

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 22nd March, 2021

To

Addl. Chief Secretary (Forest)/ Principal Secretary (Forest)/
All State Governments /UT Administrations

Sub: Stipulation of additional conditions by the State Government after grant of Stage-I approval under the Forest (Conservation) Act, 1980 by the Central Government and allowing User Agency to retain part of compensatory levies—reg.

Sir,

I am directed to refer to the above-mentioned subject and to inform that an issue related to imposition of additional condition by the Government of Odisha specially with regards to a site-specific Wildlife Management Plan, which was over and above the conditions stipulated in the Stage-I approval has been referred to the Ministry. Further, it has also been requested by the State Government to allow the User Agency to retain certain portion of compensatory levies towards the activities of the Wildlife Management Plan to be implemented in the mining lease area.

The matter was examined in the Ministry and accordingly it is to inform that as per the provisions of the clause (iii) of sub-section 3 of Section 4 of the Compensatory Afforestation Fund Act 2016, the monies realized from the User Agency in compliance of conditions stipulated in the approval granted under the Forest (Conservation) Act, 1980 are to be deposited into the account of CAMPA. Further, in terms of provisions of guidelines already issued by this Ministry, the State Governments/UT Administrations shall not impose any additional condition other than those stipulated in the Stage-I approval without the prior approval of the Central Government. While recommending a proposal seeking approval under Forest (Conservation) Act, 1980 for any non-forestry purpose, it is presumed that the concerned State Government/UT Administration has examined the proposal properly at all levels and also has exercised due diligence. Hence, stipulation of additional conditions after according in-principle approval is against the norms and also demonstrates that such diligence was not made.

In view of the above, it is now reiterated that:

1. A State Government/UT Administration will not impose any additional condition after in-principle approval has been accorded. However, in exceptional situations, giving due justifications, additional condition may be imposed with the prior approval of the Central Government.

2. The provision in sub-section 3 of Section 4 of the Compensatory Afforestation Fund Act 2016 shall be strictly adhered to and It shall be the

responsibility of the State Government/ UT Administration to ensure the same.

3. The State Government/UT Administration shall also ensure that the user agency deposits compensatory levies in full as estimated for implementation of Wildlife Management Plan, Catchment Area Treatment Plan, or any other stipulated activity on time.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Asst. Inspector General of Forests

Copy to:

1. Principal Chief Conservator of Forests, All State Governments/UT Administrations
2. Nodal Officer (FCA), All State Governments/UT Administrations
3. Regional Officer (Central), All Integrated Regional Office of the MoEF&CC
4. Guard file.