healthcare with the objectives to provide for:

(a) the assistance in scientific diagnosis of diseases of serious nature and advise on the effective remedial treatment.

(b) the training and upgrading technical skills of zoo staff; and

(c) the development of protocols for preventive medicines and vaccination

7. Post-mortem and disposal of carcasses of animals

(1) Every animal died in the zoo shall be subjected to a detailed postmortem examination by registered veterinarian to determine conclusively the cause of the death.

(2) The findings of the post-mortem examination referred to in sub-paragraph (1) shall be recorded in such format as may be prescribed by Central Zoo Authority and in this regard and shall be maintained for a period of not less than six years.

(3) In the event of the post mortem being inconclusive and no specific reason for death is identified, the zoo authorities shall send the samples of the tissues and organs, blood, viscera etc. for further examination to the qualified diagnostic laboratory having adequate specialization for further investigation and identifying the cause of death.

(4) Every zoo shall ensure that the carcasses of the animals, after the post-mortem has been conducted, is disposed off by burying or burning in a manner that does not have any adverse impact on

the hygiene and cleanliness of the zoo:

Provided that the carcasses of large cats shall be disposed off by burning in the presence of the Director of the zoo or any officer in the next rank to him and authorized by him in this behalf:.

Provided further that the carcasses of animals died due to Anthrax or such other communicable diseases shall not be opened and subjected to post-mortem, as a safeguard against spread of the disease. These shall be buried intact.

8. Euthanasia of the animals

(1) No animal in the zoo shall be euthanized unless doing so is essential for the health of other animals or relieving the animal from unnecessary suffering or agony and whenever such exigencies arrives, action may be taken in accordance with the norms specified by the Central Zoo Authority in this regard.

9. Acquisition and breeding of animals

(1) Every zoo shall endeavour to keep and maintain animals of various species in their collection in such a sex ratio that optimizes breeding and helps in developing a self-sustaining population of each species.

(2) To safeguard against ill effects of inbreeding on the zoo population, the zoo shall endeavour to introduce unrelated animals to zoo stock through exchange, loaning and getting gifts of animals from other zoos.

(3) No zoo shall acquire single animal or genetically non-viable number of animals unless such acquisition is necessary for pairing of single animals or making the group genetically/ biologically viable.

(4) Every zoo shall endeavour to acquire mates for single and unpaired animals on priority basis and in the event of any zoo failing to find a mate for single and unpaired animal within a period of six months, the unpaired or single animal shall be transferred or exchanged or given on breeding loan to any other zoo in accordance with the norms specified by the Central Zoo Authority in this regard.

(5) For the purpose of transportation of animals from one place to

another, the standards specified in this regard by the Central Zoo Authority shall be complied with.

(6) The Central Zoo Authority shall assign the responsibility of conservation breeding of the identified critically endangered species to identified zoos having technical capabilities and housing facilities, preferably close to the distribution range of the species and every zoo shall help the identified zoos in implementing the breeding programme.

(7) The surplus animals from the breeding population shall be made available to the contributing zoo for display purposes on the basis of quality of housing and infrastructural facilities available with the zoos.

(8) Every zoo shall, with a view to prevent inbreeding and the loss of heterozygosity, the zoos shall maintain the animal history cards & stud and herd book for the animals of endangered species housed in the zoo and put appropriate identification marks and transfer or exchange animals with other zoos.

(9) Every zoo shall endeavour to limit the number of animals of each species within the limits set by the animal collection plan of the zoo by implementing appropriate population control measures like segregation of sexes, vasectomy, tubectomy and implantation of pellets etc., with due consideration of the health and welfare of the animals and interest of their long term survival.

(10) Every zoo shall take effective measures to safeguard against escape of the zoo animals from the premises of the zoo and in the event of any accidental escape, immediate action shall be taken to retrieve the escaped animals.

(11) No zoo shall release any captive animal into the wild except in accordance with the norms specified by the Central Zoo Authority in this regard.

(12) Every zoo shall ensure that no hybridization of species or races of same species takes place in the zoo.

10 **Research activities ---** Every zoo shall endeavor to carry out collaborative research for evolving innovative strategies for providing the animals housed in the zoo a better quality of life, enhanced longevity, higher genetic and behavioural viability and improved reproduction potential and to achieve the said goal the every zoo, other than mini

zoos, shall make arrangements for meticulous recording of data on the social behaviour, group dynamics and reproductive biology of the species housed in the zoo and developing a data base to be shared with other zoos and the identified institutions, in accordance with norms specified by the Central Zoo Authority in this regard.

11. **Education and outreach activities ----** (1) Every zoo shall endeavour to educate the visitors to the zoo and the people at large about the significance of wildlife conservation for the general well being of the people and keeping the life support system of nature intact and the efforts shall be made to make people aware about the role played by the zoos in this regard and the ways and means through which general public can participate and contribute for the same.

(2) No physical handling or performances by animals shall be permitted as part of educational activity.

12. **Visitors facilities**

(1) Every zoo operator shall provide adequate civic facilities for visitors at appropriate and convenient places in the zoo including for physically disadvantaged persons and such facilities shall be so located that they do not mask or impact the view of enclosures.

(2) Every zoo shall have first aid facilities including snake anti-venom and life saving drugs, readily available in the zoo premises.

(3) Every zoo shall make arrangements for providing access to the handicapped persons for viewing wild animals at various animal enclosures.

* * * * *

FORM- I

[See rules 3 & 8]

APPLICATION FOR GETTING RECOGNITION FROM THE CENTRAL ZOO AUTHORITY UNDER SECTION 38H [Sub-section (2)]

To
The Member Secretary
Central Zoo Authority
B1 Wing,6th Floor
Paryavarn Bhawan
New Delhi – 110 003.

We want to get recognition under section 38H of the Wild Life (Protection) Act, 1972 in respect of _____. Bank Draft for Rs._____ drawn in favour of Central Zoo Authority, New Delhi is also enclosed. The required information in respect of _____is as under :

1. Name of the Zoo:

2. Location and area of the Zoo:

3. Date of Establishment:

4. Name and address of the Zoo Operator:

*5. Total number of visitors to the Zoo during the last three years: (Year wise):

*6. Total number of days on which zoo is open to visitors during a calendar year:

7. Number of animals/ species exhibited by the zoo:

Stock position during the current financial year			
Number of species	**Stock Position on the close of preceding year**	**Births/ Acquisitions/ Deaths/ Disposal**	**Stock as on the date of application**
Mammals			
Birds			
Reptiles			
Amphibians			
Fishes and			
Invertebrates			

8. Total number of enclosures:
   *(i) Open air enclosures:
   (ii) Closed cages/ aviaries:

9. List of endangered species bred during last 3 years:

10. Veterinary facilities:
   (a) Whole time veterinarian available or not:
   (b) Facilities available in the Veterinary Hospital:
   1. Operation theatre/ Surgical room
   2. X-ray facility
   3. Squeeze cages
   4. In-door patient ward
   5. Quarantine ward & Isolation ward
   6. Dispensary
   7. Veterinary care reference library
   8. Nursery for hand-rearing of animal babies
   9. Pathological laboratory

10. Tranquilizing equipments/ drugs

11. Post-mortem room

12. Whether the following facilities exist in the zoo:

    (a) Kitchen

    (b) Food store

    (c) Deep freeze

    (d) Portable water facility

    (e) Food distribution van/ rickshaw etc.

11. Sanitary care and disease control:

Whether:-

(i) Pollution free water to animals for drinking is available?

(ii) Proper drainage system exists in enclosures?

(iii) Regular disposal of refuse material is done?

(iv) Programme for control of pests and predators exists?

(v) Preventive measures like deworm and vaccination are being provided?

*12. Amenities to visitors:

Whether:

(a) Public facilities like toilets/ bathrooms exist?

(b) Sufficient number of drinking water taps available?

(c) Visitor information centre and nature interpretation centre exist?

(d) Zoo education facilities have been provided?

(e) Public telephone booths are available?

(f) Kiosks and restaurants are available at the zoo?

*13. Safety measures for visitors:

Whether:-

(a) Effective stand-off barriers have been provided around enclosures?

(b) Adequate number of warning signboards exist?

(c) First-Aid measures are available?

14. Budget of the Zoo for the last 3 years Revenue Grants Total expenditure:

15. Annual Report, Guide books, Brochure or any other publication (copies enclosed)

16. Master plan/ detailed project report of the zoo (enclose a copy)

Signature of the Applicant

Name of the Applicant

Date: .....

*Rescue Centres and Conservation Breeding Centres are not required to provide information.

FORM – II

[See rule 11 (1)]

PART - A

Proforma for Quarterly/ Annual Inventory Report

Inventory Report for the Quarter/ Year :

Endangered Species*

S. No	Animal Name	Scientific Name	Opening Stock as on				Births			Acquisitions			Disposals			Deaths			Closing Stock as on			
Birds			M	F	U	T	M	F	U	M	F	U	M	F	U	M	F	U	M	F	U	T
1. 2.																						
Total Birds																						
Mammals 1. 2.																						
Total Mammals																						
Reptile/ Amphibians 1. 2.																						
Total Reptiles/ Amphibians																						
Invertebrates 1. 2.																						
Total Invertebrates																						
Total Animals																						

*Animals under Sch- I and Sch- II of Wild Life (Protection) Act, 1972

Curator (Animals) Director

PART - B

Proforma for Annual Inventory Report

Inventory Report for the Year :

Other than endangered Species

S. No	Animal Name	Scientific Name	Opening Stock as on 1-4-				Births			Acquisitions			Disposals			Deaths			Closing Stock as on 31-03-			
Birds			M	F	U	T	M	F	U	M	F	U	M	F	U	M	F	U	M	F	U	T
1. 2.																						
Total Birds																						
Mammals 1. 2.																						
Total Mammals																						
Reptiles/ Amphibians 1. 2.																						
Total Reptiles/ Amphibians																						
Invertebrates 1. 2.																						
Total Invertebrates																						
Total Animals																						

Curator (Animals)

Director

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 2 अगस्त, 2013

सा.का.नि. 657(अ).— केन्द्रीय सरकार, वन्य-जीव (संरक्षण) अधिनियम, 1972 (1972 का 53) की धारा 63 की उपधारा (1) के खंड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, चिड़ियाघर मान्यता नियम, 2009 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. **संक्षिप्त नाम और प्रारंभ.** — (1) इन नियमों का संक्षिप्त नाम चिड़ियाघर मान्यता (संशोधन) नियम, 2013 है ।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. चिड़ियाघर मान्यता नियम, 2009 के नियम 9 के उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—

"(2) चिड़ियाघर जो उपर्युक्त सारणी में विनिर्दिष्ट स्तंभ (3) से स्तंभ (6) में विनिर्दिष्ट मानदंडों में से किन्हीं दो का और स्तंभ (7) और स्तंभ (8) में विनिर्दिष्ट मानदंडों को पूरा करता हो, को केन्द्रीय चिड़ियाघर प्राधिकरण द्वारा ऐसे रूप में वर्गीकृत किया जाएगा :

परंतु केन्द्रीय चिड़ियाघर प्राधिकरण लिखित आदेश द्वारा, उक्त आदेश में पशु चिकित्सक एवं पर्यवेक्षी स्तर के कर्मचारियों के नियोजन सहित चिड़ियाघर के क्षेत्रफल, आवास, देखरेख और स्वास्थ्य के रखरखाव की सुविधाओं संबंधी शर्तों, यदि कोई हों, के अधीन रहते हुए किसी लघु चिड़ियाघर को संकटापन्न प्रजातियों को रखने के लिए अनुज्ञात कर सकेगा ।"

[फा.सं. 26-4/2007-सीजेडए (खण्ड-II)]

डा.एस.के. खंडूरी, महानिदेशक, वन (वन्यजीव)

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में संख्यांक सा.का.नि. 807 (अ), तारीख 10 नवंबर, 2009 द्वारा प्रकाशित किए गए थे जिसका अभी तक संशोधन नहीं किया गया है ।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 2nd August, 2013

G.S.R. 657 (E).— In exercise of the powers conferred by clause (g) of sub-section (1) of Section 63 of the Wild life (Protection) Act, 1972, the Central Government hereby make the following amendment in the Recognition of Zoo Rules, 2009 namely :—

1. **Short title and commencement.**— (1) These rules may be called the Recognition of Zoo (Amendment) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Recognition of Zoo Rules, 2009, in rule 9, for sub-rule (2), the following sub-rule shall be substituted, namely :—

" (2) The zoo which meets any two of the criteria specified in columns (3) to (6) and meet the criteria specified in column (7) and (8) specified in the Table above shall be classified as such by the Central Zoo Authority :

Provided that the Central Zoo Authority may, by order in writing, allow a mini zoo to keep animals of endangered species subject to the conditions, if any, laid down in that order with regard to the area of the zoo, housing, upkeep and healthcare facilities including deployment of veterinarian and supervisory level staff".

[F.No26-4/2007-CZA(Vol-II)]

Dr. S.K. KHANDURI, Inspector General of Forests (Wildlife)

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 807(E), dated the 10th November, 2009, which has not been amended so far.

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FOREST (CONSEVATION)
SECOND AMENDMENT RULES, 2014

"(क) उन मामलों में जहां यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से सिद्धांततः अनुमोदन में अनुबद्ध शर्त का अनुपालन पांच वर्ष से अधिक समय से प्रतिक्षित है, सिद्धांततः 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 सिद्धांततः अनुमोदन, में अनुबद्ध एक या अधिक शर्तों का अनुपालन अधिनियम के अधीन अंतिम अनुमोदन प्राप्त करने के लिए सिद्धांततः 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 सिद्धांततः अनुमोदन प्रदान किया गया है और वैध और तर्कपूर्ण कारणों से यथास्थिति उपयोगकर्ता अभिकरण या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से सिद्धांततः अनुमोदन में अनुबद्ध एक या अधिक शर्तों का अनुपालन करना और सिद्धांततः 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 सिद्धांततः अनुमोदन का पहले ही संक्षेपतः 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 सिद्धांततः 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 सिद्धांततः 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 सिद्धांततः 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 (i) 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.

