

*GUIDEBOOK ON APPLICATION AND INSPECTION PROCEDURE FOR
OBTAINING NOC/TRANSIT PERMIT FOR TREE
FELLING/TRANSPORTATION AND USE OF FOREST LAND FOR NON
FORESTRY USE*



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Obtaining NOC For Felling Of Trees On Forest Land Prior To Commencement Of Construction Activities

A.1. Introduction

Name of Service	NOC for felling of trees on Forest Land prior to commencement of construction activities from Tree Authority/Appropriate Authority.
Authority/Department	Ministry of Environment, Forest and Climate change, Government of India, New Delhi, Environment & Forest Department, Govt of Bihar.
Regulatory Framework	Forest (Conservation) Act, 1980.
Service Condition (i.e. Who requires this service?)	Every User Agency/ Every Industry who wants to avail/use forest land for non-forestry purposes regardless of tree felling involved or not.
Application Method	Online
List of prescribed documents to be uploaded	<ul style="list-style-type: none"> • Location map of the Proposed Site, duly signed by both U/A and DFO. • Index Map in Survey of India topo sheet (1:50,000) or (1:25,000) duly signed by both UA and DFO concerned. • Joint Site Inspection Report (User Agency and DFO). • Lay out Plan. • Undertaking by U.A to pay cost of Compensatory afforestation /penal CA. • Undertaking by U.A. to pay royalty of timber and / or operational cost for extraction of timber from the project site, as the case may be. • Undertaking by U.A. to pay N.P.V. • E.I.A. Report as applicable in cases of mining/ or proposals of more than 100 ha.
Application Processing Fee (if any) and Mode of Payment	Nil.
Key Approving Authority	Ministry of Environment & Forest, GoI.
Whether prior inspection is required for this approval	Yes.
Prescribed Timeline for service delivery (from date of application)	210 days.

A.2. Application and approval procedure

#	Process Details:
1.	Submit the online application in the Form 'A' if seeking first time approval under the Act or online in Form 'B' for seeking renewal of leases along with all necessary documents as listed above to the online portal (www.moef.nic.in).
2.	On submission, the respective User Agency can download a printout of the application. A machine generated project number is also generated and proposal automatically migrated to Nodal officer, Forest Conservation of the State.
3.	The Nodal Officer Forest conservation, Environment & Forest Department after receiving the online proposal can raise query within 10 days' time.
4.	If the Nodal Officer of State Environment & Forest Department finds that the proposal is incomplete, he shall return it within the period of 10 days to the concerned User Agency/Industry. This period shall not be counted for any future reference.
5.	The Nodal officer forwards the proposal to Concerned DFO and CF for joint enumeration and inspection to be conducted within 90 days. A certificate under Forest Rights Act 2006 is also taken from the District Magistrate and given to Nodal Officer by U/A.
6.	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 these findings in the Formats specified in this regard to the Nodal Officer, State E& F Department, within a period of 90 days of the receipt of such proposal from him.
7.	The State Nodal Officer, through the Principal Chief Conservator of Forests, shall forward the proposal to State Government 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.
8.	The State Government as the case may be shall forward the complete proposal, along with its recommendations, to the regional office of the Ministry of Environment and Forests, or to the Ministry of Environment and Forests in the specified Forms within a period of 60 days of the receipt of the proposal from the Nodal Officer.
9.	If the proposal, along with the recommendations, is not received from the concerned State Government till 15 days of the expiry of the time limit, it shall be construed that the concerned State Government has rejected the proposal and the concerned State Government shall inform the User Agency accordingly.
10.	These proposals shall be processed and put up before the Forest Advisory Committee and the recommendations of the Committee shall be placed within a period of ninety days (90) of the receipt of such proposals from the State Government before the Central Government for its decision.
11.	If Central Government approves the proposal then approval will be sent to the applicant agency through State government.
12.	The Ministry first grants the in principle approval for any project with some conditions, including payment of Net Present Value of the Forest Land and cost of compensatory Afforestation of double degraded forest/ten times of trees to be felled.
13.	In some cases, equivalent non-forest area is taken in lieu of non-forestry use of the forestland.
14.	When the user Agency deposits the NPV and CA and gives undertaking to follow all the conditions, the again the proposal is submitted for stage II approval to the Ministry.
15.	The Ministry grants Stage II approval. The state Government of Bihar also finally issue a notification to this effect.
16.	It is to mention that the Forestland under non-forestry use always remains the Forest and its legal status does not change.

-: IMPORTANT NOTE:-

- ✓ Under the Forest Act 1980 Ministry of Environment and Forest, MoEF&CC, GoI is the nodal department for issuing tree cutting permission on Forest Land or allowing for the non forestry use of the Forest land.
- ✓ All proposals relating to diversion of forest land up to 40 hectare will be forwarded by State government to the Additional Principal Chief Conservator of Forests of the concerned regional office of MoEF&CC for approval.
- ✓ All proposals relating to diversion of forest land of more than 40 hectare will be forwarded by State government to the Secretary, MoEF, GoI for approval.
- ✓ 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 under Forest Rights Act 2006. It is followed by approval by sub division Committee and District level committee.

