BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, DELHI

ORIGINAL APPLICATION NO. 911/2022

IN THE MATTER OF:

Prof. Dr. Sanjeev Bagai & Ors. … Applicants

Vs.

Department of Environment, GNCTD & Ors. … Respondents

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Report of the Joint Committee

In the Hon'ble NGT Matter

O.A. No. 911/2022 Covering I.A. No. 09/2024 &

I.A. No. 16/2023 Order Dated 05.04.2024

REPORT OF THE JOINT COMMITTEE

Summary

In its order dated 05.04.2024, the Hon'ble National Green Tribunal, Principal Bench (PB), in Original Application No. 911/2022, covering I.A. No. 09/2024 and I.A. No. 16/2023, directed the formation of a Joint Committee chaired by the Director General of Forests & Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India. The committee was tasked with creating a comprehensive policy, statutory framework, and guidelines for the management of trees in non-forest areas, especially in States and Union Territories (UTs). The Terms of Reference (TOR) for the Committee included formulation of guidelines for tree growth, protection, pruning, and management, as well as preparation of SOPs for tree cutting, felling, transplantation etc.

The report of the Committee highlights the crucial role trees play in maintaining ecological balance and improving quality of life. As urbanization and industrialization continue to grow, non-forest areas face increasing pressure affecting the land ecosystem. This necessitates a well-structured framework to protect and manage trees in vulnerable areas. In the report, the introduction of comprehensive policies has been recommended for maintaining healthy green cover across the country.

Guidelines for tree pruning in non-forest areas have been emphasized upon. By introducing such guidelines, it is targeted to promote sustainable practices, ensuring that tree resources are preserved and managed in a way that supports both environmental and community well-being.

This report is the result of a collaborative effort, bringing together experts in environmental science, law, urban planning, and community development. Contributions from Shri Amit Anand and Shri Sanjay Kumar Chauhan, both Assistant Inspectors General of Forests in the Ministry of Environment, Forests and Climate Change, Government of India, have been instrumental in shaping the recommendations. Their efforts and also the efforts of the officials of CPCB are appreciated.

(Member Secretary of the Committee)

Abbreviations

ABS	Access and Benefit Sharing
AQI	Air Quality Index
BMC	Biodiversity Management Committees
CAQM	Commission for Air Quality Management in National Capital Region and Adjoining Areas
CBD	Convention on Biological Diversity
CPCB	Central Pollution Control Board
EPA	Environment (Protection) Act
ESZ	Eco-Sensitive Zone
FSI	Forest Survey Of India
GIS	Geographical Information System
GBP-NIHE	G.B Pant National Institute of Himalayan Studies.
GNCTD	Government of National Capital Territory of Delhi
ICFRE	Indian Council of Forestry Research and Education
IEC	Information, Education, and Communication
IIFM	Indian Institute of Forest Management
IFSR	India State of Forest Report
IoT	Internet of Things
IWST	Institute of Wood Science and Technology
MOEF&CC	Ministry of Environment Forest and Climate Change
MoHUA	Ministry of Housing and Urban Affairs
NBA	National Biodiversity Authority
NCAP	National Clean Air Programme
NCSCM	National Centre for Sustainable Coastal Management
NCR	National Capital Region
NDC	National Determined Contributions
NGO	Non-Governmental Organization
NMNH	National Museum of Natural History
NEP	National Environment Policy
NGT	National Green Tribunal
NIRANATAR	National Institute for Research and Application of Natural Resources to Transform, Adapt and Build Resilience
NTCA	National Tiger Conservation Authority
NTPS	National Transit Pass System
NTFP	Non-timber forest products
RKVY	Rashtriya Krishi Vikas Yojana
RWA	Resident Welfare Association
SOP	Standard Operating Procedure
SMAF	Sub-Mission on Agroforestry
TOF	Trees Outside Forest
TOR	Terms of Reference
TP	Transit Permits
UT	Union Territory
UNFCCC	United Nations Framework Convention on Climate Change
ULB	Urban local bodies
WII	Wildlife Institute of India

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Background

1. Overview

1.1 The Hon'ble National Green Tribunal (NGT), Principal Bench (PB), in Original Application No. 911/2022, covering I.A. No. 09/2024 and I.A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus the Department of Environment, Government of National Capital Territory of Delhi (GNCTD) and Ors., made the following observations in order dated 05.04.2024.

"Para 17 - ..... In these facts and circumstances we are of the considered view that the question as to whether there is any necessity for formulation of any policy, legislating any statutory frame work and laying down any guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same needs proper examination by a Committee of Experts and appropriate action by concerned Statutory and Administrative Authorities on due consideration the recommendations of the Committee."

1.2 In continuation of the above observations, the Hon'ble NGT constituted a Joint Committee under the Chairmanship of the Director General of Forests & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India. The constitution of the Joint Committee has been given in the order of Hon'ble NGT dated 05.04.2024, which is placed as **Annexure** I. The Terms of Reference (TOR) for the committee are reproduced below:

"(i) Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.

