

753978/2022/FC

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 110003
Dated: 15th September, 2022

To

1. Secretary, Ministry of Defence, Home Affairs, Coal, Mines,
Power, RT&H, PN&G, Steel, Railways,

Communications (DoT)
2. Principal Secretary (Forests)
All States/UTs

Sub: Forest (Conservation) Rules, 2022 : Draft guidelines on the Accredited Compensatory Afforestation - reg.

Madam/Sir,

I am directed to refer to the Forest (Conservation) Rules, 2022 notified by the Ministry on 28.06.2022 in suppression of Forest (Conservation) Rules, 2003 whereunder sub-rule (3) of rule 11, it has been, *inter-alia*, provided that a proactive mechanism for Accredited Compensatory Afforestation (ACA) shall be developed along with the suitable guidelines by the Central Government. In this connection, it is to inform that in pursuance of the provisions of the said rules, a draft outline of the framework on Accredited Compensatory Afforestation has been prepared by the Ministry for seeking comments of the stakeholders. A copy of the said draft is enclosed herewith.

In view of the above, I am directed to request the concerned Ministries and States/UTs to kindly provide their comments and suggestions on the draft outline of the framework on Accredited Compensatory Afforestation to the Ministry within a period of one month.

Encl: As above

Digitally Signed by Charan
Jeet Singh
Date: 16-09-2022 10:17:18
Reason: Approved

Yours faithfully,

(Charan Jeet Singh)
Scientist D

Copy to:

1. The PCCF (HOFF), All States/UTs
2. Regional officers, All IROs of the Ministry

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3. Addl. PCCF & Nodal Officer (FCA), O/o PCCF, All State/UTs
4. Sr. PPS to Secretary/PPS to DGF&SS/PPS to Addl. DGF(FC)
5. Guard File

PROPOSED GUIDELINES ON THE ACCREDITED COMPENSATORY AFFORESTATION MECHANISM

Background

1. Compensatory afforestation (CA) is one of the crucial components facilitating the process of decision making under the Forest (Conservation) Act, 1980. It is mandatory that all proposals requiring prior approval of the Central Government under the Forest (Conservation) Act, for non-forestry use of forest land are accompanied with a comprehensive scheme of compensatory afforestation.
2. As per existing norms, user agency identifies the land for CA and submits the details of the same, as a part of the diversion proposal, along with undertaking to bear the cost of afforestation. Once the proposal is granted 'In-principle' approval by the Central Government under the Forest (Conservation) Act, 1980, the CA land is transferred and mutated in favour of the State Forest Department and subsequently it is notified as PF under the Indian Forest Act, 1927 or any other local laws. After Stage-II approval, forest land proposed for non-forestry use is released to user agency and thereafter, the Forest Department undertakes CA in non-forest land provided by the user agency. This practice has been in vogue for last four decades.
3. Difficulties, observed during the intervening period in the implementation of CA scheme, were also enumerated which primarily include delayed fund flow, untimely availability of non-forest land, uncertainty of survival percentage, etc.
4. To address the aforementioned difficulties, the Ministry has recently notified the Forest (Conservation) Rules, 2022 which inter-alia envisages formulation of an **Accredited Compensatory Afforestation (ACA)** mechanism to be used for obtaining prior approval under section 2 of the Forest (Conservation) Act, 1980. ACA is a system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act. ACA provides raising of advance afforestation over a non-forest land free from any encumbrance.
5. To implement the provisions of sub rule 3 of rule 11 of Forest (Conservation) Rules, 2022, the preconditions, mechanism and formulation of proposal are given as under:

Criteria of raising ACA:

- (i) Lands on which the provisions of Forest (Conservation) Act, 1980 are not applicable and are free from all encumbrances should be considered for ACA;

- (ii) Land considered for raising afforestation should be properly demarcated and adequately protected to ensure its protection from various biotic factors.
- (iii) An afforestation shall be counted towards ACA if such land covers an area of minimum of ten hectares.
- (iv) Afforestation over land of any size situated in the continuity of land declared or notified as forest under any law, Protected Area, Tiger Reserve or within a designated or identified tiger or wildlife corridor, may be considered for ACA.
- (v) One-hectare area under Accredited Compensatory Afforestation with 0.4 or more canopy density will be counted as 1 ACA unit for further evaluation, grading and utilisation etc.
- (vi) An afforestation shall be counted towards ACA if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old;
- (vii) Afforestation raised should preferably be heterogeneous in nature consisting of majority of indigenous species.