B. Obtaining NoC for Felling Of Trees on Government Land (Non-Forest) Prior To Commencement of Construction Activities.

B.1. Introduction

Name of Service	NOC for felling of trees on Govt. Land (Non-Forest) prior to commencement of construction activities from Tree Authority/Appropriate Authority.
Authority/Department	Parent Department of the state government which owns the land, Environment & Forest Department, GoB.
Regulatory Framework	Tree felling and Transit Regulations in the State of BIHAR.
Service Condition (i.e. Who requires this service?)	All User Agency/ All Industries that want to avail/use govt. land (non-forest land) for non-forestry purposes.
Application Method	Online
List of prescribed documents to be uploaded	<ol style="list-style-type: none"> 1. Affidavit. 2. Property/occupancy documents. 3. Plan of the property showing the khasra number. 4. Enumeration list (duly signed by the applicant). 5. Boundary list (duly signed by the applicant). 6. Latest jamabandi of land record issued by the Tehsildar. 7. “No Objection Certificate” from the concerned local body. 8. “No Objection Certificate” from adjoining property owners. 9. Compensatory Afforestation Scheme.
Application Processing Fee (if any) and Mode of Payment	Nil.
Key Approving Authority	Divisional Forest Officer.
Whether prior inspection is required for this approval	Yes.
Prescribed Timeline for service delivery (from date of application)	27 days.

B.2. Application and approval procedure

#	Process Details:
1.	First Take NOC from the parent department who owns the land in question to cut the trees or use the land in question.
2.	Give the prior information of tree felling to the office of Divisional Forest Officer.
3.	A joint enumeration will be carried out by the concerned user agency & the officials of forest department within 20 days of receipt of information at the office of divisional forest officer.
4.	Afterwards, orders for tree felling will get issued to the user agency/industry by the divisional forest officer within seven (7) days of receipt of joint enumeration report.
5.	Deputation of an official from the forest department will be made for observation & logging of trees. Also, necessary direction for storage of felled off trees will also be given in the same orders.
6.	As a part of compensatory afforestation the user agency/industry will have to plant trees 3 times higher than the total number of felled off trees either on the same land or any other land identified for this purpose by the E & F department.
7.	All expenses incurred on tree felling, its logging & transportation (to & fro) to the forest department godown will have to be borne by the respective user agency/industry. This complete exercise will be carried out within 60 days of issuance of tree felling order from the divisional forest officer.
8.	If the number of trees to be felled off is less than 200 then, as a part of compensatory Afforestation, user agency will have to plant 1000 new trees. The Concerned divisional forest officer will prepare & submit the Afforestation plan for the same.
9.	In certain emergency situation wherein seeking prior approval for tree felling is not possible the user agency will carry out the tree felling activity and will inform the divisional forest officer subsequently about the same.
10.	In such situations the divisional forest officer will ensure the validation of the same within 7 days of receipt of tree felling information from the user agency. He will also ensure the deputation of personnel from the forest department for logging & storage of felled off trees in the respective go down of forest department.

C. Obtaining NOC For Felling/Transit Of Trees On Private Land Prior To Commencement Of Construction Activities.

C.1. Introduction

Name of Service	Obtaining NOC For Felling/Transit Of Trees On Private Land Prior To Commencement Of Construction Activities
Authority/Department	<ul style="list-style-type: none"> ➤ Mukhiya of Gram Panchayat for issuing transit permit within the district. ➤ DFO for issuing transit permit from urban area of the district to any place within the district and outside district ➤ DFO for issuing transit permit from village panchayat of the district to outside district boundaries.
Regulatory Framework	✓ Bihar Kashth & other Forest Produce Transit Regulations Rules, 1973.
Service Condition (i.e. Who requires this service?)	All Industries/ All User Agencies who want to obtain transit permit of trees grown on private land.
Application Method	Online
List of prescribed documents to be uploaded	<ol style="list-style-type: none"> 1. Property ownership/ Lease Documents. 2. Affidavit. 3. Plan of the property showing the khesra number. 4. Boundary list (duly signed by the applicant). 5. Latest jamabandi of land record issued by the Tehsildar.
Application Processing Fee (if any) and Mode of Payment	Nil.
Key Approving Authority	DFO
Whether prior inspection of site is required for this approval	Yes.
Prescribed Timeline for service delivery (from date of application)	30 Days

C.2.Application and approval procedure

#	Process
1.	Submit the online application for approval & issuance of transit permit.
2.	upload all the relevant documents as mentioned above.
3.	If the details given in the application along with the documents submitted is found satisfactory by the DFO, transit permit will be issued by the relevant authority

-: IMPORTANT NOTE:-

- ✓ There is no Act enforced in the State for felling of trees grown on private land.
- ✓ No Permission required for felling of trees for personal use from private land.
- ✓ However, transit permit would be required for transportation of the felled off trees.
- ✓ Registration of Property Mark is necessary for export or removal of timber. Registration fee is required for property mark.
- ✓ Twenty seven species are exempted from the purview of Transit Rule and therefore no transit permit is required for transportation of such tree species either within district or outside.
- ✓ The exempted tree species are: Semal, Eucalyptus, Poplar, Taad Khajur, Aam, Gamhar, Bamboo, Lichi, Kadamb, Israili Babul, Vilaiti Babul, Gulmohar, Ber, Amrud, Mithi neem, Jacranda, Subabul, Shahtut, Ashok, Casuraina, Silver oak, Palm, Nimbu, Santra ,Mosambi, Pelfoform, Rubbar, safed babul.