(ii) Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.

(iii) Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.

(iv) In addition to the above any other relevant aspect which the Committee considers necessary to address the issues."

***

Actions taken by the Joint Committee

2. Actions taken

2.1 Upon the passing of the order dated 05.04.2024 and receipt of its copy from the Hon'ble NGT via email dated 27.04.2024, the Central Pollution Control Board (CPCB) issued a letter on 08.05.2024 to all concerned organizations, requesting them to nominate their representatives for the Joint Committee constituted by the Hon'ble NGT. A copy of the letter is enclosed as **Annexure II.**

2.2 While awaiting the details of the representative from the Ministry of Housing and Urban Affairs (MoHUA) and in view of the urgency, the first meeting of the Joint Committee constituted by Hon'ble NGT was convened on 03.06.2024.

2.3 The minutes of the first meeting of the Joint Committee were circulated among all committee members and the concerned organizations vide email on 11.06.2024. As per the decisions taken in the meeting, the MoEF&CC and CPCB analyzed the existing Acts, Rules, and Guidelines of various States/UTs regarding tree management in non-forest areas and shared the findings with the Indian Institute of Forest Management (IIFM), Bhopal. Although it was a challenging assignment to analyse the existing legal framework of 32 States/UTs for promoting and managing tree plantations in non-forest areas, IIFM prepared the draft Model Act and shared it vide email on 27.07.2024. MoEF&CC and CPCB provided all necessary support to IIFM for preparing this comprehensive document in a short time frame.

2.4 On receiving the draft Model Act from IIFM Bhopal on 27.07.2024, it was shared with all committee members for comments on 29.07.2024. Subsequently, the second meeting of the Joint Committee was convened on 30.07.2024.

2.5 The minutes of the second meeting of the Joint Committee were circulated among the members of the Joint Committee vide email on 05.08.2024.

2.6 As per the decisions taken in the second meeting, the draft Model Act prepared by IIFM Bhopal was shared with committee members and also with the institutions of MoEF&CC under the program of the National Institute for Research and Application of Natural Resources to Transform, Adapt, and Build Resilience (NIRANATAR) for comments and inputs vide email on 09.08.2024. Reminder emails were sent on 05.09.2024 and 12.09.2024 to the members and the institutions from which comments had not been received. The institutions covered under NIRANTAR are the following:

i. Indian Institute of Forest Management, Bhopal;
ii. Indian Council of Forestry Research and Education (ICFRE), Dehradun
iii. Forest Survey of India (FSI), Dehradun

iv. Botanical Survey of India (BSI), West Bengal
v. G.B. Pant National Institute for Himalayan Studies (GBP-NIHE), Almora
vi. National Centre for Sustainable Coastal Management (NCSCM), Chennai
vii. Institute of Wood Science and Technology (IWST), Bangalore
viii. Central Zoo Authority (CZA), New Delhi
ix. National Tiger Conservation Authority (NTCA), New Delhi
x. Wildlife Institute of India (WII), Dehradun
xi. National Biodiversity Authority (NBA), Chennai
xii. National Museum of Natural History (NMNH), New Delhi

2.7 Meanwhile, CPCB submitted an interim report to the Hon'ble NGT, along with a prayer for a four-month extension for the Joint Committee to finalize the report.

2.8 After receiving comments from NIRANATAR institutions, the third meeting of the Joint Committee was convened on 04.10.2024.

2.9 The recommendations made in the third meeting of the Committee are important and are reproduced below for reference:

a) The Sub-Committee shall draft the report based on the Terms of Reference (ToR) outlined in the Hon'ble NGT order dated April 5, 2024, under the guidance of Shri K. Ravichandran, Director, IIFM, Bhopal. Further, comments on the draft Model Act shared by the members of the Committee may be examined by the Sub- Committee and suitably incorporated in the report.
b) The report would incorporate salient features from the Draft Model Act and SoPs for tree transplantation and felling.
c) The draft report be completed within two weeks and it would be circulated among the Joint Committee Members for review.
d) The fourth Joint Committee meeting shall be convened between October 25 and October 31, 2024, to review the draft report of the Sub- Committee.

2.10 To prepare the report for submission to the Hon'ble NGT, a sub-committee was formed consisting of the following members: Shri Amit Anand, Assistant Inspector General of Forests, MoEF&CC; Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests, MoEF&CC; and Shri Sharandeep Singh, Scientist E, CPCB.

2.11 The salient features of the draft Model Act and other documents prepared by IIFM were to be incorporated suitably into the report. Further, comments on the draft Model Act shared by the members of the committee and others were also to be incorporated suitably in the report.