6. Proposed mechanism for the ACA: The following procedure shall be adopted for effective implementation of the proposed ACA mechanism:

- (i) A centralized online portal will be developed for submission of online application, evaluation of proposal by the local Forest Department, access to database relating to persons/agencies and ACA availability in a particular State/UTs. Online portal shall maintain the State/UT wise record of such persons/agencies and their ACA who have submitted application on the online portal.
- (ii) State/UTs department will make available in public the model scheme for raising afforestation for different agro-climatic zones for its use by the aspiring persons/agencies to prepare their afforestation scheme for 5 years and schemes for existing afforestation to earn ACAs for the proposed afforestation, as the case may be.
- (iii) Any person or agency keen to register in the ACA Scheme may submit online application along with the details non-forest land and/or existing afforestation viz. maps, authenticated copies of revenue records, etc. and afforestation scheme and/or composition of existing afforestation, prepared on the basis of model scheme of the concerned State/UTs.
- (iv) The Forest Department or empanelled/ accredited agencies or individuals will examine the proposal for its completeness and fulfilment of relevant preconditions/criterion. Proposals qualifying the scrutiny of Local Forest department will be considered for final registration and proposed ACA scheme.

- (v) Persons/agencies registered with local Forest Department may raise afforestation as per the scheme prepared in consonance with the model scheme of the State/UTs for the concerned agro-climatic zone.
- (vi) Existing afforestation or afforestation raised afresh shall be eligible for ACA after attaining the age of 5 years, provided such plantation meet the preconditions specified hereinabove including predetermined success/survival criteria. Preconditions and criterion of a particular afforestation/plantation will be evaluated by the local Forest Department by undertaking a visit to such site.
- (vii) The State Forest Department, based on their on site evaluation of afforestation and depending upon the extent of area qualifying under the ACA, will award ACAs to such afforestation. Afforestation raised over 1 ha of land with 0.4 canopy density will be considered equivalent to 1 ACA. Detail of ACAs, awarded by the State Forest Department, will be updated in the online application by the concerned person/agency.
- (viii) The person or agency may promote or publicise its credentials and availability of ACAs awards with it for its swapping in lieu of proposal relating to diversion of forest land.
- (ix) The persons or agencies registered with the Forest Department will be free to trade its asset i.e. its ACAs in parcels with user agency aspiring for non-forestry use of forest land. The User Agency, aspiring for non-forest use of forest land, may pay the amount to the registered agency, as may be agreed between them and swipe such ACAs in lieu of their proposal pertaining to diversion of forest land.
- (x) ACAs purchased by the user agency in lieu of diversion of forest land shall be transferred and mutated in favour of State Forest Department and subsequently notified as Protected Forest under Section 29 of the Indian Forest land or any other local Forest Act.
- (xi) Persons or agencies from private as well as Govt. sector may register for ACA scheme. ACAs earned by an agency/person will be transferable i.e. can be transferred to other agency under intimation to local Forest Department.
- (xii) The person or agency registered for ACA will be at liberty to de-registered its ACAs earned in part or full from the online portal at any point of time.

7. Formulating proposals under the Forest (Conservation) Act, 1980 using ACAs lands

- (i) The User Agencies requiring forest land shall negotiate financial details with the person or agency holding ACA and enter into an agreement for required ACA area with the concerned agency.

