

To

**The Principal Secretary (Forests)**

All State / Union Territory Governments

**Sub:** Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Creation of land bank of suitable non-forest land and revenue forest land for creation of compensatory afforestation- reg.

Sir,

I am directed to say that 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. As per the existing guidelines compensatory afforestation shall normally be done over equivalent area of non-forest land. 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, may also be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as Reserved Forests under the Indian Forest Act, 1927.

It has been brought to notice of this Ministry that delay in identification of suitable non-forest or revenue forest land for compensatory afforestation is the major reason for delay in processing the applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980. To facilitate expeditious processing of applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, I am directed to say that State Governments shall identify in advance compact/sizeable blocks of non-forest land or revenue forest land free from encumbrance/ encroachment which are suitable for creation of compensatory afforestation and also from management point of view. Land available in the land bank may be made available to user agencies seeking prior approval of Central Government under the afore-mentioned Act on realization of appropriate fee/ land cost.

Similarly, to facilitate expeditious processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for projects of Central Government/Central Government Undertaking Projects and such other projects, which as per the extant guidelines, are eligible to raise compensatory afforestation over degraded forest land, State Government may also identify suitable degraded forest land. 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

26/8/2014



"plantation land bank". 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.

This issues with approval of the competent authority.

Yours faithfully,

(H.C. Chaudhary)  
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director), North Block, New Delhi.
2. Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, New Delhi.
3. Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi.
4. Chairman, Railways Board, Rail Bhawan, New Delhi.
5. Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi.
6. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
7. Director General, Border Roads Organization, New Delhi.
8. Principal Chief Conservator of Forests, all State/UT Governments.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
10. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
11. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
12. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
13. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
14. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
15. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
17. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
18. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
19. Guard File.

(H.C. Chaudhary)  
Director

## 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 Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). All proposals for diversions of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

(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 dereservation 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 dereservation 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.



### 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 dereservation 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 detailed compensatory afforestation scheme along with details of non-forest/degraded forest area identified for compensatory afforestation, map, etc. is required to be submitted in the prescribed form.

#### 3.2 Land for Compensatory Afforestation

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

(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 non-forest land for compensatory afforestation 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 hectares 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 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) Laying of telephone/optical fibre lines. (Annexure- XVI)

(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 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).

(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 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.

(viii) Special provisions for Central Government 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.

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(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 these two States in the meeting of Committee of Secretaries held on 15.11.96.

(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 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.

(f) The Nodal Officer (Forest Conservation), State Forest Department will identify the pool of such degraded forest lands in consultation with the concerned Chief Conservator of Forests (C), Regional Offices of the MOEF. (Annexure-IX)

### 3.3 Elements of Schemes for Compensatory Afforestation

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





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### कण्डिका क्र. 21

वैकल्पिक वृक्षारोपण हेतु गैर वन भूमि अनुपलब्धता हेतु मुख्य सचिव का प्रमाण पत्र

As per para 3.2(viii) Special provisions for Central Government Projects under Clause -3 of Guidelines for diversion of forest land for non-forest purpose under the Forest Conservation Act, 1980 vide MOEF Letter No. F. No. 11-306/2014-FC New Delhi, Dated 8<sup>th</sup> August 2014, "Certificate of Chief Secretary regarding non-availability of non-forest land for Compensatory Afforestation will not be insisted".

Encl. : As-above.

वन मण्डलाधिकारी  
धरमजयगढ़ वन मण्डल

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