

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 110003
Dated: September, 2024

To

The Addl. Chief Secretaries of Forests/Principal Secretary (Forests),
All States Governments and Union territory Administrations

Sub: Clarification on Guidelines notified by the Central Government on 29.11.2023 under sub-section (3) of section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 – reg.

Madam/Sir,

I am directed to refer to the Ministry of Home Affairs, Government of India's OM No. 17015/09/2024-BM-IV dated 11.07.2024 and 5.07.2024 on the above subject seeking clarification on the Guidelines notified by the Central Government on 29.11.2023 under sub-section (3) of section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to inform that the matter has been considered and deliberated by the Advisory Committee in its meeting held on 27.08.2024. Minutes of the meeting of the Committee 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 MoEF&CC, New Delhi, the Central Government in accordance with the provisions of sub-section (3) of section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, hereby issues the following clarifications to further amend the guidelines notified on 29.11.2023:

- i. The guidelines notified on 29.11.2023 are applicable on the exemption mentioned under clause (a) and clause (c) of sub-section (2) of section 1A of the Adhiniyam viz. construction of strategic linear projects of national importance and concerning national security within a distance of hundred kilometers along international borders or LoC/LAC, projects related to security related infrastructure involving forest land up to ten hectares, and defence related and public utility infrastructure involving forest land up to five hectares in Left Wing Affected District, duly notified by the Ministry of Home Affairs or Ministry of Defense of the Central Government for this purpose and proposals involving area up to 0.1 ha of forest land meant for providing connectivity to road/rail side amenities.
- ii. Processing and approval of the proposals will be carried out using designated module of PARIVESH 2.0. However, keeping in view the strategic importance and sensitivity involved, the defence related projects will be masked and made non-accessible for open public access on PARIVESH portal.
- iii. The State Government or Union territory Administration, as the case may be, may authorize an officer not below the rank of the Deputy Conservator of

Forests to receive and accept the proposals and process them through the Nodal Officer, dealing with the matters related to land transfer under the Adhinyam for obtaining the approval of State Government/UT or Principal Chief Conservator of Forests (HoFF), if so authorized by the State Government.

- iv. The land for compensating the loss of trees may be identified in the degraded forest land, revenue forest land, waste lands, double in extent to the land proposed for diversion or in non-forest land, equivalent to the forest land being diverted, as per availability on case to case basis.
- v. The Divisional Forest Officer, within a period of one month, after receiving of the proposal, shall arrange to carry out tree enumeration, prepare a scheme for compensating the loss of project affected trees in the land identified, project specific mitigation plans, if any needed, and forward the proposal to Nodal Officer, along with demand for making the payment of Net Present Value (NPV), compensatory scheme, site specific mitigation plan, soil and moisture conservation plan, etc., as the case may be.
- vi. The Nodal Officer, after receipt of the proposal from the Divisional Forest Officer and recording his observations and recommendations, shall obtain approval of the State Government/UT Administration or Principal Chief Conservator of Forests & Head of the Forest Force, as the case may be, and convey the same to the user agency within a period of one month for compliance and deposition of compensatory levies.
- vii. While according above approval, the Nodal Officer may specify conditions, as may be required based on the site-specific conditions, to compensate the loss of trees, site-specific mitigation measures and Plans to be implemented in and around the forest area applied for diversion.
- viii. The State Government, after conveying approval of the proposal to user agency, may handover the land to the user agency for undertaking the project commencement work.
- ix. The user agency, soon after receiving the approval from the Nodal Officer, within a period of one month, shall deposit the compensatory levies into the account of State CAMPA, managed by the National Authority, CAMPA.
- x. In case, the user agency fails to make payment against the demand raised as above within the stipulated time, 12% interest per month shall be levied on the amount not paid in time. However, if the user agency fails to make payment within a period of three months of approval, the State Government shall suspend the work in the forest area diverted and such proposal can be reconsidered by the State Govt/UT Administration subject to submission of a valid and cogent justification from the user agency along with admissible interest on account of delayed payment.
- xi. The Nodal Office of the State Government or Union territory Administration shall ensure monitoring of conditions and their compliances by the user agency.

3. In view of the above, the State Government and Union territory Administrations are requested to take into consideration the clarifications mentioned hereinabove while considering the proposals exempted under clause (c) of subsection(2) of section 1A of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. The

guidelines notified by the Ministry on 29.11.2023 stands modified to the extent as given under para 2 above.

This issues with the approval of the competent authority.

Yours faithfully,

(Charan Jeet Singh)
Scientist 'E'

Copy to:

1. Secretary, Ministry of Home Affairs, Government of India
2. Secretary, Ministry of Defence, Government of India
3. Principal Chief Conservator of Forests & HoFF, all States Governments and Union territory Administrations
4. Dy Director General of Forests (Central), all Regional Offices of the MoEF&CC
5. Nodal Officers (Sanrakshan Evam Samvardhan), O/o of the PCCF, all States Governments and Union territory Administrations
6. Head, NIC, MoEFCC for aligning the PARIVESH 2.0 as per above
7. Monitoring Cell, Forest Conservation Division, MoEF&CC, New Delhi