

Clarification on applicability of Para 2.8 (ii) of Handbook of FC Act guidelines issued by Ministry.

1. Ministry vide letter No.5-2/2017-FC dated 28.03.2019 has uploaded Handbook of FC Act guidelines in Parivesh web portal, where under Para 2.8 (ii) following was mentioned.

Para 2.8 (ii) CA over Degraded Forest Land (DFL) : CA Scheme shall be prepared for minimum of 1000 saplings per hectare of identified CA land with ten-years maintenance. The plantation in DFL shall be done as per the site requirement. The balance seedlings, if any, that could not be planted in the identified DFL, shall be planted in other DFL as per working plan prescriptions. The State Govt. will intimate names of RFs/PFs in which the balance seedlings will be planted.

2. In the recently uploaded Handbook of FC Act guidelines, the Para 2.8 (ii) "**CA over Degraded Forest Land (DFL) :** CA Scheme shall be prepared for minimum of 1000 saplings per hectare of identified CA land with ten-years maintenance. The plantation in DFL shall be done as per the site requirement. The balance seedlings, if any, that could not be planted in the identified DFL, shall be planted in other DFL as per working plan prescriptions. The State Govt. will intimate names of RFs/PFs in which the balance seedlings will be planted" **has been deleted.**
3. The user agencies like NHAI, Railways etc. have given representation for planting @ 1000 plants per ha of the forest land proposed for diversion.
4. The matter was discussed in the REC meeting held on 19.08.2022, the REC found that in the recently uploaded guidelines the Para 2.8(ii) is no more there. So, the Committee opined that the date on which the provision under Para 2.8(ii) of Handbook of FC guidelines was deleted by the Ministry and when was this uploaded in the Parivesh web portal may be ascertained from the Ministry and date shall be considered as a cutoff date for deletion of the provision under Para 2.8(ii) for all proposals submitted thereafter.
5. IRO, Bhubaneswar vide letter dated 07.09.2022 has requested to intimate the date on which Para 2.8(ii) was deleted and uploaded in Parivesh web portal.

Decision of REC:

The Committee observed that Ministry in matter of diversion of 77.241 ha of broken up forest land out 181.013 ha of applied forest land for mining of Manganese ore in village Malda & other by M/s TISCO Ltd. in Bonai Forest Division, vide letter No.8-37/1996-FC dated 16.10.2019 has clarified that the Para 2.8(ii) of Handbook of FC Act, 1980 which states that "**CA over Degraded Forest Land (DFL) :** CA Scheme shall be prepared for minimum of 1000 saplings per hectare of identified CA land with ten-years maintenance. The plantation in identified DFL shall be done as per the site requirement. The balance seedlings, if any, that could not be planted in the identified DFL, shall be planted in other DFL as per working plan prescriptions. The State Govt. will intimate names of RFs/PFs in which the balance seedlings will be planted" has been deleted after due deliberation and recommendation of FAC in its meeting held on 23.04.2019. However, as per Para 2.4 (vii) of Handbook of FC Act, 1980

envisage that "Any degraded forest land for the purpose of CA, selected by State Govt. may be accepted by MoEF&CC only if the crown density of the area is below 40 percent. Moreover, the CA sites on degraded forest land selected by the State Govt. must have technical and administrative approvals from the competent authority.

The REC decided to consider the cutoff of date of deletion of provision under Para 2.8(ii) of Handbook of FC Act, 1980 as 16.10.2019 for all proposals. Until & unless, the MoEF clarifies the cut off date other wise, this date will prevail.

Approval conveyed by
e-mail dated 21.10.2022
(J. D. Sharma)

Non-Official Member, REC

Padma Mahanti

(Padma Mahanti)

DIGF (C) & Member Secretary - REC
MoEF&CC, IRO, Bhubaneswar

Approval conveyed by
e-mail dated 21.10.2022
(S. S. Srivastava)

Non-Official Member, REC

Approval conveyed by
e-mail dated 21.10.2022
(Dr. Subrata Maity)

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A.T. Mishra

(A.T. Mishra)

Dy. DGF (C) & Chairperson - REC
MoEF&CC, IRO, Bhubaneswar

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Staff Officer (Env.)
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