2.12 Based on the decisions taken in the third meeting, the sub-committee prepared a draft report for the Joint Committee in line with the Terms of Reference (TOR) outlined in

the order dated 05.04.2024. The following methodology was adopted by the sub-committee for the preparation of the report:

a) Review of the existing provisions of the Constitution in terms of tree protection and management.
b) Review of the Role of Existing Policies in Tree Preservation/ Protection
c) Review of Judicial Directives for Responsible Tree Cutting and Preservation
d) Content analysis of the Acts, Rules, Guidelines etc. with regard to protection and management of trees in non-forest areas of the States and UTs (relevant information received from 27 nos. of States and UTs in this matter and for the remaining 09 States/UTs, through concerned websites)
e) Review of draft model Act, SoPs/Guidelines prepared by IIFM, Bhopal as per the minutes of meetings.

2.13 The sub-committee submitted the following recommendations:

a) The States/UTs not having the legal framework for promotion, growth, protection, preservation, pruning and management of trees in non-forest areas may consider the formulation of legal framework in consonance with national level policies and development objectives. In the regard, the policy and operational experience gained by other States/UTs can suitably be factored in while shaping State/UT specific legal and institutional arrangements to meet the objectives.
b) Draft advisories for cutting/felling of trees in rural areas and cutting/felling and pruning of trees in urban areas were prepared and attached with the report.
c) Broad contours for transplantation/translocations of trees were prepared and attached with the report.

2.14 The report of the sub-committee was presented by Shri Sharandeep Singh, Scientist E, CPCB in the fourth meeting of the Joint Committee held on 28.10.2024. Shri Sharandeep Singh, Scientist E, CPCB highlighted key features of the report in the meeting. The following decisions were taken in the meeting:

a) Draft advisories on the following should be finalized by the Sub-Committee Members in one week and would be shared with the Joint Committee Members.

    a. Advisory framework for developing Policy, Act, and Guidelines for growth, protection/preservation, pruning, and management of trees in non-forest areas in States/UTs not having such institutional arrangements.
    b. Advisory framework for developing Policy, Act, and Guidelines on; a) cutting and felling of trees for Rural areas, b) cutting, felling, and pruning of the trees for urban areas; and c) Translocation/Transplantation of the trees.

b) All the Members of the Joint Committee would review the draft report prepared by the Sub-Committee and provide their inputs/comments within a week.

c) After finalization of the advisory frameworks based on the comments received from the Joint Committee members, the Sub-Committee would share the report with the IIFM, Bhopal for technical validation of the report.
d) Further, the Sub-Committee shall conduct a shareholder consultation meeting with all States/UTs Forest Departments in the last week of November 2024 to consolidate the Advisory frameworks on policy, Act, and guidelines.
e) Since the present matter is listed for further hearing on 18.11.2024, it was recommended by the Joint Committee that on account of the requirement of technical validation of the report and the required consultation with States/UTs, two months times may be requested from the Hon'ble NGT for submission of the final report of the Joint Committee.

2.15 The minutes of the fourth meeting were circulated vide email on 10.11.2024. As per decisions taken in the meeting, advisories were prepared by the sub-committee members and circulated to the Joint Committee members on 19.11.2024 for their comments.

2.16 The draft report of the Joint Committee was prepared and shared with members of the Committee on 21.11.2024.

2.17 The fifth meeting of the Joint Committee was held on 22.11.2024. In that meeting, the draft report was deliberated upon and the finalized draft report was shared with the members of the Joint Committee. The minutes of the fifth meeting were also shared with the members of the Joint Committee on 22.11.2024.

2.18 The minutes of meetings of the Joint Committee held on 03.06.2024, 30.07.2024, 04.10.2024, 28.10.2024, and 22.11.2024 are annexed as **Annexures III, IV, V, VI and VII** respectively.

2.19 Consultations were regularly held with reputed institutions such as the Indian Institute of Forest Management (IIFM), Bhopal; Indian Council of Forestry Research and Education, (ICFRE) Dehradun; CPCB, Delhi; Forest Survey of India (FSI), Dehradun; Botanical Survey of India (BSI), Kolkata; G.B. Pant National Institute for Himalayan Environment (GBP-NIHE), Almora; National Centre for Sustainable Coastal Management (NCSCM), Chennai and others.

2.20 The documents such as Extent of Trees Outside Forest (TOF), Agroforestry and timber production in forests and TOF, Legal frameworks in States/UTs, Provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 etc were analysed and inputs from these documents were suitably incorporated in the report. These documents were voluminous but were analysed in a short time for preparing the report.

2.21 The Joint Committee submitted its draft report vide affidavit dated 25.11.2024 in Hon'ble NGT. All the State Governments and UT Administrations were requested to

provide comments/views on the Draft report prepared and submitted by the Joint committee latest by 11.12.2024 vide letter dated 26.11.2024 (**Annexure VIII A**).