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WETLANDS
(CONSEVATION AND MANAGEMENT)
RULES, 2017

(4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।

(5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।

7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—

(क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;

(ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;

(ग) पारिस्थितिक-स्वरूप का विवरण;

(घ) पूर्वत: विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;

(ड.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;

(च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और

(छ) विनियमों के प्रवर्तन की रीति;

(2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।

(3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।

(4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।

(ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।

(ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।

(5) (क) केंद्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।

(ख) केंद्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—

(1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.

(2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Environment (Protection) Act, 1986;

(b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

(c) "Committee" means the National Wetlands Committee referred to in rule 6;

(d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;

(e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;

(f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;

(g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

(h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;

(i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;

(j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. **Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—

(a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;

(b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. **Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

(2) The following activities shall be prohibited within the wetlands, namely,-

(i) conversion for non-wetland uses including encroachment of any kind;

(ii) setting up of any industry and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;

(iv) solid waste dumping;

(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

(vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. **Wetlands Authorities.**—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

(i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;

(ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;

(iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;

(iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;

(v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;

(vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;

(vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;

(viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;

(ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;

(x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;

(xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;

(xii) Director, State Remote Sensing Centre - Member *ex-officio*;

(xiii) Chief Wildlife Warden - Member *ex-officio*;

(xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;

(xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;

(xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;

(xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and

(xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

(i) Administrator or Chief Secretary of the Union Territory - Chairperson;

(ii) Secretary in-charge of the Department of Environment - Vice Chairperson;

(iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;

(iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;

(v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;

(vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;

(vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;

(viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;

(ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;

(x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;

(xi) Director, Remote Sensing Centre - Member *ex-officio;*

(xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

(xiii) Member Secretary, Biodiversity Board of the UT - Member *ex-officio*;

(xiv) Chief Wildlife Warden - Member *ex-officio*;

(xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change- Member *ex-officio*;

(xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and

(xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.

(4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-

(a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;

(b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules; taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;

(c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;

(d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;

(e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;

(f) recommend additions, if any, to the list of prohibited activities for specific wetlands;

(g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;

(h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;

(i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;

(j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;

(k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;

(l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;

(m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;

(n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;

(o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and

(p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.

(5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.

(6) The Authority shall, within ninety days of publication of these rules, shall constitute,—

(a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and

(b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;

(7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.

(8) The Authority shall meet at least thrice in a year.

(9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. **Constitution of National Wetlands Committee.**—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

(i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;

(ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;

(iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;

(iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;

(v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;

(vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;

(vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;

(viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;

(ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;

(x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;

(xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;

(xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;

(xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;

(xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;

(xv) Member, Central Water Commission - Member *ex-officio*;

(xvi) Adviser, Niti Aayog - Member *ex-officio*;

(xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;

(xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

(xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.

(2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.

(3) The National Wetlands Committee shall perform the following functions, namely:-

(a) advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;

(b) evolve norms and guidelines for integrated management of wetlands based on wise use principle;

(c) monitor implementation of these rules by the Authority;

(d) advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;

(e) recommend designation of wetlands of international importance under Ramsar Convention;

(f) recommend trans-boundary wetlands for notification;

(g) review progress of integrated management of Ramsar sites and transboundary wetlands;

(h) advise on collaboration with international agencies on issues related to wetlands; and

(i) advise on any other matter *suo-moto*, or as referred by the Central Government.

(4) The tenure of non-official members of the Committee shall not exceed three years.

(5) The Committee shall meet at least once in every six months.

7. **Delegation of powers and functions to the State Governments and Union Territory Administrations.**— (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—

(a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;

(b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;

(c) ecological character description;

(d) account of pre-existing rights and privileges;

(e) list of site-specific activities to be permitted within the wetland and its zone of influence;

(f) list of site specific activities to be regulated within the wetland and its zone of influence; and

(g) modalities for enforcement of regulation;

(2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.

(3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.

(4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).

(b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.

(c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

(5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.

(b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-22012/78/2003-CS (W) Pt. V]

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COMPENSATORY AFFORESTATION FUND RULES, 2018

Compensatory Afforestation Fund Rules, 2018

Compensatory Afforestation Fund Rules, 2018

Published vide Notification No. G.S.R. 766(E), dated 10.8.2018

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G.S.R. 766(E). - Whereas, the Central Government in exercise of the powers conferred by sub-section (i) of section 30 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016), published the draft Compensatory Afforestation Fund Rules, 2018 vide the Government of India in the Ministry of Environment and Climate Change notification number G.S.R. 172(E), dated the 16th February, 2018, in the Gazette of India, Extraordinary, Part-II, Section 3, sub-section (i), dated the 17th February, 2018 for inviting objections and suggestions from persons likely to be affected thereby, before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the general public;

And whereas, copies of the Gazette in which the said notification was published, were made available to the general public on the 17th February, 2018;

And whereas, the objections and suggestions received in respect of the said draft rules within the specified period have been considered by the Central Government;

Now, therefore, in exercise of the power conferred by sub-section (1) and (2) of section 30 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016), read with section22 of the General Clauses Act,1897, the Central Government in consultation with the State Government hereby makes the following rules, namely:-

1. **Short title and commencement.**- These rules may be called the Compensatory Afforestation Fund Rules, 2018.
2. **Definitions.**- (1) In these rules, unless the context otherwise requires,-

(a) *"Act"* means the Compensatory Afforestation Fund Act, 2016 (38 of 2016);

(b) *"annual plan of operation"* means the annual plan for physical activities and financial provisions approved by the National Authority or State Authority as the case may be, which describes milestones, conditions for success and explains how, a strategic annual plan will be put into operation during the financial year in given budgetary term, and containing *inter alia,* brief description, estimated cost, basis for cost estimation, agency identified for execution and time schedule of each activity to be executed from State Fund during a year;

(c) *"Form"* means a form appended to these rules;

(d) *"section"* means a section of the Act;

(e) *"third party monitoring"* means monitoring and evaluation of works executed from National Fund and State Fund by the parties which are external to a project's direct beneficiary chain and management structure having no conflict of interest on parameters of evaluation as determined by the National Authority over and above the baseline to assess whether desired social, environmental or other impacts are being achieved and undesirable impacts avoided;

(f) *"Village Forest Management Committee"* means a committee constituted for joint forest management by the competent authority in the State;

(g) *"working plan"* means the management plan of forest land prepared and approved by the competent authority under the National Working Plan Code published by the Ministry of Environment, Forests and Climate Change for sustainable management of forests and biodiversity in India;

(2) The words and expressions used and not defined in these rules but defined in the Act, the Indian Forest Act 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980), the Biological Diversity Act, 2002 (18 of 2003) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and the rules made under these Acts, shall have the meanings respectively assigned to them in those Acts and rules.

3. **Management of National Fund.**- The National fund shall be managed according to the provisions of the Government Accounting Rule 1990 and the General Financial Rules, 2017 as applicable from time to time.
4. **Management of State Fund.**- The State Fund shall be managed according to the provisions of the State Financial Rules or any such rules applicable from time to time in a State.
5. **Manner of utilisation of net present value.**- (1) The monies received towards net present value deposited in the State Fund shall be used in the manner provided in sub-rule (2) and sub-rule (3).

(2) Not less than eighty per cent. of the monies referred to in sub-rule (1) shall be used for following activities for the forest and wildlife management in a State, namely:-

(a) assisted natural regeneration;

(b) artificial regeneration ;

(c) silvicultural operations in forests;

(d) protection of plantations and forests;

(e) pest and disease control in forest;

(f) forest fire prevention and control operations;

(g) soil and moisture conservation works in the forest;

(h) voluntary relocation of villages from protected areas;

(i) improvement of wildlife habitat as provided in the approved wildlife management plan or working plan;

(j) planting and rejuvenation of forest cover on non-forest land falling in wildlife corridors;

(k) establishment, operation and maintenance of animal rescue centre and veterinary treatment facilities for wild animals;

(l) supply of wood-saving cooking appliances and other forest produce saving devices in forest fringe villages as specified by the National Authority from time to time;

(m) management of biological diversity and biological resource.

Explanation. - In cases where funds towards wildlife management and conservation plans are specifically collected and deposited in State Fund, then the same shall be spent for wildlife management in specified wildlife area and not from the net present value.

(3) Not more than twenty per cent. of the monies referred to in sub-rule (1) shall be utilised for strengthening of the forest and wildlife related infrastructure, capacity building of the personnel involved in utilisation of State Fund namely: -

(a) establishment, up-gradation and maintenance of modern nurseries and other planting stock production facilities for production of quality planting materials;

(b) promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land and folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

(c) purchase and maintenance of equipment or devices used for communication and information technology for the purpose of protection of forest and wildlife;

(d) construction, up-gradation and maintenance of inspection paths, forest roads in forest area, fire lines, watch towers, check posts and timber depots;

(e) construction of residential and official buildings in forests for front line staffs deployed for protection of forest and wildlife;

(f) casual engagement of local people or labours to assist regular staff of State Forest Department for works for protection of forest and wildlife undertaken from State Fund;

(g) survey and mapping of forest areas for forest fire control, compensatory afforestation works, soil and moisture conservation, catchment area treatment and wildlife management for preparing annual plans to be executed from the State Fund;

(h) independent concurrent monitoring and evaluation and third party monitoring of various works undertaken from State Fund;

(i) publicity-cum-awareness programme and exhibition on the various schemes being implemented by the State Authority from State Fund;

(j) production and distribution of quality planting material through certified nurseries at subsidised price for promotion of trees outside forests on Government lands promoted by State Government;

(k) forest certification and development of certification standards:

Provided that in case the activities referred to in sub rules (2) and (3) are to be undertaken in the forest land under the administrative control of the Forest Department of State Government, then the said activities shall be carried out as per the working plan:

Provided further that the said activities over forest land under the control of State Forest Department of State Government and being managed as per the working plan shall be taken up in consultation with the Gram Sabha or Village Forest Management Committee, as the case may be, and shall be inconsonance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and the guidelines issued thereunder, wherever applicable:

Provided also that in case the said activities are to be undertaken in areas not covered by the approved working plan then activities referred to in sub rules (2) and (3)shall be taken up in consultation with concerned Gram Sabha or Village Forest Management Committee or any authority having jurisdiction over that area, as the case may be, and shall be in consonance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and guidelines issued thereunder, wherever applicable.

(4) The monies referred to in sub-rule (1) shall not be used for following activities, namely:-

(a) payment of salary, travelling allowances, medical expenses, etc. to regular, contractual and casual employees of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;

(b) undertaking foreign visits;

(c) payment for legal services for defending cases filed in Tribunals or Courts not related to the management of State Authority;

(d) purchase of vehicles or staff cars for officers and heavy vehicles and machines for the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;

(e) construction of residential and official buildings for officers above the Forest Range Officer of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;

(f) leasing, hiring and purchase of land for afforestation purposes;

(g) purchase of furniture, office equipment, fixtures including air conditioners, and generator sets for residences and offices of the State Forest Department for implementing programmes in various forest divisions undertaken from the State Fund;

(h) mandatory afforestation as per the working plan in the forest in blanks created by commercial felling of trees for revenue generation undertaken under working plan prescription;

(i) undertaking forest and wildlife conservation and other activities undertaken under other schemes of the Government for the purpose of part financing the scheme for completing left over works or complementary works of such schemes;

(j) establishment, expansion and up-gradation of zoo and wildlife safari;

(k) providing financial support, either by way of grant or equity to existing or for setting up new forest corporations, boards, etc.

Explanation 1. - While preparing the annual plan of operation for activities referred to in this rule,-

(a) priority shall be given to undertake identified activities in those villages which have been affected due to diversion of forest land;

(b) priority shall be given to undertake those identified activities which has employment potential for local communities and creates community assets for the benefit of local community;

(c) afforestation and plantation of indigenous plant species shall be undertaken in consultation with the local community dependent on forest.

Explanation 2. - The mixing of the monies received towards net present value shall not be allowed with any other state schemes under implementation from any other budget either for capital or spill over works and the works undertaken under sub-rule (2) and sub-rule (3) shall be on standalone basis and there shall not be any duplication of permitted works under different components.

6. **Utilisation of interest accrued on deposits in State Fund.**- The interest accrued on monies in the State Fund shall be used in the following manner:-

(a) not less than sixty per cent. of the interest transferred to the State Fund and further accrued on the amount available in the State Fund referred to in sub-rule (1) shall be spent on activities for the purpose of conservation and development of forest and wildlife namely:-

(i) to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;

(ii) to offset the incremental cost of catchment area treatment plan at the increased wage rates;

(iii) to offset the incremental cost of wildlife management plan at the increased wage rates;

(iv) for disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority;

(v) for disbursement of sitting fees and allowances to nominated members of the State Authority;

(vi) activities referred to in sub-rules (2) and (3) of rule 5;

(b) not more than forty per cent. of the interest transferred to the State Fund and further accrued on the amount available in the State Fund shall be spent for the non-recurring and recurring expenditure of the State Authority, namely:-

(i) management of office establishment;

(ii) office equipment including computers and peripherals and its maintenance for the State Authority;

(iii) hiring of staff cars for the use of the officers and officials of the State Authority;

(iv) hiring of buildings on lease for the office establishment and residences of the officers of State Authority;

(v) other contingencies for management of the State Authority, with the approval of the steering committee of the State Authority;

(vi) any other activity for management of the forests and wildlife not referred to in sub-rules (2) and (3) with the prior approval of the steering committee of the State Authority and included in the annual plan of operation.

Explanation. - Under no circumstances mixing of the interest accrued on the monies in the State Fund shall be allowed with any other State budget either for capital or spill over works and the works undertaken under this rule shall be on standalone basis and there shall not be any duplication of permitted works under different components.