- (ii) ACA area agreed for trading between the agency and user agency will be surveyed by the user agency using DGPS, total stations or like technology and detail of the area along with digital Differential GPS map (KML/shape files) and copy of agreement shall be submitted to the Forest Department along with application for diversion of forest land under the Forest (Conservation) Act, 1980.
- (iii) Afforestation scheme implemented by the agency for a period of 5 years or scheme for maintenance of existing afforestation, as the case may be, will be assessed by the State Forest Department and if needed term of the scheme may be recommended to be increased to such duration as the Forest Department may deem fit.
- (iv) The Forest Department shall give priority to such proposals and on receipt of 'In-principle' approval said land parcel shall be transferred and mutated in favour of the State Forest Department and declared as Protected Forest under Section 29 of the Indian Forest Act, 1927 or any other law.
- (v) No cost of raising compensatory afforestation shall be charged from the user agency by the State Forest Department.
- (vi) As the afforestation so raised may be utilized in parts, therefore, until a patch of minimum size of 5 ha is transferred in lieu of diversion of forest land, the concerned agency, at the cost of user agency may manage the area till such time as required or till the entire patch is transferred to the Forest Department.

8. Benefits likely to be accrued from the ACA scheme:

- (i) A system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act by way of raising advance afforestation over a non-forest land free from any encumbrance.
- (ii) The compensatory afforestation would be undertaken in advance which will obviate any delays that could be caused due to fund flow or administrative/technical procedures.
- (iii) Proposed scheme will promote onset of flow of ecosystem goods and services in advance and also to open a new area for investment in forest sector.
- (iv) Proposed scheme will encourage afforestation over fallow lands thereby helping in achieving the national targets as envisaged in the National Forest Policy, 1988
- (v) Alternative non-forest land that may be made available would be in a suitable block thereby facilitating appropriate protection measures.
- (vi) Proposed scheme will expedite afforestation works which will ultimately increase the total carbon sequestered thereby helping to achieve the NDCs targets.

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From : FC Division ME FCC <fcdiv-mefcc@gov.in>

Fri, Sep 16, 2022 01:43 PM

Subject : Sub: Forest (Conservation) Rules, 2022 : Draft guidelines on the Accredited Compensatory Afforestation - reg.