2.22 The sixth meeting of the Joint Committee was held on 13.12.2024 to discuss the draft report of the Joint Committee. Minutes of the meeting is attached as (**Annexure VIII B)**

2.23 After receiving comments, the revised draft report, after suitably incorporating comments of State governments and UT Administrations and members of the Joint Committee was shared with IIFM on 20.12.2024 (**Annexure IX**).

2.24 The draft Joint Committee report was again circulated to all the members of the Joint Committee on 03.01.2025 (**Annexure X**)

2.25 IIFM, Bhopal submitted its comments on the report vide email dated **05.01.2025**, placed at **Annexure XI A** and Sh S.J Pandit submitted its comments on the report placed at **Annexure XI B.**

2.26 The seventh meeting of the Joint Committee was held on 06.01.2025 to finalise the report of the Joint Committee. Minutes of the meeting is attached as (**Annexure XII)**.

2.27 Important actions taken to prepare the report and to comply with the order of Hon'ble NGT have been mentioned in the preceding paragraphs. The details of action taken are being given in the following table:

Date	**Action taken**
05.04.2024	Order of Hon'ble NGT
27.04.2024	Order of Hon'ble NGT received by CPCB.
08.05.2024	The concerned organisations were requested to nominate their representatives in the Joint Committee.
03.06.2024	First meeting of the Joint Committee was held. In that meeting, it was decided to request IIFM, Bhopal to prepare a draft Model Act in consultation with Shri S J Pandit, Member of the Committee.
11.06.2024	Minutes of the first meeting circulated among the members of the Joint Committee.
22.07.2024	IIFM, Bhopal was reminded to submit the draft Model Act.
26.07.2024	IIFM, Bhopal was again reminded to submit the draft Model Act.
27.07.2024	The draft Model Act and SoP was submitted by IIFM, Bhopal. The draft Model Act was submitted in a short period of less than two months. During this period, various documents were examined, consultations were held with experts and the Model Act and SoP were prepared.
29.07.2024	The draft Model Act and SoP were shared with the members of the Joint Committee for comments.

Date	Action taken
30.07.2024	The second meeting of the Joint Committee was held.
05.08.2024	The minutes of the second meeting was shared with all members of the Joint Committee.
09.08.2024	The draft Model Act was shared with the members of the Joint Committee and also with institutes under NIRANTAR for comments.
05.09.2024	The members of the joint committee and the institutes under NIRANTAR were reminded for comments.
12.09.2024	The members of the joint committee and the institutes under NIRANTAR were again reminded for comments.
04.10.2024	The third meeting of the Joint Committee was held. A sub-committee was constituted to prepare a draft report.
26.10.2024	The report of the sub-committee was prepared and shared with members of the Joint Committee.
28.10.2024	The fourth meeting of the Joint Committee was held.
19.11.2024	The Advisories prepared by the sub-committee were shared with the members of the Joint Committee.
21.11.2024	The draft Report was shared with the members of the Joint Committee.
22.11.2024	The fifth meeting of the Joint Committee was held. The draft report was deliberated upon and the finalised draft report was shared with the members of the Joint Committee. The minutes of the fifth meeting were also shared with the members of the Joint Committee.
25.11.2024	The draft report was submitted to Hon'ble NGT.
26.11.2024	The draft report was shared with the State Governments and UT Administrations for submission of comments/views by 11.12.2024.
11.12.2024	The comments received from the State Governments and UT Administrations were suitably incorporated and draft report was shared with members of the Joint Committee.
13.12.2024	The sixth meeting of the Joint Committee was held. The draft report was deliberated upon and the finalised draft report was shared with the members of the Joint Committee. The minutes of the sixth meeting were also shared with the members of the Joint Committee
20.12.2024	The revised draft report, after suitably incorporating comments of State Governments and UT Administrations and members of the Joint Committee was shared with IIFM.
03.01.2025	The draft Joint Committee report was again circulated to all the members of the Joint Committee
05.01.2025	IIFM, Bhopal submitted its comments on the report vide email dated 05.01.2025.
06.01.2025	The seventh meeting of the Joint Committee was held to finalise the report of the Joint Committee.

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Status of Trees Outside Forest in India

3. Trees Outside Forest (TOF):

3.1 Definition and importance of TOF:

3.1.1. According to the India State of Forest Report (ISFR), Trees Outside Forest (TOF) refers to all trees found outside the recorded forest area, irrespective of size, species, or ownership. These include trees on agricultural lands, along roads, canals, railways, and in urban and rural landscapes.

3.1.2. Importance of TOF

3.1.2.1. Rural Areas:

- Livelihood Support: Supply resources like timber, fuelwood, fodder, and fruits, supporting rural livelihoods.
- Agricultural Benefits: Act as windbreaks, prevent soil erosion, and enhance soil fertility through organic matter.
- Improved Moisture Regime: Enhance soil water retention and microbial activity, leading to better agricultural productivity.
- Biodiversity Conservation: Provide habitats for pollinators and wildlife, supporting ecological balance.
- Climate Regulation: Act as carbon sinks, reducing atmospheric CO2 and regulating microclimates.