7. **Appointment of Chief Executive Officer of National Authority.**- The Chief Executive Officer of the National Authority referred to in sub-section (5) of section 8 shall be appointed on deputation basis for a period not exceeding five years under Central Staffing Scheme of the Ministry of Environment, Forest and Climate Change.
8. **Appointment of Officers of National Authority.**- The officers referred to in sub-section (4) and sub-section (5) of section 9 shall be appointed on deputation basis from the Central Government, State Government or Union territory under Non-Central Staffing Scheme of the Ministry of Environment, Forest and Climate Change.
9. **Appointment of Chief Executive Officer of State Authority.**- The Chief Executive Officer of the State Authority referred to in sub-section (7) of section 10 shall be appointed on deputation basis for a period not exceeding five years by the State Government.
10. **Appointment of Officers of State Authority.**- The officers referred to in sub-section (4) and subsection (5) of section 11 shall be appointed on deputation basis by the State Government.
11. **Pay and allowances of officers.**- The officers referred to in rules 7,8,9 and 10 shall be entitled to such pay and allowances as are admissible to the equivalent officers of the Central Government of Group 'A'.
12. **Pay and Allowances of Officials.**- The officials referred to in sub-section (5) of section 9 and subsection (5) of section 11 and appointed on deputation basis shall be entitled to such pay and allowances as are admissible to the equivalent officials of the Central Government of Group "B" or Group 'C', as the case may be.
13. **Pay and Allowances of Officials appointed on Contract Basis.**- The officials referred to in sub section (5) of section 9 and sub-section (5) of section 11 and appointed on contract basis shall be entitled to such pay and allowances as are specified in their contract.
14. **Sitting Fees and Allowances of non-official Members.**- (1) The non-official members of the National Authority and State Authority shall be paid such sitting fees and allowances, for attending the meetings and for any other work assigned to them, as may be specified in the

order of their appointment.

(2) The sitting fee and allowances to be paid to the non-officials member of the National Authority referred to in the sub-rule (1) shall be paid from the National Fund as provided in sub-clause (i) of clause (b) of section 5.

(3) The sitting fee and allowances to be paid to the non-officials member of the State Authority referred in the sub rule (1) shall be paid from the interest referred to in clause (a) of rule 6.

15. **Selection of non-official Members of National Authority.**- (1) The Central Government shall seek nomination from various Ministries or Departments of the Central Government, State Government and Union territory Administration for non-official members of National Authority.

(2) The Ministry or Department referred to in sub-rule (1) shall forward the names of the non-official members with full credentials for consideration to the Central Government.

(3) The non-official members referred to in sub-rule (1) shall be resident of India holding a Bachelor's Degree from a recognised University or equivalent in related field having work experience of ten years in the related field in the Central Government, State Government, Non-Government Organisation, Recognised Research Institute or University.

(4) The non-official members referred to in sub-rule (1) shall not be employees of the Government:

Provided that educational qualification and experience for the Scheduled Caste and the Schedule Tribe nominee may be relaxed by the Central Government on recommendation of the National Authority.

16. **Selection of non-official Members of State Authority.**- (1) The Department of the State Government dealing with forests shall seek nomination from various Departments of the State Government, or Union territory Administration for non-official members of State Authority.

(2) Departments of the State Government, District Administration of the State or Union territory shall forward the names for the non-official members of the State Authority with full credentials to the Department of the State Government dealing with forests for consideration.

(3) The non-official members referred to in sub-rule (1) shall be resident of India holding a Bachelor's Degree from a recognised University or equivalent in related field having work experience of ten years in the related field in the Central Government, State Government, Non-Government Organisation, Recognised Research Institute or University.

(4) The non-official members referred to in sub-rule (1) should not be employees of the Government:

Provided that educational qualification and experience for the Scheduled Caste and the Schedule Tribe nominee may be relaxed by the State Government on recommendation of the State Authority.

17. **Selection Committee.**- (1) The Selection Committee to prepare the panel of eligible candidates for appointment of non-official members of the National Authority shall comprise of the following, namely:-

(i)	Secretary, Ministry of Environment, Forest and Climate Change, Government of India	- Chairman;
(ii)	One Secretary from any other Ministry of the Central Government to be nominated by the Ministry of Environment, Forest and Climate Change, Government of India	- Member;
(iii)	One Chief Secretary from the State Government to be nominated by the Ministry of Environment, Forest and Climate Change, Government of India	-Member;
(iv)	Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India	- Member;
(v)	Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India	- Member;
(vi)	Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India	- Member;
(vii)	Chief Executive Officer of the National Authority	- Member-Secretary.

(2) The Selection Committee to prepare the panel of eligible candidates for appointment of non-official members of the State Authority shall comprise of the following, namely:-

(i)	Chief Secretary of the State	- Chairman;
(ii)	Additional Chief Secretary or Principal Secretary in-charge of the Forest Department in the State	- Member;
(iii)	One Additional Chief Secretary or Principal Secretary or Secretary in the State Government nominated by the State Government.	- Member;
(iv)	Principal Chief Conservator of Forests (Head of Forest Force)	- Member;

(v) Chief Wildlife Warden of the State - Member;
(vi) Head of the concerned Regional Office of the Ministry of Environment, Forest and Climate Change - Member;
(vii) Chief Executive Officer of the State Authority - Member-Secretary.

18. **Disqualifications of non-official members of National Authority and State Authority.**- (1) A person shall be disqualified for being appointed as a non-official member of the National Authority and State Authority, if he -

(i) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government or the State Government, as the case may be, involves moral turpitude; or

(ii) is an un-discharged insolvent; or

(iii) is of unsound mind and stands so declared by the competent court; or

(iv) has been removed or dismissed from the service of the Government or other organisation or undertaking owned by the Government; or

(v) has, in the opinion of the Central Government or the State Government, as the case may be, such financial or other interest in the National Authority and State Authority, as the case may be, as is likely to affect the duties discharged by him as a member.

(2) No order of removal shall be made by the Central Government or the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in this rule, a member who has been removed under this section shall not be eligible for re-nomination as a member.

(4) If a non-official member of the National Authority or State Authority becomes subject to any of the disqualifications referred to in sub-rule (1), his seat shall become vacant.

19. **Meeting of the Governing Body, Executive Committee and monitoring group of the National Authority.**- (1) The governing body of the National Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the governing body to consider the issues listed in the agenda prepared by the Member-Secretary.

(2) The executive committee of the National Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the executive committee

to consider the issues listed in the agenda prepared by the Member-Secretary.

(3) The monitoring group of the National Authority shall meet at on such date and place and agenda as may be decided by the Director General, Forest survey of India, Ministry of Environment, Forests and Climate Change, Government of India.

20. **Notice of Meeting.**- For any meeting of the governing body, executive committee or monitoring group five days clear notice shall be given to the members, excluding the day of the posting of notice and day of the meeting:

Provided that in case of urgency, the Member-Secretary of the governing body, executive committee and monitoring group of the National Authority, as the case may be, shall be competent to convene the meeting at a short notice with the approval of the Chairperson of the respective body.

21. **Quorum of Meeting.**- One half of the members including the Chairperson shall constitute the quorum at any meeting of the governing body, executive committee or monitoring group, as the case may be, and any fraction shall be rounded off to the next higher number.
22. **Adjournment of Meeting.**- Where a quorum is not present within thirty minutes of the time notified for the commencement of the meeting, the same shall stand adjourned to the same day, time and place the following week, and the members present at the adjourned meeting shall form the quorum.
23. **Decision in Meeting.**- The decisions in the meeting shall be by a simple majority of the members present and voting.
24. **Meeting to be Chaired by Chairpersons, etc.**- Every meeting of the National Authority shall be chaired by the Chairperson and in his absence, by any member of the concerned body as decided by the said body.
25. **Meetings of Governing Body, Steering Committee and Executive Committee of State Authority.**- (1) The governing body of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the governing body to consider the issues listed in the agenda prepared by the Member-Secretary.

(2) The steering committee of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the steering committee to consider the issues listed in the agenda prepared by the Member-Secretary.

(3) The executive committee of the State Authority shall meet on such date and place as may be decided by its Chairperson in consultation with the Member-Secretary of the executive committee to consider the issues listed in the agenda prepared by the Member-Secretary.

26. **Notice of Meeting.**- For any meeting of the governing body, steering committee or

executive committee five days clear notice shall be given to the members, excluding the day of the posting of notice and the and day of the meeting:

Provided that in case of urgency, the Member-Secretary of the governing body, steering committee or executive committee as the case may be shall be competent to convene the meeting at a short notice with the approval of the chairperson of the respective body.

27. **Quorum of Meeting.**- One half of the members including the Chairperson shall constitute the quorum at any meeting of the governing body, steering committee or executive committee, as the case may be, and any fraction shall be rounded off to the next higher number.
28. **Adjournment of Meeting.**- Where a quorum is not present within thirty minutes of the time notified for the commencement of the meeting, the same shall stand adjourned to the same day, time and place the following week, and the members present at the adjourned meeting shall form the quorum.
29. **Decision in Meeting.**- The decisions in the meeting shall be by a simple majority of the members present and voting.
30. **Meeting to be Chaired by Chairpersons, etc.**- Every meeting of the State Authority shall be chaired by the Chairperson and in his absence, any member of the concerned body as decided by the said body.
31. **Financial regulation and procedures of National Authority.**- The financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority shall be in accordance with the General Financial Rules 2017 and the orders issued by the Central Government from time to time in this regards.
32. **Preparation of Budget of National Authority.**- The National Authority shall prepare its budget for the next financial year showing the estimated receipts and expenditure of National authority in Form- I based on the annual plan of operation including various schemes of the National Authority prepared and approved by the governing body for the next financial year, showing the estimated receipts and expenditure of the National Authority and forward the same to the Central Government in each financial year by the 31st December.
33. **Maintenance of accounts and preparation of annual statement of accounts by National Authority.**- The monthly statement of accounts for the receipt and payment and expenditure shall be prepared in Form-II and annual statement of accounts of the National Authority shall be prepared in Form-III, and the National authority shall maintain the records and accounts in Form-IV.
34. **Annual Reports.**- The annual report shall be prepared by the National Authority giving brief description of all activities undertaken from National Fund with separate headings and compiled in separate chapters and the reports shall include summary of works undertaken and schemes prepared and approved in annual plan of operation, and the annual report shall be in Form-V.
35. **Financial regulation and procedures of State Authority.**- The financial regulation and

procedures, in particular the procedure for drawing up and implementing the budget of the State Authority shall be in accordance with the General Financial Rules 2017 and the orders issued by the Central Government and State Government from time to time in this regards.

36. **Preparation of budget of State Authority.**- The State Authority shall prepare its budget for the next financial year showing the estimated receipts and expenditure of State Authority in Form-VI based on the annual plan of operation prepared and approved by the governing body for the next financial year, showing the estimated receipts and expenditure of the State Authority and forward the same to the State Government and Central Government in each financial year by the 31st December.
37. **Maintenance of accounts and preparation of annual statement of accounts by State Authority.**- The monthly statement of accounts shall be prepared in Form-VII; the monthly statement of the State Authority on physical and financial achievements shall be prepared in Form-VIII and annual statement of accounts of the State Authority shall be prepared in Form-IX, and the State Authority shall maintain its records and accounts in Form-X.
38. **Annual reports.**- The annual report shall be prepared by the State Authority giving brief description of all activities undertaken from State Fund with separate headings and compiled in separate chapters and the reports shall include summary of works undertaken and schemes prepared and approved in annual plan of operation, and the annual report shall include the statement in Form-XI.

The annual plan of operation of State Authority.-The annual plan of operation of the State Authority shall be prepared in Form-XII and shall be submitted by the State Authority before the 31st December of every year to the National Authority for the next financial year.

Form-I

Annual Budget proposal of National Authority for financial year _____

[*see* rule 32]

1 **S. No.**	**2** **Description**	**3** **Current Financial Year (in Rs)**	**4** **Last Financial Year (in Rs)**
1	a. Opening Balance of funds received from adhoc Authority as on 1st April b. Opening Balance of amount received from State Authority as on 1st April c. Opening Balance of loans/grants etc. received as on 1st April		
2	Total funds available with National Authority		

(as on 1st April)(1+2)

3.(i) Annual Expenditure of National Authority out of National Fund

a. Recurring Management Expenditure

i. Personnel services and benefits

ii. Administrative Expenses

iii. Other Administrative Expenses

iv. Any other expenditure

b. Non recurring Management Expenditure like Creation of Capital Asset

c. Expenditure on Ongoing Schemes

d. Expenditure on New Schemes

e. Monitoring and Evaluation Expenditure

3. (ii) Total estimated expenditure out of grants/loans etc.

4. (i) Estimated Gross Total Expenditure [3(i)+3(ii)]

(ii) Estimated payments to State Authorities out of funds received from ad hoc Authority.

5 Total closing balance with National Authority

a. Closing balance of funds received from ad hoc Authority

b. Closing balance out of receipt from State Authority

c. Closing balance of grants/loans etc.

Declaration

The budget proposal as mentioned above has been approved and adopted by the National Authority.

