

Copy of letter No. 11-30/96-FC (Pt.) dated 20.2.99 from Shri V.B. Kumar, Asstt. Inspector General of Forests, Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003 to the Chief Secretary of all the State Govt. and copy endorsed to PCCF, Rajasthan, Jaipur etc. Office of the Principal Chief Conservator of Forests, Rajasthan, Jaipur endorsement No. F.16(Circular)2000/FP/PCCF/699-848 dated 20 January, 2001

Sub.: Scrutiny of proposals submitted for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980.

Sir,

Ministry has been issuing guidelines for submission of proposal for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980, from time to time. In order to ensure that the forest lands are diverted only for site specific projects, that too where it is inescapable, so that the ecological balance of the country is well protected, Ministry would like to draw the attention of the State/ Union Territory Governments to some of the issues given below. It is requested that while submitting the proposals, the respective States/UT Administration should give due consideration to these and should submit proposal accordingly after detailed scrutiny.

1. Diversion of forest land in Sanctuaries, National Parks and Biosphere Reserves.

Ministry had already issued a guidelines on this issue vide No. 11-9/98-FC dated 4.12.98. The procedure suggested in this guideline must be strictly followed. Central Govt. will like that these areas should be kept inviolate and should not be recommended for diversion. However, in some exceptional cases, where it is totally unavoidable to use forest land and the project is of national importance, proposal should be submitted as per the procedure suggested in the guideline including assessment of restrictions imposed by section 29 of the wildlife (Protection) Act, 1972.

2. Diversion of forest land within Reserve Forest.

As per the Status of Forest Report, 1997 published by Forest Survey of India, out of 76.25 million ha. of total forest area, roughly 4.4% is Reserve Forest area. These forests are considered as good forests with plenty of biodiversity 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. Unless it is convincingly justified vis-à-vis alternative sites, Central Govt. may not consider clearance of projects on forest lands.

3. Regarding Mining Proposals :-

It has been observed by the Central Govt. that a large number of proposals relating 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 area has already been opened up for the 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 ones to its full depth/ potential. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted giving details of their existing mining leases in the State with their capacity of production and are present level of average annual production and location of these pits. Alongwith this, the State Govt. 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, also give status of reclamation of forest land that are exhausted of minerals. Unless the State Govt. justifies the need to open up new mines with details, it shall not be possible for the Central Govt. to consider it.

Even in the case of renewals, it has been observed that the State Govts. are not giving complete pictures of mining activity in the particular block or compartment of the forest block. It is requested that whenever such a proposal 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.

4. Diversion for non-site specific projects.

It has been observed that Central Govt. is receiving 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. Attention is drawn to column 1(iv) of the format in which the proposal is to be submitted by the State Govt. in this column, 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, it is observed that this column is not conclusively filled by the State Govt. Normally, there should not be any justification for locating non site-specific projects on forest land. Therefore, it is once again re-iterated that the State Govt. scrutinise the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area. It will be appreciated if proposals are scrutinised from this angle at the State Govt. level itself and should not be sent to the Central Govt.

5. It has been observed that in respect of a large number of proposals the Central Govt. is receiving

representation from NGOs/local public bodies against the diversion of forest land on loss of forest land, environment and ecological grounds. Therefore, the Central Govt. feels that it is essential to have the opinion of the local people whenever a project is coming up in that area. Therefore, it has been decided that 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 area endorsing the proposal that the project is in the interest of people living in and around the proposed forest land.