3.1.2.2. Urban Areas:

- Air Quality Improvement: Filter particulate matter (PM2.5, PM10) and absorb pollutants like NOx, SO2, and CO2.
- Thermal Comfort: Reduce urban heat island effects by lowering temperatures by 5–10°C.
- Stormwater Management: Intercept rainfall, prevent flooding and recharge groundwater.
- Enhanced Air Quality via Soil Moisture: Tree cover reduces dust and particulate levels by maintaining soil moisture.
- Aesthetic and Recreational Value: Provide mental well-being, increase property values, and create recreational spaces.
- Noise Pollution Mitigation: Act as natural sound barriers in densely populated areas.

3.1.2.3. Urban Challenges:

Urban areas have fewer trees but greater demand for ecological services. Each urban tree handles intensified tasks like pollution control, cooling, and flood mitigation, making their value disproportionately higher compared to the tree in the rural areas.

3.1.2.4. Conditions for Trees to Provide Maximum Ecological Services

- Site Selection:
    - Ensure that trees are planted in deep, well-drained soils with adequate organic matter and a neutral pH (5.5–7.5).
- Species Selection:
    - Use native and climate-resilient species, particularly those tolerant to pollution in urban areas (e.g., neem, peepal).
- Water and Soil Management:
    - Regular watering, especially during establishment phases.
    - Use mulching to conserve soil moisture and reduce surface evaporation.
- Space and Protection:
    - Adequate spacing to minimize competition for sunlight and nutrients.
    - Protect trees from encroachment, vandalism, and damage.
- Tree Maintenance:
    - Introduce Tree Ambulance Initiatives to provide care for unhealthy or damaged trees, including pruning, pest control, and soil treatments.
- Formalizing Tree Care Sector:
    - Develop certification programs for professionals in arboriculture and urban forestry.
    - Create skilled jobs like arborists and tree surgeons, ensuring standardized care and management practices.
- Community Involvement:
    - Encourage active participation in tree planting, care, and monitoring.

3.1.3. Challenges of Tree Management in Areas Transitioning to Urban Landscapes As rural areas undergo rapid urbanization, managing tree resources becomes increasingly complex. Below are the key challenges:

1. Conflict Between Development and Conservation

    - Land Use Changes: Urbanization often prioritizes the construction of infrastructure, leading to large-scale deforestation and reduction of Tree Outside Forests (TOF).
    - Limited Space for Tree Cover: Expanding residential, industrial, and commercial areas restrict available land for maintaining or planting trees.

2. Lack of Forward-Looking Policies and Planning

    - Inadequate Green Infrastructure: Urban master plans often fail to integrate green spaces and prioritize tree conservation during early planning stages.
    - Reactive Tree Management: Lack of proactive measures leads to last-minute felling or transplantation decisions, often resulting in tree loss.

3. Poor Awareness and Valuation of Trees

    - Underestimation of Ecological Services: Trees are often undervalued in terms of the air quality improvement, cooling effects, and biodiversity support they provide.
    - Neglect of Cultural and Community Importance: The social and cultural significance of trees in transitioning areas is often overlooked.

4. High Mortality of Transplanted Trees

    - Inadequate Post-Transplantation Care: Limited expertise and resources result in poor survival rates of transplanted trees.
    - Suitability of Species: Transplanted species may not adapt to urban environments or future climatic conditions.

5. Impact on Localized Ecosystems

    - Fragmentation of Habitats: Tree removal disrupts local ecosystems, affecting soil health, water cycles, and wildlife corridors.
    - Decline in Soil Moisture and Quality: Loss of trees reduces soil organic matter and water retention capacity, contributing to land degradation.

6. Lack of Incentives and Community Engagement

- Absence of Financial Support: Landowners in transitioning areas often lack incentives to retain or plant trees on private land.
- Low Community Involvement: Urbanization may alienate local communities from decision-making processes, reducing their role in tree management.

7. Management of Invasive Species

- Proliferation of Invasive Flora: Invasive species often outcompete native ones, further degrading ecosystems and reducing tree diversity.

8. Monitoring and Regulation Challenges

- Weak Enforcement of Laws: Regulations for tree conservation and felling are often poorly enforced, leading to unauthorized removal.
- Inconsistent Data and Oversight: Lack of reliable data on tree cover and health hampers effective planning and monitoring.

9. Climate Change and Urban Heat Islands

- Stress on Trees: Rising temperatures and pollution in urbanizing areas increase stress on trees, making survival difficult.
- Heat Island Effects: Rapid construction and loss of vegetation contribute to higher urban temperatures, further degrading the environment.