Date: Member-Secretary National Authority

Form-II

Monthly Statement of Accounts of National Authority for the Receipt and Payment/Expenditure Month_____Financial year._____

[*see* rule 33]

1 S.No	2 Head	3 Current month (in rupees)	4 Last month (in rupees)	5 Cumulative amount till this month(in rupees)
I.	Total Opening balance of National Fund (a+b+c+d)			
a.	Opening Balance of Principal Amount of National Fund out of 10% share of ad hoc Authority			
b.	Opening balance amount of 10% share received by National Fund from State Fund			
c.	Opening balance amount of interest accrued to National Fund			
d.	Opening balance amount of grants, loans, etc. unspent by National Authority			
II.	Opening balance amount of share of State Fund, under ad hoc Authority still lying with National Fund (a+b)			
a.	Opening balance amount of 90% share of ad hoc Authority due to State Fund, still lying with National Fund (Mention names of states)			
b.	Opening balance amount of Interest on 90% share of ad hoc Authority due to State Funds, still lying with National Fund (mention names of states)			
III.	Total Amount received by National Fund during the year (a+b)			
a.	Amount of interest accrued to National Fund i. Amount of interest accrued to National Fund out of 10% share of ad hoc Authority and under Act			

ii. Amount of interest accrued to National Fund out of 90% share of ad hoc Authority still not transferred from National fund to State Fund

b. Amount of receipt by National Fund (other than ad hoc Authority) (i + ii)

i. Receipt of funds from State Funds (10% as share of National Fund)

ii. Amount of grants, loans etc. received

IV. Amount of 10% share of National Fund collected by States under the Act with interest thereon and not transferred to National Fund (mention names of states)

V. Total payment by National Fund to State Fund out of ad hoc Authority (a+b)

a Payments by National Fund to State Fund (Out of 90% of ad hoc Authority) (1+2+3+4+5+6+7+8+9)

1. Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

b Payment from National Fund to State Fund out of interest

accrued on ad hoc Authority

VI. Total Expenditure by National Authority during the year out of Principal and Interest amount (a+b)

(a) Administrative Expenditure (i+ii+iii+iv+v+vi)

i. Personnel services and benefits

ii. Administrative Expenses

iii. Other administrative expenses

iv. Monitoring and Evaluation Expenditure

v. Other administrative expenses

vi. Non recurring Management Expenditure like Creation of Capital Asset

(b) Expenditure on Schemes (i+ii+iii)

i. Expenditure on ongoing schemes

ii. Expenditure on New Schemes

iii. Others

VII Total closing balance of National Fund (a+b+c+d)

a. Closing Balance of Principal Amount of National Fund (10% share of ad hoc Authority)

b. Closing balance amount of 10% share received by National Fund from State Funds under the Act.

c. Closing balance amount of interest accrued to National Fund

d. Closing balance amount of grants, loans, etc. received by National Authority

VIII a. Closing balance amount of

90% share of ad hoc Authority due to State Funds, still lying with National Fund (mention names of States)
b. Closing balance amount of Interest on 90% share of ad hoc Authority due to State Funds, still lying with National Fund (mention names of States)

Declaration

The above Report has been verified and found correct. The report has been adopted by National Authority

Date:

Signature
Member-Secretary, National Authority

Form -III

Annual statement of Accounts of National Authority for Financial Year----------

[*see* rule 33]

As on 31st March _____

1	**2**	**3**	**4**
Sl.No	**Description**	**Current Financial Year (in Rs.)**	**Last Financial Year (in Rs.)**
I.	Total Opening balance of National Fund (a+b+c+d+e+f)		
a.	Opening Balance of Principal Amount of National Fund (10% share of ad hoc Authority)		
b.	Opening balance amount of 10% share received by National Fund from State Fund under the Act		
c.	Opening balance amount of interest received by National Fund (Both ad hoc Authority and under the Act)		

d. Opening balance amount of grants, loans etc. received by National Authority

e. Opening balance amount of 90% share of ad hoc Authority due to State Funds, still lying with National Fund (mention names of States)

f. Opening balance amount of Interest on 90% share of ad hoc Authority due to State Funds, still lying with National Fund (Mention names of States)

II. Total Opening balance of State Funds (a+b+c+d)

a. Opening balance of principal amount component wise of all states after expenditure (90% share of ad hoc Authority) (1+2+3+4+5+6+7+8+9)

1. Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

b. Opening balance amount of interest received by State Funds (both on ad hoc Authority and deposit under the Act)

c. Opening balance amount of grants, loans, etc. received by State Authority

d. Opening balance amount of 10% share of National Fund collected under the Act by States and not transferred to National Fund

III. Total amount received by National Fund during the year (a+b)

a. Amount of interest accrued to National Fund

i. Amount of interest accrued to National Fund out of 10% share of ad hoc Authority

ii. Amount of interest accrued to National Fund out of 90% share of ad hoc Authority still not transferred by National Fund to State Fund

b. Amount of receipt by National Fund (Other than ad hoc Authority) (i + ii)
i. Receipt of funds from State Funds (10% as share of National Fund) under the Act
ii. Amount of grants, loans etc. received

IV. Outstanding dues of National Fund, received by State Fund under the Act
i. Amount of 10% share of National Fund under the Act collected by States and not transferred to National Fund (Mention names of states)
ii. Amount of interest accrued to State Fund (on outstanding National Fund's 10% share not transferred to National Fund)

V. Total Amount received by State Fund during the year (a+b)

a. Amount of interest accrued to State Fund (on State Fund deposits)

b. Amount of received by State Fund (Other than ad hoc Authority) (i + ii)
i. Receipt of funds by State Fund (90% as share of State Fund under the Act)
ii. Amount of grants, loans etc. received by State Fund

VI. Total payment by National Fund to State Fund out of ad hoc Authority (a+b)

a Payments by National Fund to State Fund (Out of 90% of ad hoc Authority) (1+2+3+4+5+6+7+8+9)
1. Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

b Payment by National Fund to State Fund out of interest accrued of ad hoc Authority

VII. Total expenditure by National Authority during the year out of principal and interest

amount (a+b)

(a) Administrative Expenditure (i+ii+iii+iv+v+vi)
i. Personnel services and benefits
ii. Administrative Expenses
iii. Other administrative expenses
iv. Monitoring and Evaluation Expenditure
v. Other administrative expenses
vi. Non recurring Management Expenditure like Creation of Capital Asset

(b) Expenditure on Schemes (i+ii+iii)
i. Expenditure on Ongoing Schemes
ii. Expenditure on New Schemes
iii. Others

VIII. Total Expenditure from State Fund (i+ii)
i. Total expenditure from State Fund out of ad hoc Authority
ii. Total expenditure from State Fund under the Act

IX. Total Closing balance of National Fund (a+b+c+d+d+e+f)
a. Closing Balance of principal amount of National Fund (10% share of ad hoc Authority)
b. Closing balance amount of 10% share received by National Fund from State Fund under the Act
c. Closing balance amount of interest received by National Fund
d. Closing balance amount of grants, loans, etc. received by National Authority
e. Closing balance amount of 90% share of ad hoc Authority due to State Fund, still lying with National Fund (Mention names of states) (1+2+3+4+5+6+7+8+9)
1.Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges

9. Others (please specify)
f. Closing balance amount of Interest on 90% share of ad hoc Authority due to State Fund, still lying with National Fund (Mention names of states)

X. Total Closing balance of State Fund (a+b+c+d)
a. Closing balance of principal amount component wise of all states after expenditure (90% share of ad hoc Authority) (1+2+3+4+5+6+7+8+9)
b. Closing balance amount of interest received by State Fund (both on ad hoc Authority and under the Act)
c. Closing balance of grants, loans, etc. received by State Authority
d. Closing balance amount of 10% share of National Fund collected by States under the Act and not transferred to National Fund along with interest

XI. Cumulative figure of National Fund outstanding dues from states (Out of 10% share of National Fund collected by States under the Act and not transferred to National Fund along with interest)

Declaration

The above report has been verified and found correct. The report has been adopted by National Authority.

Date:

Signature
Member-Secretary,
National Authority

Form-IV

Records and Accounts to be maintained by the National Authority

[*see* rule 33]

The following accounts/records will be maintained:

1. Cash Book, Ledger, Journal, Public Fund Accounts Register
2. Stock Register, Fixed Asset Register.
3. Registers showing expenditure by Heads of Accounts.
4. Monthly financial statement of Accounts and physical output
5. Quarterly Monitoring Register
6. Register for Annual Share of National Fund from the State Fund (State wise)
7. Register of Grants/Loans etc.
8. Records of schemes approved and executed by the National Authority including statement of funds released to beneficiaries of the scheme.

Form-V

Statement of Accounts of National Authority for the financial year ending on 31st March, 20---

[*see* rule 34]

(Separate Forms for other Grants/Loans etc. are to be submitted)

As on 31st March ---

1 **S. No.**	**2** **Head**	**3** **Physical output as approved in annual plan of operation (in units)**	**4** **Actual physical achievement during the year(in units)**	**5** **Cumulative physical achievement till date. (in units)**	**6** **Budget allocation during the year (in Rs)**	**7** **Actual amount spent (in Rs)**	**8** **Cumulative amount till date (in Rs)**
I	Schemes						
	a. Ongoing schemes						
	i.						
	ii.						
	iii.						
	iv.						
	v.						
	b. New Schemes						
	i.						
	ii.						
	iii.						

iv.
v.
vi.

c. Others
(specify)
i.
ii.
iii.
iv.

		Budget Allocation (in Rs.)	Actual amount spent during the year (in Rs.)	Actual amount spent during last year (in Rs.)	Remarks
II a.	Administrative Charges*				
b.	Other Administrative Expenses*				
c.	Others*				
III	Monitoring and Evaluation				
	a. Annual Audit				
	b. Comptroller and Auditor General Audit				
	c. E-green Watch Outcome				
	d. Third Party Monitoring				

Declaration:

The above Report has been verified and found correct. The Report has been adopted by National Authority.

Date:

Signature
Member-Secretary,
National Authority

Notes: IIa * Administrative charges include - Staff salary and wages, Pay and Allowances,

Overtime Allowances, Pensionary charges, Medical Treatment, Administrative Expenses, Domestic Travel, Foreign Travel, Office Expenses, Electricity and Power, Water Charges, Rent, Rates and Taxes (including property tax), Hire, Purchase and Maintenance of Staff Car including petroleum, oil and lubricants (POL).

IIb* Other administrative charges include - Sitting fee and admissible allowances to the non-official members of the National Authority, Expenditure on conference, seminar, workshop, etc., Training Programme, Advertisement & Publicity, Minor works, Professional Services, Other contractual Services.

IIIc* Others include Cartage and Carriage inwards (on purchase of fixed assets/non-recurring items), Printing and Publications (other than academic), Subscription Expenses (other than academic), Non recurring management expenditure like, creation of Capital Asset of National authority, any other expenditure.

Form-VI

Annual Budget proposal of State Authority for financial year _____

Submitted along with the Annual Plan of Operation

[*see* rule 35]

S.No.	Description	Current Financial Year (in Rs)	Last Financial Year (in Rs)
1	a. Opening Balance of funds received from National Authority as on 1st April b. Opening Balance of loans/grants etc. received as on 1st April		
2	Estimated Annual receipt of State Authority (a) Receipt of Fund by State Authorities from User agencies (b) Receipt of accrual of interest on State Fund (c) Receipt of Grants/loans/others of State Authority (d) Any Other Income		
3	Total estimated funds available with State Authority (as on 1st April)(1+2)		
4.(i)	Annual proposed expenditure of State Authority out of State Fund		

Activities to be undertaken from interest (specify) under rule 6

Recurring Management Expenditure

i. Personnel services and benefits*

ii. Administrative Expenses**

iii. Other Administrative Expenses***

iv. Any other expenditure

Activities to be undertaken from Net Present value (specify) under rule 5

a. Non recurring Management Expenditure like Creation of Capital Asset/

b. Afforestation and other permissible activities

c. Expenditure on Ongoing works

d. Expenditure on New works

e. Monitoring and Evaluation Expenditure

4(ii) Compensatory Afforestation works

4(iii) Catchment Area Treatment works

4(iv) Wildlife Management works

4(v) Other (specify)

4. (vi) Total estimated expenditure out of grants/loans etc.

5. (i) Estimated Gross Total Expenditure {4(i)+4(ii)+4(iii)+4(iv)+4(v)+4(vi)}

(ii) Estimated payments to National Authorities out of funds received from use agency.

6 Total closing balance with State Authority

a. Closing balance of funds received from National Authority

b. Closing balance out of receipt from User agencies

c. Closing balance of grants/loans etc.

Declaration

The budget proposal as mentioned above has been approved and adopted by the State Authority.

Date:

Signature
Member-Secretary,
National Authority

Note-1: for the purpose of budget estimate (referred in serial number 1, 2 and 3) for the year under

consideration the opening balance refers to the fund available as on the 1st April of the previous year.

Note 2:*Personnel services and benefits includes -Staff salary and wages, Pay and Allowances, Travelling Allowances, Overtime Allowances, Pensionary charges, Medical Treatment etc.

Notes-2: ** Administrative expenses include - Office Expenses, Electricity and Power, Water Charges, Rent, Rates and Taxes (including property tax), Hire, Purchase & Maintenance of Staff Car including petroleum, oil and lubricants (POL) of the State Authority.

Note-3: *** Other administrative expenses include - Sitting fee and admissible allowances to the non-official members of the National Authority, Expenditure on conference, seminar, workshop, etc. Training Programme, Advertisement and Publicity, Minor works, Professional Services, Other contractual Services.

Form-VII

Monthly Account of State Authority for the Month _____

[*see* rule 37]

I.	**Total opening balance of State Funds (a+b+c+d)**	**Out of 90% share of State Fund under ad hoc Authority**	**out of 90% share of State Fund under the Act**	**Current month (in rupees)**	**Last month (in rupees)**	**Cumulative amount till this month(in rupees)**
a.	Opening balance of principal amount component wise (1+2+3+4+5+6+7+8+9) 1.Compensatory Afforestation 2. Additional Compensatory Afforestation 3. Penal Compensatory					

Afforestation
4. Net Present Value
5. Penal Net Present Value
6.Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

b. Opening balance amount of interest received by State Fund (both from ad hoc Authority and under the Act)

c. Opening balance amount of grants, loans etc. received by State Authority

d. Opening balance amount of 10% share of National Fund with interest on delay, collected by States under the Act and not transferred to National Fund.

II. Total Amount received by State Fund during the month (a+b+c+d)

a. Amount of interest accrued to State Fund (on State Funds deposits under the Act and from ad hoc Authority transferred by National Fund)

b.

Total Receipt by State Funds from ad hoc Authority and under the Act	Out of 90% share of State Fund under ad hoc Authority	out of 90% share of State Fund under the Act
Principal Amount Component		

wise (1+2+3+4+
5+6+7+8+9)
1.Compensatory
Afforestation
2. Additional
Compensatory
Afforestation
3. Penal
Compensatory
Afforestation
4.Net Present
Value
5. Penal Net
Present Value
6. Catchment
Area Treatment
Charges
7. Wildlife
Conservation
Plan Charges
8. Safety Zone
Treatment
Charges
9. Others
(please specify)

c. Amount of grants, loans etc. received by State Fund

d. Amount of interest on National Fund 10% share under the Act not transferred to National Fund

III. Total Expenditure by State Fund (a+b)

a.	Total expenditure by State Funds under ad hoc Authority and under the Act	Out of 90% share of State Fund received from ad hoc Authority	out of 90% share of State Fund under the Act
	Principal Amount Component		

wise of all states (1+2+3+4+5+6+7)
1.Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Catchment Area Treatment Charges
6. Wildlife Conservation Plan Charges
7. Others (please specify)

b. Total Expenditure by State Funds out of interest transferred from ad hoc Authority and under the Act
i. Amount Spent by State Fund (60% of interest accrued)
ii. Amount Spent by State Fund (40% of interest accrued)

IV. Payment to National Fund
i. Out of principal amount of 10% share of National Fund under the Act
ii. Out of Interest amount on delayed payment of National Fund share

V. Total Closing balance of State Fund (a+b+c+d)

a. Closing balance component wise of all State Fund	Out of ad hoc Authority	State Fund share under the Act
Total Principal amount (1+2+3+4+5+6+7+8+9)		

1.Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4.Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

b. Closing balance amount of interest received by State Fund (both on fund from ad hoc Authority and under the Act)

c. Closing balance amount of grants, loans etc. received by State Authority

d. Closing balance amount of 10% share of National Fund under the Act and interest collected by State on delayed payment to National Fund and not transferred to National Fund.