2 attachments

To : AJAY KUMAR <sdps@nic.in>, Dr. Dharmendra Singh Gangwar <secybm@nic.in>, Anil Kumar Jain <secy.moc@nic.in>, Alok Tandon <secymines@nic.in>, Shri Alok Kumar <secy-power@nic.in>, SECRETARY MORTH <Secy-road@nic.in>, Secy PNG <sec.png@nic.in>, Sanjay Singh <secy-steel@nic.in>, Commerce Secretary Office <csoffice@nic.in>, Rajesh Kumar Pathak <Hog-enf@nic.in>, DEFENCE SECRETARY <defsecy@nic.in>, K Rajaraman <secy-dot@nic.in>, secyper.and <secyper.and@nic.in>, ccfladakh@gmail.com, fcact1980ap@gmail.com, Conservator of Forests <lak-dcf@nic.in>, ccfnodalar@gmail.com, Y.Madhusudhana Reddy, IFS <prlccf_hf_apfd@ap.gov.in>, PCCF Uttarakhand <pccf-forest-uk@nic.in>, fc campa mizoram <fc.campa.mizoram@gmail.com>, pccf hoff <pccf.hoff@odisha.gov.in>, Soumitra Dasgupta, IFS <pccfhoff-wb@nic.in>, cf chandigarh <cf.chandigarh@gmail.com>, pccfjkforest@gmail.com, pccfpunjab@gmail.com, nodal pccfhoff <nodal.pccfhoff@odisha.gov.in>, ng014@ifs.nic.in, M L Srivastava <pccf-fewd@sikkim.gov.in>, Spl CS EFST <splcs_efst@ap.gov.in>, efstdept secretariat <efstdept.secretariat@gmail.com>, pccfkar@gmail.com, pccf-jh@nic.in, PCCF(HoFF), Jharkhand <pccfjhk@jharkhandmail.gov.in>, PCCF Secretary <pccfnsecy-arn@nic.in>, envtforest2016@gmail.com, dksingh1992@yahoo.co.in, manojpingua@gmail.com, pccf-forest@gujarat.gov.in, Jagdish Chander <pccf-hry@nic.in>, Chief Conservator of Forest <ccf-dmn-dd@nic.in>, Sh. A.K Singh <senv@nic.in>, secforest goa <secforest.goa@gov.in>, Secretary Power <secpower.goa@gov.in>, secfed@gujarat.gov.in, Amit Jha IAS FC Forest Govt Of Haryana <fcforest@hry.nic.in>, Mr Onkar Chand Sharma <forestsecy-hp@nic.in>, acsforestjhar@gmail.com, prsecyfdjharkhand2013@rediffmail.com, prsfee@gmail.com, ashathomas ias <ashathomas.ias@gmail.com>, ACS Forest <acs.forest@kerala.gov.in>, K R JYOTHILAL <prlsecy.forest@kerala.gov.in>, myenvironment11@gmail.com, PS Forest MP <psforest@mp.gov.in>, psec revenue <psec.revenue@maharashtra.gov.in>, sec forest <sec.forest@maharashtra.gov.in>, drsuhelakhtar@gmail.com, dwahlang@yahoo.com, pccfaizawlmizoram@gmail.com, abeiokire@yahoo.co.in, mona orissa <mona.orissa@gmail.com>, Secretary Forest & Environment <fesec.od@nic.in>, Pondicherry Pollution Control Committee Pondicherry <ppcc.pon@nic.in>, dcf-dnh@nic.in, ACS Forest and Wildlife Punjab <fcf@punjab.gov.in>, Pr. Secretary, Forests, GOR <Prsecy-Forests-RJ@gov.in>, Mukund Lal Srivastava <ml.srivastava@nic.in>, forsec@tn.gov.in, SANTI KUMARI IAS <prlsecy_efst@telangana.gov.in>, acstripura@gmail.com, Sanjay Kumar Rakesh <sanjay.rakesh@gov.in>, psforest2015@gmail.com, Secretary Forest <secy-for-ua@nic.in>, Vivek Kumar <prinsecy.for-wb@gov.in>, pccfassam@gmail.com, pccfbihar@gmail.com, Rakesh Chaturvedi <pccf-fhq@cg.gov.in>, Principal Chief Conservator Forest Dept Goa <Pccf-fore.goa@gov.in>, Ajay Srivastava <pccf-hp@nic.in>, HoFF Kerala <pccf.for@kerala.gov.in>, PCCF MP PCCF MP P C C F M P <pccfmp@mp.gov.in>, pccfhoffms@gmail.com, Additional Principal Chief Conservator of Forest, Conservation,Nagpur Maharashtra Forest Department <apccfcon@mahaforest.gov.in>, Cavouright <Am046@ifs.nic.in>, pccf raj forest <pccf.raj.forest@rajasthan.gov.in>, Dr.P.DURAIRASU IFS <tn078@ifs.nic.in>, pccftelangana@gmail.com, pccftripura@gmail.com, PCCF UP <pccf-up@nic.in>, pccfbengal@gmail.com, pccfani@gmail.com, Mr Prashant Goyal <dc.pon@nic.in>, pccfgnctd@gmail.com, addlpccf nodal <addlpccf.nodal@gmail.com>, apccfcampa bih <apccfcampa.bih@gmail.com>, Sunil Kumar Mishra <apccf-lm.cg@gov.in>, DCF Monitoring <dcfme-forest.goa@nic.in>, dcf fca gujarat <dcf.fca.gujarat@gmail.com>, cffcpanchkula@gmail.com, nodalfcahp@yahoo.com, ednodal@yahoo.in, apccffc@gmail.com, APCCF SA and NO <apccf-sa.for@kerala.gov.in>, APCCF RN <apccf-nr.for@kerala.gov.in>, APCCF Lan Management <apccflm@mp.gov.in>, Additional Principal Chief Conservator of Forest Nodal CellNagpur Maharashtra