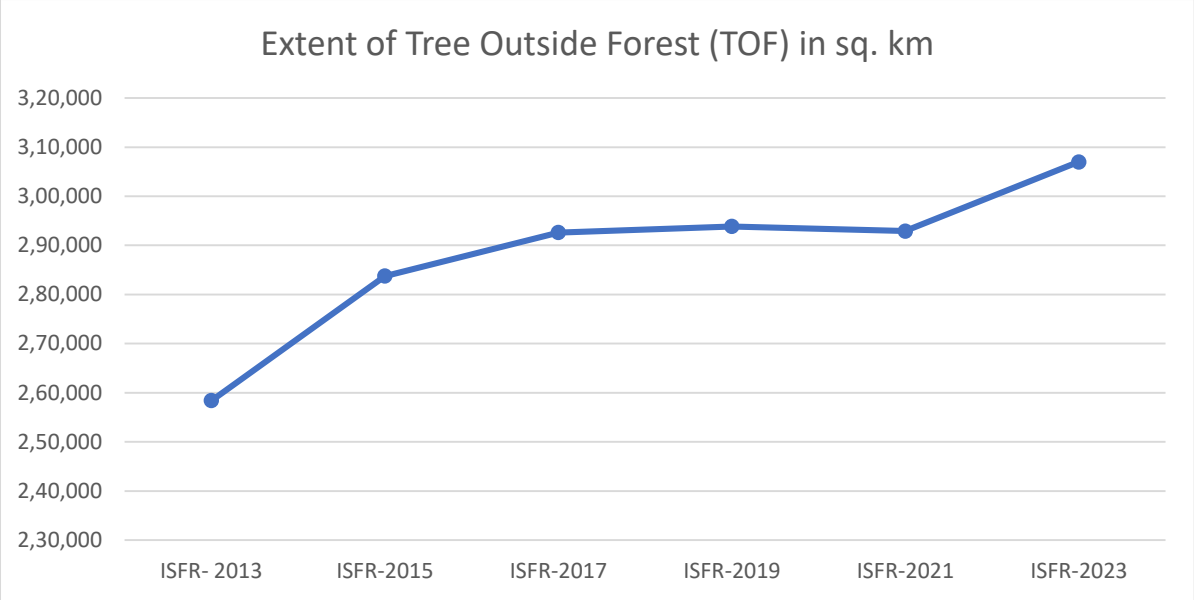
10. Limited Trained Personnel and Tools

- Shortage of Experts: There is a lack of trained arborists, ecologists, and planners to implement sustainable tree management practices.
- Insufficient Use of Technology: Many transitioning areas lack access to modern tools like Geographical Information System (GIS) mapping, remote sensing, and the Internet of Things (IoT) for tree health monitoring.

Hence, it is important that areas likely to make these transitions in the next 20 years are identified and a process is initiated for proactive planning.

3.2 Status of the extent of Trees Outside Forest (TOF):

3.2.1. The TOF encompasses trees growing on non-forest lands such as farmlands, urban areas, roadsides, and other private or community spaces. The Trees Outside Forests (TOF) in India, as per successive India State of Forest Reports (ISFR) by the Forest Survey of India (FSI), has been a significant contributor to the country's green cover.



Year of ISFR	Extent of Tree Outside Forest (TOF) in sq. km
ISFR-2013	258,387
ISFR-2015	283,741
ISFR-2017	292,628
ISFR-2019	293,839
ISFR-2021	292,907
ISFR-2023	306,992

3.2.2. Analysis of the trend in extent of TOF:

3.2.2.1. Steady Increase: Over the past decade, the extent of TOF has shown a gradual increase, with an addition of nearly 48,605 sq. km from the year 2013 to the year 2023 as per the ISFR. This reflects efforts in agroforestry, social forestry, and plantation programs, particularly on non-forest lands.

3.2.2.2. Agroforestry Contributions: TOF expansion has been largely driven by farm forestry and plantation drives which reported significant gains in tree cover outside forests due to proactive policies.

3.2.2.3. Role in Carbon Sequestration: The growing TOF has directly contributed to India's carbon sequestration capacity, helping to offset greenhouse gas emissions and meet the target related to carbon sequestration under the National Determined Contributions (NDC) submitted to United Nations Framework Convention on Climate Change (UNFCCC).

3.2.3. TOF trends underline the importance of trees outside forests in enhancing ecological balance and meeting India's target of 33 % green cover. Consistent policy support, community involvement, and innovative land-use practices will be critical to sustaining this upward trend.