VI. Cumulative figure of under the Act's outstanding dues from states (out of 10% share under the Act and interest, collected by States on delay and not transferred to under the Act)

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Signature
Member-Secretary,
State Authority

Form-VIII

Monthly Statement of State Authority on Physical and Financial achievements by the State_____

[see rule 37]

Sl. No.	Description	Physical outcome Target as approved in annual plan of operation (in hectare/ trees)	Actual physical achievement during the year (in hectare/trees)	Cumulative achievement till date. (in hectare/ trees)	Current Month (in rupees)	Last Month (in rupees)	Cumulative amount till this month (in rupees)
I.	Total Expenditure out of ad hoc Authority funds [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7+8+9)						
	1. Compensatory Afforestation						
	2. Additional Compensatory Afforestation						
	3. Penal Compensatory Afforestation						
	4. Net Present Value						
	5. Penal Net Present Value						

6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8.Safety Zone Treatment Charges
9. Others (please specify)

II. Amount of expenditure from State Fund out of 90% share [Total component wise works from principal amount] (1+2+3+4+5+6+7+8+9) Total Component wise Principal Amount works
1. Compensatory Afforestation
2. Additional Compensatory Afforestation
3. Penal Compensatory Afforestation
4. Net Present Value
5. Penal Net Present Value
6. Catchment Area Treatment Charges
7. Wildlife Conservation Plan Charges
8. Safety Zone Treatment Charges
9. Others (please specify)

III. Total Expenditure by State Funds out of

	interest transferred from ad hoc Authority	
IVa.	Amount Spent by State Fund (60% of interest accrued)[1+2+3+4+5+6]	
	1. to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;	
	2. to offset the incremental cost of catchment area treatment plan at the increased wage rates;	
	3. to offset the incremental cost of wildlife management plan at the increased wage rates	
	4. Disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority constituted under the Act;	
	5. Disbursement of sitting fees and allowances to nominated members of the State Authority constituted under the Act;	

6. activities referred
in sub rule (2) and
(3) of rule 5

IVb Amount Spent by State Fund (40% of Interest accrued)

Total Administrative Expenditure (i+ii+iii+iv+v+vi)

i. Personnel services and benefits

ii. Administrative Expenses

iii. Other administrative expenses

iv. Monitoring and Evaluation Expenditure

v. Non recurring management expenditure like creation of capital asset

vi. Other expenditures referred in sub-rule (b) of rule 6

V. Outstanding dues to be paid to National Fund under the Act (out of 10% share and accrued interest on the National Fund share not transferred)

Declaration

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Signature
Member-Secretary,
State Authority

Form-IX

Annual Statement of State Authority on Physical and Financial achievements by the State_____

[see rule 37]

Sl.No	Description	Physical Target as approved in annual plan of operation (in units)	Actual physical achievement during the year (in units)	Physical Target (others)	Physical Achievements (others)	Financial Target (in Rs)	Financial Achievement (in Rs)
I.	Total expenditure out of ad hoc Authority funds [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7) 1. Compensatory Afforestation 2. Additional Compensatory Afforestation 3. Penal Compensatory Afforestation 4. Net Present Value 5. Catchment Area Treatment Charges 6. Wildlife Conservation Plan Charges 7. Others (please specify)						
II.	Amount of expenditure by State Fund out of 90% share [Total Component wise works from Principal Amount] (1+2+3+4+5+6+7) Total Component wise Principal Amount works 1. Compensatory Afforestation 2. Additional Compensatory Afforestation 3. Penal Compensatory Afforestation 4.Net Present Value 5. Catchment Area Treatment Charges 6. Wildlife Conservation Plan Charges 7. Others (please specify)						
III.	Total Expenditure by State Funds out of interest transferred from ad hoc Authority						
IVa.	Amount Spent by State Fund						

(60% of interest accrued)[1+2+3+4+5+6]
1. to offset the incremental cost of compensatory afforestation and penal compensatory afforestation at the increased wage rates;
2. to offset the incremental cost of catchment area treatment plan at the increased wage rates;
3. to offset the incremental cost of wildlife management plan at the increased wage rates
4. Disbursement of salary and allowances of members and staffs, both regular and contractual, of the State Authority constituted under the Act;
5. Disbursement of sitting fees and allowances to nominated members of the State Authority constituted under the Act;
6. activities referred in sub rule (2) and (3) of rule 5

IVb. Amount Spent by State Fund (40% of Interest accrued)
Total Administrative Expenditure (i+ii+iii+iv+v+vi)
vii. Personnel services and benefits
viii. Administrative Expenses
ix. Other administrative expenses
x. Monitoring and Evaluation Expenditure
xi. Non recurring management expenditure like creation of capital asset
xii. Other expenditures referred in sub-rule (b) of rule 6

V. Outstanding dues to be paid to

National Fund under the Act (out of 10% share and accrued interest on the National Fund share not transferred)

Declaration

The above report has been verified and found correct. The report has been adopted by State Authority.

Date:

Signature
Member-Secretary,
State Authority

Form-X

Records and Accounts to be maintained by the State Authority

[*see* rule 37]

The following accounts/records shall be maintained:

1. Cash Book, Ledger, Journal, and Public Fund Accounts Register.
2. Stock Register and Fixed Asset Register.
3. Registers showing expenditure by Heads of Accounts.
4. Monthly financial statement of Accounts and physical outputs.
5. Quarterly Monitoring Register.
6. Register for Annual Share of National Fund from the State Fund (State wise)
7. Register of Grants/Loans, etc.
8. Work register recording all physical works and corresponding expenditure carried out State Fund.
9. Plantation journal.

Form-XI

Statement of Accounts of State Authority for the financial year ending on 31st March, ____

[*see* rule 38]

(Separate Forms for other Grants/Loans etc. are to be submitted)

As on 31st March ____

1 S. No.	2 Head	3 Physical output as approved in annual plan of operation (in units)	4 Actual physical achievement during the year (in units)	5 Cumulative physical achievement till date. (in units)	6 Budget allocation during the year (in Rs)	7 Actual amount spent (in Rs)	8 Cumulative amount till date (in Rs)
I	Schemes 1. Compensatory Afforestation 2. Additional Compensatory Afforestation 3. Penal Compensatory Afforestation 4. Net Present Value 5. Catchment Area Treatment Charges 6. Improvement/ protection of forest 7. Publicity and Education 8. Training 9. Movable assets i ii iii 10. Immovable assets i ii 11. Other (specify)						

i.
ii

		Budget Allocation (in Rs.)	Actual amount spent during the year (in Rs.)	Actual amount spent during last year (in Rs.)	Remarks
II a.	Administrative Charges*				
b.	Other Administrative Expenses*				
c.	Others*				
III	Monitoring and Evaluation				
	e. Annual Audit				
	f. Comptroller and Auditor General Audit				
	g. E-green Watch Outcome				
	h. Third Party Monitoring				

Declaration

The above Report has been verified and found correct. The Report has been adopted by State Authority.

Date:

Signature
Member-Secretary,
State Authority

Form-XII

[*see* rule 39]

Annual Plan of Operation

[To be submitted by the 31st December of current year for next financial year]

The annual plan of operation (APO) shall be prepared in the following parts:

1. **Part-1: Brief history and past performance**

Part-I of APO shall contain: (a) Brief description of forests and forestry sector in the State.

(b) Compensatory afforestation, other forestry and related schemes (physical and financial) including catchment area treatment, wildlife management and community development works and activities carried out therein in the State in last five years from the State Fund, in tabular form.

(c) Forestry and other related schemes (physical and financial) and activities carried out therein in the state in previous years from the fund received under other schemes of the Government in tabular form.

(d) Year wise total forest area diverted in the various districts/ forest divisions of the State since 1980, in tabular form.

(e) Year wise total compensatory afforestation carried out in the State since 1980, in tabular form.

(f) Brief description and abstract of the monitoring work done by the Monitoring and Evaluation Wing of the State Forest Department.

(g) Brief description and abstract of the monitoring work done by the independent monitor (Third Party Monitoring) in the State

(h) Any other important information for consideration relevant for preparing APO.

2. **Part-II: Activities to be undertaken for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980 (69 of 1980) referred to in clause (a) of section 6 of the Act:**(a) District/ forest division wise details of new compensatory afforestation, catchment area treatment plan works, wildlife management activities to be done as per the conditions imposed under forest clearance granted by the Central Government under the Forest (Conservation) Act, 1980.

(b) Location, estimated cost and implementation schedule of each activity proposed to be executed from State Fund to be provided district / division wise.

(c) Details of maintenance works in physical and financial terms proposed to be undertaken in the current financial year in the case of compensatory afforestation work, catchment area treatment plan works, wildlife management activities and other such activities undertaken in previous years which need maintenance for its survival and sustainability.

Note: Details of only those districts may be provided where the compensatory afforestation, penal compensatory afforestation, catchment area treatment, wildlife management and other activities referred to in section 6 of the Act have to be undertaken during the current financial year under consideration.

3. **Part-III: Activities to be undertaken from net present value and interest component referred in rule 5 and rule 6:**(a) District/ forest division wise details of activities to be done in the State on specified activities referred to in rule 5 and rule 6.

(b) Location, estimated cost and implementation schedule of each activity proposed to be executed from State Fund to be provided district / division wise.

(c) Details of maintenance works in physical and financial terms, proposed to be undertaken in the current financial year in the case of activities undertaken in the State on specified activities referred to in rule 5 and rule 6 undertaken in previous years which needs maintenance for its survival and sustainability.

Note: Details of only those districts may be provided where these activities referred to in rule 5 and rules 6 have to be done during the current financial year under consideration.

4. **Part-IV: Measurable output of all physical activities and targets of each permissible activity along with the period required for achieving the measurable output:**(a) Physical and financial targets of each activity to be undertaken in measurable quantity along with the estimated cost of such activities in tabular form including details provided in part II and part III.

(b) Measurable output of all physical activities to be undertaken along with the period required for achieving the measurable output.

(c) Details of the concurrent monitoring and evaluation report including third party monitoring undertaken in past with photographs.

Note : The APO duly approved by the State Authority shall be submitted by the State Authority before the 31st December of every year to the National authority for the next financial year.

Declaration

The above annual plan of operation has been adopted by the State Authority.

Date:

Signature
Member-Secretary,
State Authority

THE WOOD-BASED INDUSTRIES (ESTABLISHMENT AND REGULATION) GUIDELINES, 2016

THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(II)]

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SURVEY AND UTILIZATION DIVISION)

RESOLUTION

NEW DELHI, THE 11TH NOVEMBER, 2016

S.O. 3456(E).—In compliance of directions contained in the Order dated October 5th, 2015 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India and others, the Ministry of Environment, Forest and Climate Change, Government of India is pleased to make the following guidelines, namely-

THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(I!)]

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SURVEY AND UTILIZATION DIVISION)

RESOLUTION

NEW DELHI, THE 11TH SEPTEMBER, 2017

***S.O. 3000(E).**—In compliance of directions contained in the Order dated October 5th, 2015 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. GodavarmanThirumulpad versus Union of India and others, the Ministry of Environment, Forest and Climate Change, Government of India vide Resolution dated 11th November, 2016 had issued Wood Based Industries (Establishment and Regulation) guidelines, 2016. Based on comments/observations received from various stakeholders, including State governments/UTs on these guidelines, the Government of India has decided to amend the guideline as under:-*

1. Short Title and commencement.

(i) These guidelines shall be called the Wood-Based Industries (Establishment and Regulation) Guidelines, 2016

(ii) These shall extend to whole of India.

(iii) These shall come into force from the date of their publication in the official gazette.

States/UTs shall conform their rules according to these guidelines.

2. Definition.

(i) In these guidelines, unless the context otherwise requires –

(a) **'Furniture unit'** mean plants and machinery and the premises including the precincts thereof in which or in any part thereof wood based finished products are manufactured using sawn timber, cane, bamboo, reed, plywood or any other wood based product, except a round log, outsourced from licensed wood based industrial units or other legitimate sources and operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter.

(b) **'Industrial Estate'** means areas notified by the State Government or Union territory Administration for establishment of wood based industrial units.

Amended as :-

***'Industrial Estate'** means areas notified by the State Government or Union Territory establishment of wood based industries.*

(c) **'License'** means a license granted under these guidelines.

Amended as :-

***'License'** means a license granted under the rules notified by a State/UT in*

pursuance of these guidelines.

(d) **'Principal Chief Conservator of Forests'** means the Principal Chief Conservator of Forests (Head of ForestForce) in the State and it will also include an officer designated as Head of Department in State/UT where no post in therank of Principal Chief Conservator of Forests exists.

Amended as :-
'Principal Chief Conservator of Forests' *means a Forest officer of the rank of Principal Chief Conservator of Forests in a State/UT and it also includes an officer designated as Head of Forest Department in a State/UT where no post in the rank of Principal Chief Conservator of Forests exists.*

(e) **'Round log'** means a piece of wood in its natural form, having mid girth of thirty centimeter or more under barkand it and will include such round log even after its bark has been removed or its surface has been dressed, manually orby using a band saw or any other machine or equipment to make its cross section square or near to square for the purposeof ease in its transportation and or storage.

Amended as :-
'Round log' *means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a bands or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.*

(f) **'Saw Mill'**, means plants and machinery in a fixed structure or enclosure,for conversion of round logs into sawnsizes.