D. Inspection by Appropriate Authority for felling trees (prior to commencement of construction activities)

D.1. Introduction

Name of Service	Inspection by Appropriate Authority for felling trees (prior to commencement of construction activities)
Authority/Department	Environment & Forest Department.
Regulatory Framework	Forest (Conservation) Act, 1980 (For Proposals seeking NoC- Tree felling on Forest Land.) OR Bihar Kashth& other Forest Produce Transit Regulations Rules, 1973 (For Proposals seeking NoC- Tree felling on Government Land.) OR Tree Felling and Transit Regulations in the State of Bihar (For Proposals seeking Transit permits for Trees grown on Private Land.)
Service Condition	Every User Agency/ Every Industry who wish to get NOC for tree felling to use forest land/government land for non-forestry purposes Or Every User Agency/ Every Industry who wish to get Transit Permit
Competent Authority for conducting the site inspection	Concerned DFO or Conservator of Forest in case of Use forest Land for Non Forestry proposes under Forest cOnservation Act 1980 In other cases Range Officer of Forests

D.2. Inspection Procedure

#	Process
Depending upon the nature of land Inspection would be carried out as follows:	
I. For Proposals seeking NoC- Tree felling on Forest Land under Forest (Conservation) Act, 1980.	
1.	The Proposed forest area shall be inspected by the concerned DFO and Conservator of Forest prior to giving NOC for tree felling.
2.	If the area is very important from the forestry angle, the territorial Conservator should himself inspect the area and give complete information relating to the forest and aspects of wildlife.
3.	If the area is relatively less important, the DFO could inspect the area.
4.	The Inspecting Officer will record if any violation is observed like tree felling, land breaking etc., in that area by the user agency. He may also ask for the below documents: <ul style="list-style-type: none"> ✓ Location map of the Proposed Site, duly signed by both U/A and DFO. ✓ Index Map in Survey of India topo sheet (1:50,000) or (1:25,000) duly signed by both UA and DFO concerned. ✓ Lay out Plan. Joint Enumeration list of trees

5.	The Conservator of Forests or the DFO, as the case may be, will submit the inspection report along with his recommendations & photographs of inspected sites, highlighting the aspects observed especially when the area is large or is sensitive and fragile.
6.	If approved NOC for tree felling will be granted to the User Agency after obtaining prior approval of MOEF&CC.
II. For Proposals seeking NoC- Tree felling on Government Land Under Bihar Kashth & other Forest Produce Transit Regulations Rules, 1973	
1.	The DFO or any other official of forest department nominated by him will visit the proposed area to carry-out the inspection work.
2.	The Inspecting Officer may ask for the below mentioned documents for verification: <ul style="list-style-type: none"> ✓ Affidavit. ✓ Property/occupancy documents. ✓ Plan of the property showing the khasra number. ✓ Enumeration list (duly signed by the applicant). ✓ Boundary list (duly signed by the applicant). ✓ Latest jamabandi of land record issued by the Tehsildar. ✓ “No Objection Certificate” from the concerned local body. ✓ Compensatory Afforestation Scheme.
3.	The Inspecting Officer will record if any violation is observed like tree felling, land breaking etc., in that area by the user agency.
4.	The Inspecting Officer will submit the inspection report along with his recommendations to the office of DFO.
5.	If approved, NOC for tree felling will be granted to the User Agency/industry.
III. For Proposals seeking Transit permits for Trees grown & fell down on Private Land under Tree Felling and Transit Regulations in the State of Bihar.	
1.	Inspection will be carried out either by Mukhiya or the DFO depending upon the geographical limitations.
2.	If permit to transit the timber within the district is required then Mukhiya will carry out the inspection of the proposed area and if permit to transit the timber outside the district is required then DFO will carry out the inspection.
3.	DFO will ask for the following documents for verification: <ul style="list-style-type: none"> ✓ Property ownership/ Lease Documents. ✓ Affidavit. ✓ Plan of the property showing the khasra number. ✓ Boundary list (duly signed by the applicant). ✓ Latest jamabandi of land record issued by the Tehsildar. ✓ “No Objection Certificate” from adjoining property owner.
4.	The Inspecting Authority will also verify the species of trees that has to be transported to put a check on tree species that are restricted from felling down or requires no transit permit.
5.	Subsequently, transit permit will get issued to the User agency/Industry.

-: IMPORTANT NOTE:-

- ✓ The scientific names of important timber species should be given while describing composition of the forest crop.
- ✓ In respect of proposals involving diversion of forest land above 100 hectares, site inspection shall also be carried out by Regional Office of Ministry of Environment & Forest.
- ✓ State Government will send copy of all such forest diversion proposals to concerned Regional Office to facilitate timely inspection of such proposals.



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