

**Handbook of**

**Forest (Conservation) Act, 1980**

**and**

**Forest Conservation Rules, 2003**

**(Guidelines & Clarifications)**



**Ministry of Environment, Forest and Climate Change**

**Government of India**

**2019**



## 2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

### 2.3 Land for CA:

- (i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.
- (ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format.
- (iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.
- (v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.
- (vi) In cases where non-forest land for CA is to be acquired by the User Agency through outright purchase from the individual owners, uploading submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage- I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority in the State Government stating that land identified for CA will be transferred



and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

#### 2.4. Clarification:

(i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

(ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.

(iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.

(iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.

(v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.

(vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.

(vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.



## CHAPTER-3

### Compensatory Afforestation

**3.1 Compensatory Afforestation-** (i) Compensatory afforestation in **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 with 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 afforestation, year-wise phased forestry operations, details of species to be planted and a suitability certificate from afforestation/management point of view alongwith the cost 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 approvals from the competent authority and should be in conformity with cost norms based on species, type of forest and site.

(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 afforestation, year-wise phased forestry operations.

**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 lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as RF 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/UT 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 twice in extent to the area being diverted or to the difference between 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/UT would be accepted by the Central Government only on the Certificate from the Chief Secretary to the State/UT Government to that effect.

(vi) As 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/dereserved 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 area- in hill districts and in other districts 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 or existing trees.
- (e) For diversion of linear or 'strip' plantation declared as protected forest along the road/rail/canal sides for widening or expansion or road/rail/canal.
- (f) For laying of telephone/optical fibre lines.



- (vii) The field firing ranges, which area used temporarily by the defence establishments for arms practice, of safety zone encompassing the field firing range and danger area/impact zone. Keeping in view that the 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 field firing rang.
- (viii) No compensatory afforestation shall be insisted upon in respect of the following :-
- For cleaning of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation.
  - Proposals involving diversion of forest land up to one hectare. (However, in such cases, plantation of ten times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order)
  - 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).
  - Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, 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.**
- 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.
  - 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.
  - 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 State for compensatory afforestation of Central projects in their respective States as indicated by the Chief Secretaries of these two States in the meeting of Committee of Secretaries held on 15-11-1996.
  - 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.
  - While identifying 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". An 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.
  - 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 to 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 :-
- Details of equivalent non-forest or degraded forest land identified for raising compensatory afforestation.
  - Delineation of proposed area on suitable map.
  - Agency responsible for afforestation.
  - Details of work schedule proposed for



- (e) Cost structure of plantation, provision of funds and the mechanism to ensure that the funds will be utilized or raising afforestation.
- (f) Details of proposed monitoring mechanism.

**Lands identified for Compensatory Afforestation to be Transferred to the Forest Department** - 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.

- (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 targets is over 500 hectares in plains, and 200 hectares in hills, 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 /UT 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) Reserve 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.556 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 a body namely, "Compensatory Afforestation Management & Planning Agency (CAMPA)" is under consideration. As soon as this body comes into existence, all the funds received by the State/UT 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 CAMPA. Further, Compensatory Afforestation Funds which have not yet been realised as well as the unspent funds already realised by the State 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 01.08.2003 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 23<sup>rd</sup> 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 18.09.2003 & 22.09.2003 (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 : 25.05.2004 (Appendix).