3.3 Status of Agro-forestry & Timber Production in the Forest and TOF:

3.3.1. Approximately 28 million hectares of land in India falls under agroforestry, constituting around 17 % of the country's agricultural land, as estimated by the Central Agroforestry Research Institute in Jhansi. This sector actively engages around 50 lakh farmers, significantly contributing to rural livelihoods, carbon sequestration, and soil fertility improvement. Agroforestry systems featuring species such as Poplar, Eucalyptus, Dalbergia, Casuarina, and *Melia dubia* are highly valued for their adaptability, economic returns, and environmental benefits. A landmark policy development in this sector was the introduction of the National Agroforestry Policy, 2014. It is the first of its kind globally, aimed at mainstreaming agroforestry practices and addressing barriers such as regulatory hurdles and market access. Additionally, the Rashtriya Krishi Vikas Yojana (RKVY) has further incentivized agroforestry adoption by providing farmers with crucial support to integrate trees into agricultural landscapes.

3.3.2. The urgency to promote agroforestry is underscored by India's growing demand for timber, projected to reach 150 million cubic metres annually by 2030, far exceeding current production levels. At present, a large extent of the country's timber supply comes from Trees Outside Forests (TOF), which contribute about 85 million cubic metres annually, while forests account for a mere 3 million cubic metres. This overwhelming reliance on TOF highlights its indispensable role in sustaining India's timber needs.

3.3.3. Expanding agroforestry offers a strategic solution to bridge the timber production gap. Agroforestry systems not only bolster domestic timber supply and reduce import dependence but also deliver a host of ecological and socio-economic benefits. These include enhancing biodiversity, improving soil health, sequestering carbon, and strengthening climate resilience. Integrating trees into agricultural landscapes ensures sustainable resource utilisation while supporting rural economies and environmental conservation. Given these benefits, scaling up agroforestry is essential for India to meet its rising timber demands, mitigate ecological risks, and advance towards sustainable development.

3.3.4. As per India State of Forest Report-2023 published by FSI, Dehradun, the potential production of industrial wood from TOF has been estimated as 91.51 M m^3 per year. There is an increase of 22.47 Mm^3 in the potential production of industrial

wood as compared to the estimates reported in ISFR 2017. The total bamboo-bearing area of the country has been estimated to be 1,54,670 km^2. There is an increase of 5,227 km^2 in the bamboo-bearing area of the country as compared to the previous assessment reported in ISFR 2021. Total tree green cover under agroforestry at the national level has been estimated at 1,27,590.05 km^2 in 2023. There is a total increase of 21,286.57 km^2 (20.02%) in the total tree green cover under agroforestry of the country as compared to the estimates reported in ISFR 2013. The total growing stock under agroforestry in the country is estimated at 1,291.68 Mm^3 in 2023. There is a total increase of 286.94 Mm^3 (28.56 %) in the growing stock under agroforestry of the country as compared to the estimates reported in ISFR 2013.

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Existing Legal Framework

4.1 Constitution of India

4.1.1. The Constitution of India places several responsibilities on State Governments and UT Administrations that directly or indirectly mandate the protection of trees to safeguard citizens' well-being. Article 21 guarantees the right to life, which includes the right to a clean and healthy environment. Trees play a crucial role in ensuring air quality, reducing pollution, and maintaining ecological balance, making their protection essential for this fundamental right.

4.1.2. Article 48A directs States/UTs to protect and improve the environment, including safeguarding forests and wildlife. This responsibility extends to trees in non-forest areas, as they contribute significantly to environmental health. Similarly, Article 47 obligates States/UTs to improve public health, which is intrinsically linked to the availability of tree cover that mitigates pollution and creates healthier living conditions.

4.1.3. Although Article 51A(g) primarily emphasises citizens' duty to protect the environment, it also requires States/UTs to create enabling conditions through legislation and policies that promote tree conservation. Article 40 and Articles 243G and 243W empower local bodies such as panchayats and municipalities to take up environmental conservation, including afforestation and tree protection in their jurisdictions. States/UTs are responsible for supporting these bodies with frameworks and resources to fulfil this mandate.

4.1.4. By addressing these constitutional provisions, States/UTs can ensure better public health, sustainable development, and environmental protection. Tree conservation is not just an environmental responsibility but also a vital element of governance that supports citizens' fundamental rights and duties. Hence, it is desirable that States/UTs legislate and implement policies that promote tree planting, regulate tree felling, and integrate tree preservation into broader development and public health initiatives.

4.2 National Forest Policy,1988

4.2.1. One of the primary objectives of the policy is to expand the forest and tree cover to one-third of India's total land area, with a focus on degraded lands. Non-forest areas, including urban, rural, and barren lands, play a significant role in increasing tree cover, and without a specific policy to protect and promote tree growth in these areas, the goal of expanding the country's tree cover would be difficult to achieve.

4.2.2. The policy also emphasises social forestry and community involvement, particularly among women, to reduce pressure on existing forests. A policy for non-forest areas can empower local communities by enabling them to participate in tree planting, management, and sustainable use, fostering both ecological restoration and economic empowerment. This approach directly supports the policy's aim of reducing reliance on natural forests by encouraging alternative sources of tree cover in non-forest lands.