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Forest Department <apccfnodal@mahaforest.gov.in>, vlroui1@gmail.com, fcamanipur@gmail.com, sanongsiejforestry@gmail.com, dcfhqr@gmail.com, fccampa mizoram <fccampa.mizoram@gmail.com>, mizoclimate@gmail.com, nofcmizoram@gmail.com, ved1087@rediffmail.com, nodal pccfodisha <nodal.pccfodisha@gmail.com>, fcaforest@gmail.com, ccf fca rajasthan <ccf.fca.rajasthan@gmail.com>, fca sikkim <fca.sikkim@gmail.com>, tnfdts@gmail.com, apccft@gmail.com, nofcatripura@gmail.com, ccfnodalup@gmail.com, nodalofficerddn@gmail.com, nfcawb@gmail.com, ccfcj1@gmail.com, apccf crzfc <apccf.crzfc@gmail.com>, forestchandigarh@gmail.com, Conservator of Forests Puducherry <cf.pon@nic.in>, ccfgnctd@gmail.com, CCF DD DNH <ccf-dnh@nic.in>, MoEF & CC IRO Bangalore <rosz.bng-mef@nic.in>, Dy. Director General <rowz.bpl-mef@nic.in>, Artatrana Mishra <roez.bsr-mef@nic.in>, Regional Officer MoEF IRO Chandigarh <ronz.chd-mef@nic.in>, roefccc1@gmail.com, Dr. Yogesh Gairola <moef.ddn@gov.in>, IRO, Lucknow <rocz.lko-mef@nic.in>, Shri. V N Ambade <apccfcentral-ngp-mef@gov.in>, ROR MoEFCC <ro.ranchi-mef@gov.in>, ro nez shil <ro.nez.shil@gmail.com>, IRO Jaipur <iro.jaipur-mefcc@gov.in>, IRO Guwahati <iro.guwahati-mefcc@gov.in>, IRO Raipur <iro.raipur-mefcc@gov.in>, Dr Soma Das <iro.kolkata-mefcc@gov.in>, IRO Shimla <iro.shimla-mefcc@gov.in>, IRO Jammu <iro.jammu-mefcc@gov.in>, IRO Gandhinagar <iro.gandhingr-mefcc@gov.in>, IRO Vijayawada <iro.vijayawada-mefcc@gov.in>, IRO Hyderabad <iro.hyderabad-mefcc@gov.in>, MoEF&CC, Regional Office, Shillong <moefro.shillong@gov.in>, RO MOEF&CC CHENNAI <ro.moefccc@gov.in>

Cc : Ms Leena Nandan <secy-moef@nic.in>, Shri Chandra Prakash Goyal <dgfindia@nic.in>, S. P. Yadav <adgfc-mef@nic.in>, Ramesh Pandey <ramesh.pandey@nic.in>, Preet Singh <preetpal.singh@gov.in>, Suneet Bhardwaj <hp179.ifs@nic.in>, DHEERAJ MITTAL <gj178.ifs@nic.in>, Charan Jeet Singh <c.jsingh1@gov.in>, Rakesh Kumar <rakeshkr.88@gov.in>, PAMPOSH MOHAN KOUL <pmkoul.87@gov.in>, jiju J.S. <jiju.jairaj@gov.in>, RajeshKumar TechnicalOfficer <r.kumar52@gov.in>, GAURAV CHAMOLI <gaurav.chamoli@nic.in>, Anil kumar <anil.kumar@nic.in>, ranjanraj03feb@gmail.com

Respected Sir/Madam,

I am directed to forward the guidelines letter dated 16.09.2022 regarding the above-mentioned subject for kind information and necessary action.

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Government of India
Ministry of Environment, Forest and Climate Change
Forest Conservation Division
Indira Paryavaran Bhawan Jor Bagh Road Aliganj
New Delhi-110003
011-20819388