Amended as :-
'Saw Mill', means plants and machinery in a fixed structure or enclosure, for conversion of round logsintosawntimber,

(g) **'Sawn Timber'** means beams, scantlings, planks, battens and such other product obtained from sawing of a roundlog.

Amended as :-
'Sawn timber' *means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.*

(h) **'State Level Committee'** means a Committee Constituted by the State Government under Para 3 (2) of theseguidelines.

Amended as :-
'State Level Committee' *means a committee constituted by the State Government under Para 3 (2) of these guidelines.*

(i) **'Net Inter-State Import of a timber for Wood Based Industries'** means three years moving average of the netquantity of such timber actually imported in the State during the latest three calendar years.

(j) **'Veneer Mill or Plywood Mill'** means plants and machinery and the premises in which or in any part thereof,conversion into required size, slicing, peeling, fashioning

or seasoning of timber/ wood, including preservation andtreatment thereof either by mechanical or chemical process with the aid of electrical or mechanical power or manually iscarried out.

(k) **'Wood Based Industry'** means any industry which processes wood as its raw material (Sawmills/veneer/plywood/pulp or any other form such as sandal, katha wood etc.). It includes a mill but does not include afurniture unit.

Amended as :-

'Wood Based industry' *means any industry which processes wood as its raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc.).*

(l) **'Year'** means a financial year from 1st day of April to 31stday of March of the following year.

(ii) Words and expressions used but not defined under these guidelines and defined in the Indian Forest Act, 1927 or therelevant local Forest Act as applicable in a State, and the rules framed there under shall have the meaning assigned tothem in such Act or Rules.

(iii) In case of any dispute regarding interpretation of any word or expression, the decision of the Ministry Environment, Forest and Climate Change shall be final.

3. Constitution of the State Level Committee:

(i) Each State shall constitute a State Level Committee to perform the functions stipulated in these guidelines.

(ii) The State Level Committee shall consist of the following:

a)	Principal Chief Conservator of Forests/Head of Forest Department Chairperson	Chairperson
b)	A representative of the Regional Office of the Ministry of Environment, Forest andClimate Change	Member
c)	A representative of the State Forest Department not below the rank of a Conservator ofForests dealing with preparation of Working Plans/Working Schemes	Member
d)	Director/Additional Director of Department of Industries	Member
e)	Representative of the each Autonomous District Council constituted in accordance withthe provisions of the Sixth Schedule to the Constitution, in case any such Council exists inthe State	Member
f)	Representative of the Forest Development Corporation, i any such Corporationexists in the State.	Member
g)	An officer not below the rank of Conservator of Forests w in the Forest Head Quarters	Member Secretary

(h) The State Level Committee may nominate any other officer working in territorial wing of the Forest Department not below the rank of CF.

Amended as

The State Level Committee may co-opt an officer from Territorial wing of the Forest Department not below the rank of CF and officers from Department of Agriculture and Department of Revenue of the concerned State/UT.

(iii) Such State where the composition of State Level Committee already constituted is different from as stipulated inthese guideline, shall, within one year from the date of publication of these guidelines, re-constitute the State LevelCommittee. The reconstitution of the State Level Committee will be without any prejudice to the recommendations madeor the decisions taken by the existing State Level Committee till its re-constitution.

(iv)The State Level Committee shall meet at least once in three months.

(v) The quorum of the State Level Committee meeting shall be at least fifty percent of permanent members.

(vi) SLC will invite one representative of the industry nominated by the saw-mill association as a special invitee to eachand every meeting of the State Level Committee.

4. Powers and functions of the State Level Committee.

The State Level Committee shall:-

(i) Assess the availability of timber for wood based industrial units in the State/UT every five years.

(ii) Assess quantity of different raw material requirement for wood based industrial units which may be sustainablyharvested from trees outside forest areas in the State/UT.

(iii) Assess annual requirement of timber and other forest produce in the domestic markets in the State.

(iv) Maintain a database of timber and other raw materials utilized by each wood based industrial unit permitted toestablish and operate in the State/UT during each financial year.

(v) Approve appropriate locations for setting up of wood based industrial units.

(vi) Approve the name of wood based industrial units which may be considered for grant of fresh license or
enhancement of the existing licensed capacity in case the committee is satisfied that timber is available legally for the
said new Wood Based Industries (such as Trees outside forest, Forests etc.).

(vii) The State Level Committee will ensure that the amount lying with the respective State Forest Departments(recovered from Wood Based Industries) will be utilized for the purpose of afforestation only.

(viii) Examine and make appropriate recommendations on any other matter referred by the State Government or theMinistry of Environment, Forest and Climate Change.

Amended as :-

3. The entries under Para- 4 of these guidelines are substituted with the following:—
The State Level Committee (SLC) shall: —

i. assess the availability of timber in the state by way of appropriate study on demand and supply as and when it decides. SLC shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely.

ii. approve the name of wood based industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the SLC is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest. Forests etc.).

iii. ensure that the amount lying with the respective State Forest Departments (recovered from Wood Based Industries) is utilized for the purpose of afforestation only.

iv. examine and make appropriate recommendations or any other matter referred by the State Government to the Ministry of Environment. Forest and Climate Change.

5. Assessment of the availability of timber for Wood Based Industrial Units:

(i) The quantity of timber likely to be available for utilization of Wood Based Industries of different types in a State/UT
shall be assessed as by commissioning study, preferably in collaboration with institutes/ universities of repute, once in
five years. The study will take into account the following:- :-
(a) The quantity of such raw material that may be sustainably harvested from the forest areas as per the workingplans/working schemes/ management plans duly approved by the competent authorities.
(b) The quantity of such raw material that is available from the trees outside forest areas, including the privateplantations, agro-forestry plantations and plantations raised on non-forest government lands etc.
(c) Net inter-state import of such timber; and
(d) Net international import of such timber.

Amended as :-

The entries under Para 5 of these guidelines are omitted.

6. Estimated annual consumption of timber by wood based industries.
For the purpose of assessing the timberrequirement of the Saw mills, they may be divided into (a) Saw mills up to 10 HP (b) Saw mills between 10 and 20 HP(c) Saw mills between 20 HP to 40 HP (d) Saw mills between 40 to 60 HP and (e) Saw mills above 60 HP.
The annual requirement of round log for Saw mills of different capacities may be fixed by the committee based on thetechnical data or as per the formula given below:-
(a) Saw mills of 10 HP and below: 540 cu.mt. (base value)
(b) Saw mills between 10 to 20 HP: 810 cu.mt. (1.5 time the base value)
(c) Saw mills between 20 to 40 HP 1080 cu.mt. (2 times of the base value)
(d) Saw mills between 40 to 60 HP 1620 cu.mt. (3 times of the base value)
(e) Saw mills above 60 HP 2160 cu.mt. (4 times the base value)
(ii) The Timber requirement for various units as assessed by Indian Plywood Industries Research and Training Institute(IPIRTI), Bangalore is given in Annexure I.

7. Restriction on location of wood based industries.

(i) In the North Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim the wood based industries shall be permitted to be established within the industrial estates.
(ii) In the States other than the afore-mentioned North Eastern States, wood based industries shall ordinarily be not allowed to be established within ten kilometers aerial distance from the boundary of nearest notified forests and protected areas. The State Level Committee for the reasons to be recorded in writing and after obtaining prior approval of the Central Government in the Ministry of Environment, Forest and Climate Change may permit to establish/operate a wood based industry at an aerial distance less than 10 kilometers from the boundary of a notified forest or a protected area.

Amended as :-

The entries under Para-7 (II) of these Guidelines are substituted with the following: —
(a) In the States/UTs (other than North Eastern States), in respect of distance from the boundary of nearest notified forests or protected areas, wood based industries shall be allowed to operate as per state-specific order/approval of the Hon'ble Supreme Court/ Hon'ble High Court of the concerned state/Central Empowered Committee:

Or, beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.
(b) A Wood Based Industry can be established in an Industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.

8. Grant, renewal and revocation of a license to a wood based industry:

(i) No license to a wood based industrial unit shall be granted or renewed without obtaining prior approval of the StateLevel Committee.

(ii) No wood based industrial unit shall be established/ operate in a State except under and in accordance with the licensegranted by an officer authorized by the State Government in this regard (Preferably DCF/DFO or equivalent).

(iii)The State Level Committee may maintain a separate list of wood based industries working solely on the timber imported from international market. The license to such industries shall specifically contain a condition to the effect that such units shall not be allowed to use timber produced in country. If in future, the said units want to use timber produced in the country on account of abundant availability they will seek specific permission from SLC to do so.The SLC will ensure that the interests of the units using domestic produce are protected. Fresh licenses can be granted by the Committee for units which operate solely on imported raw material irrespective of the result of wood availability assessment in the State/UT.

(iv) The license granted to a wood based industry shall remain valid for five years, from the date of such issue or renewalof License. However, notwithstanding anything contained in these guidelines, the Licensing Authority may, where thereare reasons to believe that the Licensee is operating the wood based industry in contravention of the provisions of theseguidelines or conditions of License or any Rules framed by the State Government or is in activities prejudicial to theinterest of forest conservation or public interest, at any time after giving one month notice, revoke the license granted tosuch wood based industry.

(v) Application for renewal of license granted to a wood based industrial unit shall be made at least three (3) monthsbefore the expiry of validity period.

(vi) Transfer of license on sale/succession etc shall be done only with the approval of State Level Committee.

Amended as :-

*The entries under **Para- 8** of the Guidelines are substituted with the following:—*

i. *No license to a wood based industry shall be granted or renewed without obtaining prior approval of the SLC. However, a SLC may delegate the power of renewal of license to a wood based industry to the Divisional Forest officers of the concerned Forest Divisions.*
ii. *Following industries/processing plants not using round logs of domestic origin or operating without a hand saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license.*

Industries/processing plants which use:

a. *sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured from legitimate sources.*
b. *block board, MDF or similar wood -based products, procured from legitimate sources*
c. *round log/timber from species declared as agro-forestry/agricultural crops and/or exempted from the purview of the jelling and transit regime in the concerned state/UT, and procured from legitimate sources*

However, SLC of the concerned State may allow installation of circular saw of diameter upto 60 centimeter in such industries having specialized requirement.

Such industries shall be registered with the Forest Department of the concerned state/UT and shall be regulated, details of which are to be prescribed by the concerned state/UT.

iii. Transfer of license on sale/succession etc shall be done only with the approval of SLC.

9. Appeal against the decision of the State Level Committee.

(i) Any person aggrieved by any decision taken by the State Level Committee may file an appeal before the concernedRegional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seekingappropriate relief within 60 days' time.

(ii) Head of Regional Office shall within 60 days of filing the appeal pass the appropriate Order.

(iii) If, for any reason, any person is aggrieved by the orders so passed in the appeal,he may prefer an appropriatepetition/application/appeal to the DGF&SS/MoEF&CC.

Amended as :-

The entries under Para-9 (iii) of the Guidelines are substituted with the following:—
If,for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal in the High Court having jurisdiction over the concerned State/UT.

10. Conditions governing operation of furniture units.

(i) The Establishment and operation of a furniture unit shall not require a Licence.
(ii) A furniture unit:
(a) shall not use any band saw, or rip saw or a circular saw having more than thirty centimeter diameter
(b) shall not convert round logs
(c) shall use only sawn timber sourced from licensed sawn mills or any other legitimate source.
(d) In case the furniture unit is located within the premises of any wood based industry, approval of the Committee and
the license for operation of furniture unit is required.
(e) may use bamboos, reeds and canes.
(f) shall maintain such records as may be stipulated by the State Forest Department.

Amended as :-

The entries under Para-10 of these Guidelines are omitted.

11. Records to be maintained by wood based industries.

(i) Each wood based industry shall maintain and regularly update
to these guidelines.

Amended as :-

Each wood based industry shall maintain and regularly update records as per the formats, which may be prescribed by the concerned State/UT.

The Schedule to the Guidelines is deleted.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(Survey and Utilization Division)

RESOLUTION

New Delhi, the 11th September, 2017

Subject: Amendment in Wood Based Industries (Establishment and Regulation) Guidelines, 2016.

S.O. 3000(E).—In compliance of directions contained in the order dated October 5th, 2015 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. GodavarmanThirumulpad versus Union of India and others, the Ministry of Environment, Forest and Climate Change, Government of India vide Resolution dated 11th November, 2016 had issued Wood Based Industries (Establishment and Regulation) Guidelines, 4

THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)]

2016. Based on the comments/observations received from various stakeholders, including State Governments/UTs on these guidelines, the Government of India has decided to amend the guidelines as under:—

1. The entries under **Para–2 (i)** of the Guidelines are substituted with the following:

(i) In these guidelines, unless the context otherwise requires:—

***(a) 'Industrial Estate'** means areas notified by the State Government or Union Territory Administration for establishment of wood based industries.*

***(b) 'License'** means a license granted under the rules notified by a State/UT in pursuance of these guidelines.*

***(c) 'Principal Chief Conservator of Forests'** means a Forest officer of the rank of Principal Chief Conservator of Forests in a State/UT and it also includes an officer designated as Head of Forest Department in a State/UT where no post in the rank of Principal Chief Conservator of Forests exists.*

***(d) 'Round log'** means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.*

***(e) 'Saw Mill'**, means plants and machinery in a fixed structure or enclosure, for conversion of round logs into sawn timber.*

***(f) 'Sawn timber'** means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.*

***(g) 'State Level Committee'** means a committee constituted by the State Government under para 3 (2) of these guidelines.*

***(h) 'Wood Based Industry'** means any industry which processes wood as its raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc.).*

2. The entries under **Para- 3 (h)** of these guidelines are substituted with the following:—

The State Level Committee may co-opt an officer from Territorial wing of the Forest Department not below the rank of CF and officers from Department of Agriculture and Department of Revenue of the concerned State/UT

9. The entries under **Para- 4** of these guidelines are substituted with the following:—

The State Level Committee (SLC) shall: —

i. assess the availability of timber in the state by way of appropriate study on demand and supply as and when it decides. SLC shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely.

ii. approve the name of wood based industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the SLC is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.).

iii. ensure that the amount lying with the respective State Forest Departments (recovered from Wood Based Industries) is utilized for the purpose of afforestation only.

