

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003

Dated: September, 2024

To

The Addl. Chief Secretaries/Principal Secretaries (Forests),
All States/ Union Territory Administrations.

Sub: Statutory provisions and Guidelines issued thereunder to deal with or avert the situations cropped up from the unprecedented natural disasters – reg.

Sir,

I am directed to refer to the OM No. 41-1/2020-NDM-I/US (Pt.) dated 4th July, 2024 and the Chief Secretary, Government of Uttarakhand's letter no. 70 dated 9.07.2024 wherein inter-alia it has been desired from the MoEF&CC and National Disaster Management Authority (NDMA) to explore and evolve the effective and necessary measures in respect of area which are susceptible to reoccurring forest fires and to build the capabilities of forest staff through mock drills as an preparatory works before the fire season and to permit Government Departments to undertake soil and moisture conservation works in the forest areas. In this connection, it is inform that the matter has been considered and deliberated by the Advisory Committee in its meeting held on 27.08.2024. Detialed minutes of the meeting may kindly be accessed at <https://parivesh.nic.in>.

2. Based on the recommendation of the Advisory Committee and approval of the same by the competent authority of the MoEF&CC, the Central Government hereby issues the following guidelines:

1. Activities to tackle the natural disaster or to avert the same are temporary in nature which can be undertaken to deal with emergent situations such as forest fires, floods, landslides, etc. Enabling provisions to deal with such situations, have been provided in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Consolidated Guidelines issued thereunder. The relevant provisions are as under:
 - i. The temporary use or breaking of forest land may be essential at times in the threatening disaster situations, wherein immediate action is required to save wildlife, human lives, public property. In such emergent situations and in light of the provisions given under under clause (ii), (iii) and (v) of the 'Explanation' given under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and provisions of the para 1.7 (b) read with para 1.7 (b) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Saamvardhan) Adhiniyam, 1980, the following activities, being forestry activities, can

- be undertaken in the forest land:
- a. Establishment and maintenance of fire lines,
 - b. Construction of structures for soil and water conservation such as check dams, brushwood dams, gabion structures, waterholes, water tanks, trenches, and pipelines, etc.
2. Under exceptional circumstance of emergency situations and non-availability of the technical expertise with the State Forest Department, the State Forest Department, with a view to avert the natural disaster by ensuring efficient and effective preparatory works to avert natural disasters, if so desires, may allow the other Government Departments to undertake the implementation of forestry activities for soil and water conservation activities in the forest area subject to following conditions:
- i. The activities should be forestry activities in accordance with the 'Explanation' given under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposed activities to be implemented in the forest area should be in consonance with the prescriptions given in the Working Plan approved for the Forest Division by the Central Government.
 - iii. Prior permission of the State Forest Department under the Indian Forest Act, 1927 (16 of 1927) or the State Forest Act will be obtained by the user agency concerned for entry and carrying out such activities in the forest lands.
 - iv. Approval of the Divisional Forest Officer of the Forest Department shall be obtained on the layout plan and structural designs of the activities to be implemented for the soil and water conservation in the forest land.
 - v. Entire works should be implemented under the supervision of the concerned Divisional Forest Officer.
 - vi. No damage to the flora and fauna shall be caused by the Govt Department implementing the soil and water conservation works in the forest land
 - vii. The activities shall be implemented in such a manner involving no tree felling of trees, however, cleaning of bushes and shrubs and pruning of trees may be allowed as per requirement of the site.
 - viii. Expenditure to be incurred on the proposed soil and water conservation activities shall be borne by the Government Department implementing such activities in the forest land.
 - ix. The legal status of the forest will be unchanged and ownership of the such temporary structures will vest with the forest department, and protection and maintenance of such structures may either be done by the forest department or by the assisting user agency as the need may be. Necessary permission for entering in the forest and carrying out the work will be regulated by the forest department as per the extant Acts and rules.
3. This issue with the approval of Competent Authority of the Ministry.

Yours faithfully,

(Charan Jeet Singh)
Scientist 'E'

Copy to:

1. The PCCF, All States/ Union territories Administrations
2. The Dy. DGF (Central), All Regional Offices of MoEF&CC
3. The Nodal Officer (FCA), All States/ Union territories Administrations
4. The Director, Disaster Management Division, Ministry of Home Affairs,
Government of India, Jai Singh Road, New Delhi
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi