

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

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi - 110003.

Dated: 9th September, 2024

To,
The Addl Chief Secretary (Forests),
Governemnt of Chhattisgahr
Atal Nagar, Nava Raipur

Sub: Clarifications sought by the Government of Chhattisgarh on the various provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 – reg.

Sir,

I am directed to refer to the Government of Chhattisgarh's letter no. 5-20/2007/10-2 (part) dated 2.08.2024, Letter No. 5-29/2021/10-2 dated 6.08.2024, letter no. DO No. 5-39/2023/10-2 dated 26.07.2024, letter No. 5-29/2021/10-2 dated 15.07.2024 and letter No. 5-20/2007/10-2 dated 23.07.2024 on the above subject and to say that the clarifications on the issues raised in the aforementioned letters are enclosed herewith.

Yours faithfully,

(Charan Jeet Singh)
Scientist 'E'

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of Chhattisgarh, Nava Raipur
2. Nodal Officer (Van Sanrakshan Evam Samvardhan), O/o PCCF (HoFF), Government of Chhattisgarh, Nava Raipur with a request to revisit the proposal, as referred by the Government of Chhattisgarh
3. The Dy DDG (Central), MoEF&CC, Regional Office Nagpur/Sub-Office, Nava Raipur
4. Guard File.

Clarifications on the issues referred by the Government of Chhattisgarh

Reference received from Chhattisgarh	Issues referred by the Government of Chhattisgarh	Comments of Forest Conservation Division
letter No. 5-20/2007/10-2 (part) dated 2.08.2024	<p>i. In case of proposals located in the LWE Districts where 'in-principle' approval has already been granted by the State Government before 1.12.2023 under the General Approval, the final approval in such cases is to be granted by whom i.e. whether by the State or by Central Government.</p> <p>ii. In respect of 12 categories of proposals pertaining to the public utilities projects, located in the LWE districts, whether the State Government can grant permission for proposals involving area up to 5 ha.</p>	<p>i. Provisions of General Approval in this regard is not in vogue and the proposals already granted 'in-principle' approval under the erstwhile regimes of General Approval are to be processed and approved as per the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 i.e. final approval in such cases is to be granted at the level of Regional Office of the MoEF&CC. Compliance may accordingly, be ensured by the State Government.</p> <p>ii. In accordance with the provisions of the notification dated 29.11.20223 issued under sub section (3) of section 1A of the Van (Van Sanrakshan Evam Samvadhan) Adhinyam, 1980, the State Government can grant permission, in respect of 12 categories of public utility projects located in the LWE districts, involving area up to 5 ha.</p>
DO No. 5-39/2023/10-2 dated 26.07.2024	Applicability of raising compensatory afforestation over degraded forest land in respect of NMDC proposals in Chhattisgarh	<p>Certain relaxation of raising the compensatory afforestation over degraded forest land has been provided to the Central Public Sector Undertaking in the Van (Sanrakshan Evam Samvardhan) Rules, 2023.</p> <p>As per the provisions given undersub rule (4) of rule 13, the NMDC proposal in Chhattisgarh is eligible for raising CA over degraded forest land subject to conditions prescribed therein. The proposal for raising compensatory afforestation over degraded forest land should be last option after exhausting the availability of all other</p>

		eligible non-forest/revenue forest land.
<p>Letter No. 5-29/2021/10-2 dated 15.07.2024</p>	<p>Approval dated 12.04.2022 restricting the felling of trees within the 30 meters of RoW instead of proposed 45 meters. Said approval was subsequently, on a request made by the user agency, modified on 2.12.2022 stipulating the condition that block plantation of 10 times trees to be felled in the RoW beyond 30 meter will be carried put in the nearby degraded forest land. Additional condition of raising avenue plantation of 10 times of trees felled in the RoW of 30 meters has also been stipulated in the said amended approval along with a condtion that henceforth all such plantation will be carried out by the State Forest Department at the cost of user agency.</p> <p>Compensatory afforestation in lieu of diversion of 228.0425 has been stipulated over double degraded forest land (457 ha) for which the user agency has already deposited the compensatory levies.</p> <p>In light of the above, the additional condition of raising 10 times of trees falling in the RoW beyond 30 meters and 10 times trees falling beyond 30 meters does not seem to be appropriate.</p>	<p>Specific conditions in the approval granted to a proposal are stipulated based on examination of proposal by the REC on merits.</p> <p>However, as the compensatory afforestation over double degraded forest land has already been stipulated, the rationale for stipulating the additional condition of afforestation of 10 times trees may be reconsidered by the Regional Empowered Committee.</p>

<p>Letter No. 5-29/2021/10-2 dated 6.08.2024</p>	<p>Extension of Working Permission beyond 2 years in respect of proposal involving diversion of 228.0425 ha granted 'in-principle' approval.</p> <ol style="list-style-type: none"> i. Stage-I approval was granted on 12.04.2022 and 4.07.2023 ii. Working permission was granted by the State on 25.08.202 to 24.08.2023 iii. Working permission was extended 5.07.2023 to 4.07.2024 by the State. iv. Working permission requested for further period from 25.08.2024 to 25.08.2025 	<p>As per the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the working permission , after grant of 'in-principle' approval and deposition of compensatory levies by the user agency can be granted by the State Government for a period of one year. The authorities in the State Government are not authorized to extend the working permission beyond a period of one year. The working permission beyond a period of one year can be extended up to another one year by the REC/Advisory Committee, after having satisfied with the progress made by the user agency in compliance of condition stipulated in the approval. The relevant guidelines, as given under para 11.1 of Chapter-11 of Consolidated Guidelines are reproduced as under:</p> <p><i>The special provisions allowing the State Governments/Union territory Administrations for tree cutting and commencement of work of linear projects after payment of compensatory levies, can be extended for a further period of one more year, if the Advisory Committee or the Regional Empowered Committee, as the case may be, is satisfied that user agency had made serious efforts to comply with the compliance in "In-Principle' approval and the user agency has submitted an undertaking to obtain 'Final' approval within the period of 2 years from the date of issue of 'in-principle' approval.</i></p>
<p>Letter No. 5-20/2007/10-2 dated 23.07.2024</p>	<p>Refresher training session on PARIVESH</p>	<p>The Ministry has recently invited interests from the various States/UTs to organize training session on Van (Sanrakshan Evam Samvardhan)</p>

		Adhinyam, Rules and PARIVESH 2.0. Ministry has been conducting such training sessions regularly and it can be organized for Chhattisgarh also in the second week of September, 2024.
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