Iv. examine and make appropriate recommendations or any other matter referred by the State Government to the Ministry of Environment, Forest and Climate Change.

4. The entries under **Para- 5** of these guidelines are omitted.

5. The entries under **Para-7 (ii)** of these Guidelines are substituted with the following: —

(a) In the States/UTs (other than North Eastern States), in respect of distance from the boundary of nearest notified forests or protected areas, wood based industries shall be allowed to operate as per state-specific order/approval of the Hon'ble Supreme Court/Hon'ble High Court of the concerned state/Central Empowered Committee;

II (ii) 5

Or, beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.

(b) A Wood Based Industry can be established in an Industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.

6. The entries under **Para- 8** of the Guidelines are substituted with the following:—

i. No license to a wood based industry shall be granted or renewed without obtaining prior approval of the SLC. However, a SLC may delegate the power of renewal of license to a wood based industry to the Divisional Forest officers of the concerned Forest Divisions.

ii. Following industries/processing plants not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license.

Industries/processing plants which use:

a. sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured from legitimate sources

b. block board, MDF or similar wood-based products, procured from legitimate sources

c. round log/timber from species declared as agro-forestry/agricultural crops and/or exempted from the purview of the felling and transit regime in the concerned state/UT, and procured from legitimate sources

However, SLC of the concerned State may allow installation of circular saw of diameter upto 60 centimeter in such industries having specialized requirement.

Such industries shall be registered with the Forest Department of the concerned state/UT and shall be regulated, details of which are to be prescribed by the concerned state/UT.

iii. Transfer of license on sale/succession etc shall be done only with the approval of SLC.

7. The entries under Para-**9 (iii)** of the Guidelines are substituted with the following:—

If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefe r an appropriate petition/application/appeal in the High Court having jurisdiction over the concerned State/UT.

8. The entries under **Para-10** of these Guidelines are omitted.

9. The entries under Para-11 (i) of the Guidelines are substituted with the following:—

Each wood based industry shall maintain and regularly update records as per the formats, which may be prescribed by the concerned State/UT.

10. The **Schedule** to the Guidelines is deleted.

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SOUMITRA DASGUPTA, Inspector General of Forests

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OBJECTIVES

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To evolve a policy framework for plantation along National Highways;

To reduce the impact of air pollution and dust as trees and shrubs are known to be natural sink for air pollutants;

To provide much needed shade on glaring hot roads during summer;

To reduce the impact of ever increasing noise pollution caused due to increase in number of vehicles;

To arrest soil erosion at the embankment slopes;

To prevent glare from the headlight of incoming vehicles;

To moderate the effect of wind and incoming radiation;

To create employment opportunities for local people;

1. Introduction:

1 Loss of vegetation is one of the inevitable consequences of Highway Development. It is the responsibility of the highway development agencies to offset this loss by way of following the approach of Corridor Development & Management. The highway development agencies must strive to enhance the aesthetics of the highway corridor at all possible locations. Highways shall not be looked upon merely as a means of transportation, but an integral part and parcel of the physical environment and Socio-economic milieu.

1.2 Often, while preparing the Land acquisition Plans for the highway projects, the land needed for the avenue plantation and landscape improvement is not considered during the DPR stage. As a result, after construction, when the planting is actually to start, there is no option but to accommodate planting in whatever space available. The width of the remaining ROW is, many times, not sufficient to accommodate even a single row of plants; whereas at some places, three to four rows can be planted. In order to ensure availability of sufficient width throughout for avenue planting, it is necessary that the requirement of land for tree plantation shall be included in the Land Acquisition Plans prepared by the DPR consultants.

2. Institutional arrangements and Financing Pattern

2.1 It is experienced that the scenario of road side plantation is not satisfactory in most of the projects implemented through BOT, DBFOT and public funded projects. This is the responsibility of road implementation agencies to develop green corridor along highways for aesthetic enhancement of the project corridors and places of importance by planting selective ornamental trees, landscaping and turfing with grasses and ornamental shrubs, in order to reduce the impact of air pollution and dust as trees and shrubs are known to be natural sink for air pollutants and carbon sequencing. It also reduces noise pollution and provides much needed shade on glaring hot roads during summer. Plantation arrests soil erosion at the embankment slopes, prevents glare from the headlight of incoming vehicles and moderates the effect of wind and incoming radiation. Green corridors guide the drivers for long distance curves and openings.

2.2 For successful implementation of plantation in an eco-friendly manner throughout the country, development of green belts along the highways will be done through outsourcing of Plantation work to expert & experienced agencies/organizations. The Nodal Agency will appoint empanelled agencies for plantation work on National Highways. The successful agency shall follow the model TOR, IRC-SP-21, 2009 and project specific conditions for plantation and maintenance.

2.3 The Nodal agency for forest areas will be the concerned Forest Division. In case of Public Funded Projects the concerned Regional Officer of MoRT&H/ NHAI will be the nodal agency. In cases where roadside plantation is included in the concession agreement, the concerned concessionaire will be the nodal agency.

2.4 MoRTH or its authorised agencies shall take up the plantation work if the contractor/ concessionaire fail to implement the plantation program within the stipulated time period as per agreement at the risk and cost of the concerned contractor/concessionaire after terminating the particular scope of the contract. The responsibility of ensuring compliance to specifications will, however, rest with the nodal agency as per IRC-SP:21-2009.

2.5 The selection of species will be strictly done as per guidelines or as per the recommendation of adjoining forest department with site specific native species.

2.6 The planting agency will have no right whatsoever on the land under plantation. Such agency will not be authorized to undertake any other form of under-plantations or any other activity on such land, other than included in the approved planting scheme. An MOU shall be signed with the agency for strict compliance of the technical specification, species, maintenance schedule, survival, payment terms and conditions and on the legal right of the land as well as forest produce.

2.7 One percent of the Total Project Cost (TPC) as Plantation Fund which will be kept in a separate account with the Authorised Agency appointed by the Ministry.

2.8 The Procurement of the agency for plantation and maintenance shall be done by a committee consisting of concerned Regional Officer NHAI/MoRT&H, Representative of the Monitoring Agency and the Concessionaire in case of BOT projects. In case of Public Funded Projects, a representative of CE(Planning) MoRT&H/CGM(Environment),NHAI

will also be a member of the procurement committee. The cost of the Plantation & Maintenance will be borne from the One Percent of the Total Project Cost(TPC) earmarked and kept in a separate account with the Authorised Agency.

2.9 There will be a District level Advisory committee which will meet once in a quarter and give its recommendations/advice to the monitoring cell. The ROs/PDs of MoRTH/ NHAI in the district will be the convener of this committee.

3. Land Requirement

3.1 Based on the inventory, an action plan shall be prepared as regards additional landscaping measures and traveller amenities. If available land width is insufficient to implement this plan, acquisition of additional land shall be seriously considered keeping in view the following requirements during feasibility/DPR study:-

I. To provide flatter side slopes in cuts and fills along with contouring of the adjacent land.

II. To provide enough space for planting suitable trees and plants.

III. To provide sufficient area for parking, look out spots and other aesthetic features.

4. Plantation Agency

4.1 The entire highway network will be divided into two categories based on the legal status of the existing road-side plantations. In the first category are those areas, where plantations on the ROW have been notified as protected forests, and highway alignments passing through forest areas. For these areas, permission for tree cutting is required to be taken from the forest department under the Forest Conservation Act, 1980. While granting the permission, the forest department stipulates the conditions not only for compensatory afforestation (CA) but also for avenue plantations. In these cases, the amount for avenue plantation is deposited with the Forest Department and normally the work of avenue plantation is taken up by Forest Department apart from CA.

4.2 As the second category, such highway corridors where the ROW is not declared as protected forest, the roadside plantations may be taken up either through the contractor (if it is a BOQ item) or the Concessionaire (if it is included in the concession agreement), forest department and department dealing the Watershed Development in the State, Watershed Cell-cum-Data Centre[WCDC] at district level and the Watershed Committee [WC] at local level with local communities /local self government institutions / Women Self Help Groups (WSHGs) / Self Help Groups (SHGs) / Joint Forest Management Committees (JFMC), or through open bidding by empanelled agencies.

4.3 **Plantation through bidding process:**

The plantations and its maintenance may be taken up through outsourcing following bidding process as per standard protocol of procurement of MoRTH and its agencies for the stretch/ROW not declared as protected forest under Forest Conservation (Act) 1980.

4.4 **Empanelment of Agencies**

Ministry of Road Transport and Highways will appoint an authorised agency for empanelment of Plantation Agencies. A separate panel of Agencies having specialisation in Transplanting of trees will also be prepared. Only empanelled agencies will be allowed to bid for planting work on the National Highways.

5. Role of Local Self Governments

5.1 For roadside plantations, nodal agencies will be encouraged to involve the local institutions like local self governments, JFMCs & SHGs for plantations, watering, protection and sharing of usufructs. Local Self Governments [LSGs] may assist in selecting the plantation agencies in their areas.

5.2 All plantations, except those carried out by the Forest Department in compliance to any statutory condition, will be carried out under an MOU entered by the nodal agency with the plantation agency.

5.3 Convergence with schemes of other government departments and agencies will be articulated and encouraged wherever feasible.

6. Plantation Scheme

6.1 The plantation scheme has been broadly classified into two categories which are as follows:-

a) Tree planting along the Highway Turfing with grasses and shrub/herb.

b) planting on medians/special landscapes/embankment slopes.

6.2. Selection of Tree Species for roadside plantations:

6.2.1 Plantation is one of the most important constituents of soft landscaping. Trees, shrubs and climbers have been used to enhance the soft natural ambience against harsh elements in most of the enhancement schemes. The planting species are decided based on the physical growth characteristics of trees, like form and shape, foliage pattern, growth rate, branching pattern, soil characteristics and conditions of the strip like water logged areas etc. While selecting the species of trees for landscaping, a great care shall be taken to choose the species, which already exist along the project corridor. On the other hand, if a pure avenue of single species is planted for a considerable length of the road, it gives a harmonious and pleasing look. It is, therefore, essential that mixtures of different species shall be avoided and pure avenues of a single species be planted over long stretches of road. This will enhance the aesthetic quality and will also render management easier.

6.2.2 The selection of plant types and planting arrangement shall be based on the following considerations:-

I. Aim and objective of plantation

II. Shape and size (size and spread) of the canopy

III. Texture and colour of foliage/flower/fruits in different seasons and stages of growth.

IV. Adaptability and suitability to agro-climatic regions/zones

V. Growth rate (slow/fast) average age of maturity and replacement cycle

VI. After care and maintenance required for sustenance and growth

VII. Economic and other social/recreational benefits

VIII. Drawbacks and demerits if any, like prone to insects/pests disease, animal grazing and human interference.

6.2.3 The Guidelines on Landscaping and Tree Plantation (IRC:SP:21-2009), provide for detailed specifications with respect to roadside plantations and Median Plantation.

6.3. Plantation Pattern

6.3.1 The road landscape shall be developed envisaging a holistic approach to the entire stretch. A concept shall be evolved so as to maintain visual characteristics and uniformity in terms of landscape along the stretch. In the absence of uniform land availability for the plantations, different schemes may be worked out in tune with local variations in the design. To achieve this, the entire stretch of the project corridor shall be divided into homogenous landscape sections based on similarity in terms of available width, soil conditions, climate (temperature and rainfall) and topography. A study on the local flora and vegetative cover native to these sections shall be carried out as part of the field surveys to enable a choice of the suitable species for particular section. Depending on the available ROW, plantation pattern shall be worked out as follows:-

- The first row along the Highways will be of small to medium sized ornamental trees.
- Subsequent rows depending on the availability of width will comprise of ornamental and/or shade bearing species, of more height than those in the first row. In rural sections the last row will always be of shade bearing tall trees.
- Planting of shrubs in the median.
- Planting of herbaceous species as ground cover in the median, special landscapes, and embankment slopes.
- Turfing with grass in the median, special landscapes, and embankment slopes.

6.3.2 Table 1, 2 and 3 list a few species, which can generally be planted throughout India.

Table 1

Species Recommended for 1st Row of Avenue Plantations

S.NO.	SOIL	BOTANICAL NAME	LOCAL NAME
1.	Loamy	*Delonix regia*	Gulmohar
2.		*Cassia fistula*	Amaltas
3.		*Bauhinia sps.*	Kachnar
4.		*Cassia nodusa*	Cassia
5.		*Jacaranda mimosaefolia*	Jacranda
6.		*Peltophorum ferrugineum*	Peltophorum
7.	Water logged condition	*Terminalia arjuna*	Arjun
8.		Syzygiumcuminii	Jamun
9.		*Cordia dicotma*	Lasoda
10.	Alkaline soils[Usar]	*Terminalia arjuna*	Arjun
11.		*Pongamia pinnata*	Kanji
12.		*Albizzia lebbek*	Kala Siris

Table 2

Species Recommended for 2nd and subsequent row, except the last row of Avenue Plantations

S.NO.	SOIL	BOTANICAL NAME	LOCAL NAME
1.	Loamy	*Melia azadiracta*	Bakain
2.		*Pongamia pinnata*	Kanji
3.		*Gravillea robusta*	Slver Oak
4.		*Albizzia lebbek*	Kala siris
5.		*Dalbergia sissoo*	Shisham
6.		*Terminalia arjuna*	Arjuna

Table 3

Shade trees recommended for last (or the only) row in roadside avenues

S.NO.	SOIL	BOTANICAL NAME	LOCAL NAME
1.	Loamy	*Ficus religiosa*	Peepal
2.		*Ficus infectoria*	Paker
3.		*Madhuca indica*	Mahua
4.		*Mangifera indica*	Mango
5.		*Azadirachta indica*	Neem
6.		*Tamarindus indica*	Imli
7.		*Syzynium cuminii*	Jamun
8.		*Dalberjia sissoo*	Shisam
9.		*Dalbergia sissoo*	Shisam
10.	Sandy	*Azadirachta indica [at ph up to 8.5]*	Neem
11.	Alkaline soil [Usar]	*Pongamia pinnata [upto 9.0 ph]*	Kanji
12.		*Terminella arjuna*	Arjun
13.		Syzyniumcuminii	Jamun
14.	Water Logged Area	*Terminalia arjuna*	Arjun

6.3.3 The above lists represent common species, which can be planted almost throughout India. Region-wise specific choices can be made with the help of local experts from the Forest department and Horticulture department. As far as possible, fruit bearing trees like Mango, Neem, Jamun and Imli are ideal for areas near habitations throughout India. Other locally useful fruit bearing species like Jackfruit, Mahua, Bel, etc., may also be preferred.

6.4 The shrubs to be planted in the median shall be of low or medium height for prevention of the headlight glare. One to two rows of flowering shrubs may be provided according to the varying width of the median in different sections. In sections where the median width is less than 1.5m, only grasses turf is advisable. Some herbaceous species may also be planted as a ground cover, not only on the medians but on special landscapes and embankment slopes also. The species proposed for the purpose of turfing/ ground cover are: *Cynodon dactylon, Cythocline perpurea, Solanum nigrum, Alternanthera, Chlorophytum, Eupatorium, Wedelia, Duranta, Portulacca, Ipomea, Pelia cadrii, Beleprone oblongata, Tradescantia, Asparagus, Opheopogon grass etc.* The shrub species proposed

the climatic conditions, requirement of water and future management. However, other species suitable and suggested by Forest Department/Horticulture Department can also be used.

7. Technical Specification

7.1 The technical specification for planting along the Highways are as follows:-

(i) Ornamental plants except last row

Distance from embankment	1.0 mt. away from the toe of the embankment
Spacing between plant to plant	3 mts.
Spacing between rows	3 mts.
Size of the pits[Normal soil]	60x60x60 cms
For Alkaline soil [Usar]	By Augar
Water logged areas	mounds with height varying depending on the water level
No. of plants per km	333
Activity and time schedule	As per agreement
Height of the plant	1.5m to 2 m

[ii] Shade plants (Last row)

Distance from the preceding row	3 mts
Spacing between plant to plant	12 mts.
Size of the pits[Normal soil]	60x60x60 cms
Alkaline soil [usar]	By Augur
Water logged areas	Mounds
Species recommended	As per agreement
No. of plants per km	84
Height of the plants	more than 2 mts.

7.1.2 In localities where a really bad patch of usar occurs, there is a need to dig deep pits by auger [mechanical device] to break the kankar pan down below and replacing the soil by good quality soil. The soil amender Gypsum 1 to3 kg. depending on the pH along with 2 kg. composite and sand are filled in the pits. The treatment helps in lowering down the pH and thus enabling better survival of plants.

7.2 Specifications for Median Plantation:

7.2.1 One or two rows of flowering shrubs are recommended in accordance to the varying width of the median in different sections. In sections where median width is less than 1.5 meter, only grass turf is recommended. In median width of 3 meters, one row of shrub whereas in 5 meter median width, plantation of two rows of flowering shrubs are proposed.

7.2.2 Only two rows of shrubs will be planted on median width of 5 meters and these plants will be at a spacing of 1.5 meters from the inner edge of the median.

7.2.3 The plants will be at spacing of 3 x 3 meters and size of the pits for planting will be 0.6m dia and deep. Therefore, total no. of plants per km will be 333 in case where single row is proposed and 666 in case of two rows.

7.2.4 The surface for the median plantation shall be well prepared. The masses of loose derbies on the median and any convexities will be removed and similarly any concavities are to be filled by good soil. The surface shall have sufficient layer of good quality soil so as to have a better growth and survival of grasses and shrubs.

8. Transplantation

8.1 Occasion may arise when a grown-up tree has to be cut for making room for constructing a road, a building or other structure. It will be desirable to save this plant by transplanting it at a suitable site. To do this successfully some time is necessary. In winter when the tree is dormant or less active, it shall be pruned heavily leaving a bare framework of the large branches. A 40 to 50 cm wide trench 1 to 2 m deep shall be dug around the stem as much distance away from it, depending upon the stature of the specimen, cutting all the roots, big and small, in the process. The job of tree transplantation is quite complex and requires high quality expertise, technique besides specialised equipment and infrastructure.

8.2 The location for transplantation is to be identified and preliminary treatment is to be done at least 3-months in advance before the area is ready for transplantation. Transplantation of trees depends on the soil and climatic conditions of that area. Specialised techniques are required in transplantation of trees with specialised equipments and machinery. Transplantation of trees will be done to the maximum extent possible on the national highways to save the grown trees along existing ROW. The Translocation site shall be within 5 Kms. of the existing tree location.

9. Protection measures

The fencing of single row plantations will be done by using iron/brick/cement guards. Locally available bamboo guards or thorn fencing may also be used where protection can be ensured through these. The specifications for the iron guards are as per IRC-SP-21, 2009

The fencing of multiple row plantations will be done preferably by barbed wire. A five strand barbed wire fencing, with cross strands, stretched on angle iron poles fixed at a distance of 4 meter from one another is recommended. Live fencing/bamboo fencing/ thorn fencing may also be used where protection can be ensured through these. The specifications for barbed wire fencing are as per IRC-SP-21, 2009.

10. Road Safety

The first row of plantation shall be sufficiently away from the roadway so that they are not a hazard to road traffic or restrict the visibility. Most vulnerable location in this regard are the inside of curve, median, junction corner and cut slopes. Trees shall be planted at a minimum distance of 14m from the central line of the extreme traffic lane to provide recovery area for the vehicle that runs off the road. The second row is 3m away from the first row. The third and the subsequent rows is also be 3 m away from the second and so on as per availability of land. Growth of vegetation close on road curve may lead to serious reduction of clear sight distance and may cause accidents. Tall and overgrowth plants on and near the curve is not permissible. In plain terrain, a stopping site distance of 170 m corresponding to the designed speed of 100 Km per hour shall be ensured on all curved sections, on the innermost lane of the curve. Highway medians of upto 1.5 m width shall not be planted, as there is hardly any space left on such medians for maintenance. Undertaking maintenance on such medians

from the carriageway may pose safety hazards. In case it is decided to raise plants on medians, permanent pipelines / drip irrigation systems must be laid to avoid use of tankers for watering.

11. Maintenance of Plantation

The scope of the maintenance work is as per agreement, IRC-SP-21, 2009 and also as per the schedule of the forest department for those items which are not included in the agreement/IRC guidelines.

12. Default

12.1 If the agency fails to arrange the sufficient quantities of material/manure/ pesticides/manpower/equipment (in good working condition) required to maintain the work in good condition within 7 days of its notification, the nodal agency will reserve the right to get it arranged at their risk and cost and will charge extra 20% on the actual expenditure incurred. In exceptional cases, RO, MoRTH/NHAI may consider to extend the time limit mentioned above. The decision of RO, MoRTH/NHAI shall be final and binding on the contractor in respect of extension of time for rectification of defects. However, all complaints will be attended promptly and within the time limit specified by RO, MoRTH/ NHAI

12.2 In case of default on the part of the Concessionaire with respect to planting or maintenance of plantations (as provided under Schedule C and Schedule K of the concession agreement), and based on the report and recommendations of the monitoring agency, action may be taken as per the conditions of the Concession Agreement or MOU with the concerned agency.

13. Monitoring

13.1 The Monitoring Agency will monitor progress of planting and status of plantations on continuous basis.

13.2 This agency shall carry out the site visit for field verification in respect of survival, growth and size of plantation and maintenance of the same.

13.3 The project coordinator of the plantation agency will submit Progress report to the monitoring Agency with a copy to the concerned Project office of PD/RO, MoRTH/NHAI by 18th and 3rd date of every month, for the preceding fortnight (i.e., 1st to 15th, and 16th to the last day of every month, respectively), in excel format through e-mail.

13.4 The Horticulturist/Supervisor of plantation agency will compile and report quarterly status to the monitoring agency with a copy to concerned (Regional office) by 7th date of every quarter, in excel format by e-mail.

13.5 The monitoring agency shall examine the reports and send feedback and action points to planting agency, nodal agency and will send a comprehensive report with recommendation to NHAI/MoRTH.

13.6 The concerned monitoring division in MoRTH/NHAI will examine the reports and forword a verfied copy for inclusion in the monitoring database for uploading on the website.

14. Performance Audit

The monitoring Agency will conduct performance audit of Executing agencies for various projects on an Annual basis and award of new contracts to the agencies will be decided based on their past performance.

15. Awards to Best Plantation Agencies

Based on the performance in terms of plantation and maintenance of median and ROW plantation, Awards will be given to the Best Performing Agencies every year.

16. Sharing of usufructs

The usufructs from the roadside plantations will be shared as per the following arrangement:

- From plantations raised by the Forest Department, the share will be determined and approved by the competent authority in the Forest Department and will be specified in the plantation scheme.

- In case of plantations raised by WSHGs, JFMCs, SHGs or other such local institutions, the said agency will have full rights on intermediary produce like dried fuel wood, fruits, etc. for the period of contract only.
- The Local Self Government will have full rights on intermediary produce like dried fuel wood, fruits, etc with in their jurisdiction after the expiry of the contract period of plantation and maintenance with the plantation agency with the condition that they will protect the encroachment of ROW and plantation from the 1st day of project under implementation. An MOU shall be signed with the Local Self Government Agency in this regard.

17. Compliance to Forest Conservation Act and local laws

Before starting any plantation, the local forest department will be consulted for ensuring compliance to any regulation in force that may affect raising, maintenance, and harvesting of the raised plantation. Necessary modifications will be made in the plantation scheme, in consultation with the forest department, to ensure compliance to law and to avoid complications at the time of harvesting and transportation of forest produce. In case the State Government has any provision for registration of such plantations, the same will be ensured under the relevant scheme.

18. Survival

The survival shall be 90% after raising the plantation of age one year at any stage during contractual period with normal shape and size.

19. Payment Terms & Conditions

The project shall be awarded on a turnkey basis based on the quantum of plantation for the specific site through bidding and payment will be made as per agreement.

20. Penalty

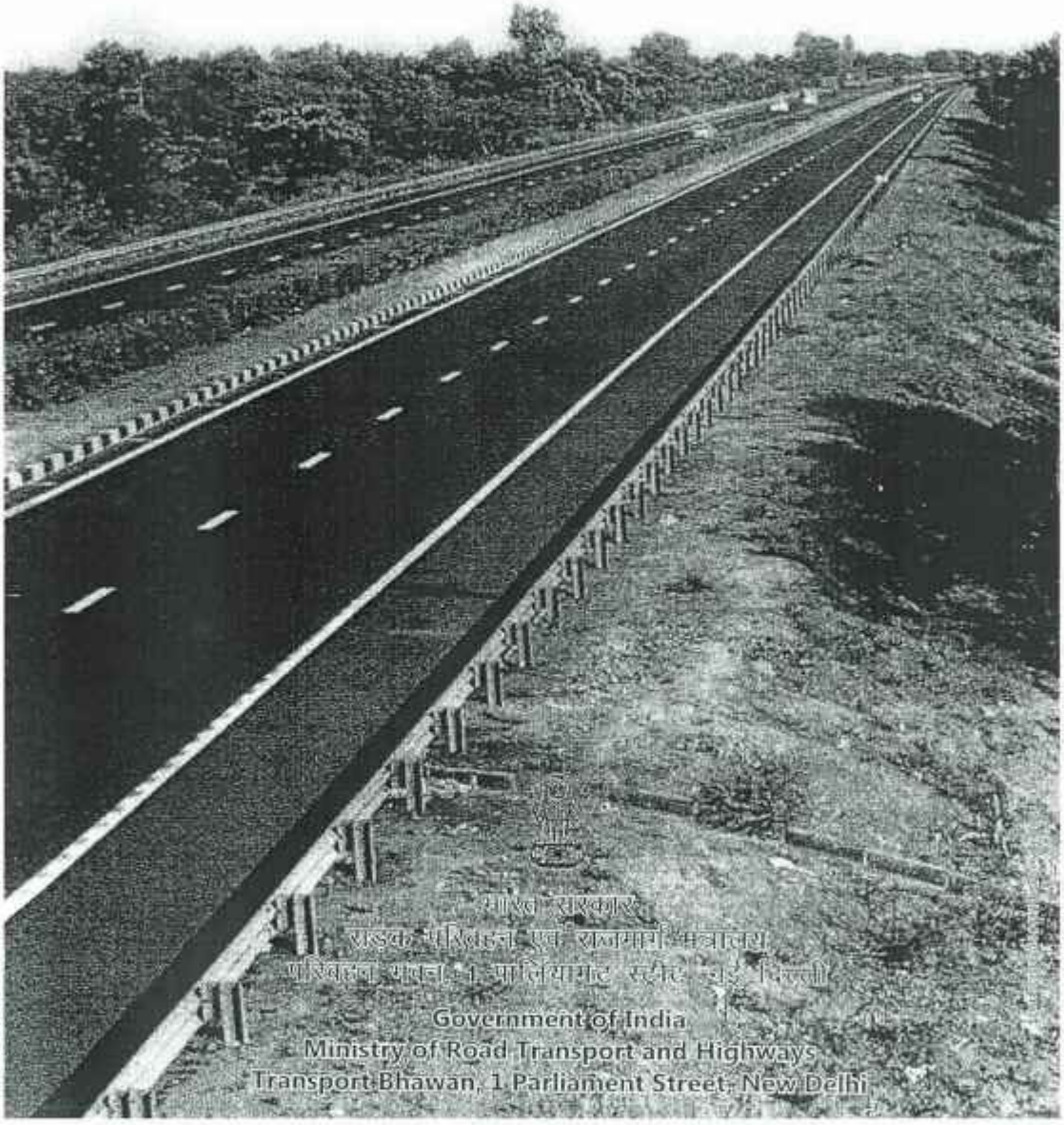
In case of default on the part of the Contractor/Concessionaire with respect to planting or maintenance of plantations, action will be taken as per the conditions of the Concession

Agreement/Contract Agreement or MOU with the concerned agency. The legal and financial liabilities shall be borne by the plantation agency for non compliances to Forest (Conservation) Act 1980 and subsequent amendments and Forest Conservation Rule and also local laws.

21. Review of Policy

Ministry of Road Transport & Highways reserves the right to renew or amend the policy from time to time.

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