4.2.3. Additionally, the restoration of degraded lands is a key focus of the policy, and non-forest areas are ideal for afforestation and restoration projects. A policy for these lands would provide a structured approach to rehabilitating degraded areas, improving soil quality, preventing erosion, and enhancing water retention.

4.2.4. Furthermore, the policy advocates for tree farming and fodder cultivation, which can be promoted in non-forest areas through a clear legislative framework. Such a policy would integrate sustainable agricultural practices, providing economic benefits to farmers while reducing pressure on forest resources.

4.2.5. In conclusion, a policy dedicated to protecting and growing trees in non-forest areas is critical to meeting the National Forest Policy's objectives of expanding tree cover, restoring degraded lands, fostering community involvement, and promoting sustainable land use practices.

4.2.6. The goals/objectives of the National Forest Policy,1988 are as given below:

- *"Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.*
- *Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.*
- *Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the "interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.*
- *Checking the extension of sand-dunes in the desert areas of Rajasthan and along the coastal tracts.*
- *Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.*
- *Meeting the requirements of fuel-wood, fodder, minor forest produce and small timber of the rural and tribal populations.*
- *Increasing the productivity of forests to meet essential national needs."*

- Encouraging efficient utilisation of forest produce and maximising substitution of wood.
- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests."

4.3 Exemption under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980

4.3.1. Initially provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 were mostly applied to the notified forest land only. Subsequently, after the Judgement dated 12.12.1996, the Act was made applicable to revenue forest land or in lands which were recorded as forest in government records and to areas which look like forest in their dictionary meaning. Many of such lands were already put to non-forestry use such as habitations, institutions, roads, etc. with the required approval of the competent authority. This situation resulted in different interpretations of the provisions of the Act with respect to their applicability specially in recorded forest lands, private forest lands, plantations, etc.

4.3.2. Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was amended in year 2023 and a suitable para was inserted in the amended Act. As per this para, the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall not be applicable to such trees, tree plantation or re-afforestation raised on the lands that are not specified as notified forest or recorded forest as per clause a or clause b of subsection 1 of the Adhiniyam. As per this para, the plantation raised on non-forest land are not covered under the provisions of the Adhiniyam. The introduction of this amendment may promote Agroforestry and tree outside forest, which is required in economic as well as ecological interests.

4.4 National Transit Pass System (NTPS)

4.4.1. NTPS is a transformative initiative aimed at promoting agroforestry and ensuring sustainable timber availability by addressing challenges in the transit of timber and forest produce. Previously, transporting timber across States/UTs was hindered by complex state-specific transit rules, requiring separate permits in each state. NTPS simplifies this process with a unified "One Nation-One Pass" system, enabling seamless inter-state and intra-state transit of timber through a digital platform. This streamlined system encourages farmers and tree growers to adopt agroforestry practices without fear of bureaucratic delays or logistical hurdles.

4.4.2. As of January 06, 2025, the NTPS has been implemented in 27 States and Union Territories, significantly enhancing the ease of doing business for tree growers, farmers, and transporters. A total of 1,68,097 applications have been received on the NTPS platform, resulting in the issuance of 94,875 Transit Permits (TPs) and

60,654 No Objection Certificates (NOCs). The platform has also generated over ₹4.14 crore in transit fees through its online payment gateway.

4.4.3. NTPS allows users to self-generate NOCs for exempted tree species, ensuring these NOCs are valid across States/UTs, even in States/UTs where the species are regulated. This uniform framework reduces compliance burdens and facilitates inter-state trade, making agroforestry a more viable economic activity. By enabling efficient transportation of timber from non-forest areas, such as private lands and agroforestry plantations, NTPS aligns with the goals of the National Forest Policy of 1988, which emphasizes expanding tree cover and promoting sustainable land use.

4.4.4. Through enhanced transparency, uniformity, and revenue generation, NTPS supports sustainable timber production, improves market access for farmers, and fosters economic growth, making it an essential tool for promoting agroforestry and achieving national environmental and economic goals.

4.5 State/UT legal framework

4.5.1. It has been found that 32 States and UTs have Acts, Rules, and Guidelines to protect the trees in non-forest areas with variations in the protection given, the necessity of compensatory plantation and other necessary provisions for the protection of trees as per the local requirement. A detail analysis of extant provisions for protection of Trees in non-forest land is attached as **Annexure XIII(A&B)**. A summary of the analysis is given below:

4.5.2. 21 States/UTs have the provisions for growth (namely - Andhra Pradesh, Chandigarh, DNH & DD, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Ladakh, Maharashtra, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Telangana, Uttarakhand and Uttar Pradesh).

4.5.3. 30 States/UTs have the provisions for cutting/felling (namely - Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, DNH & DD, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Ladakh, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tamilnadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal).

4.5.4. 06 States/UTs have provisions for pruning of trees. Out of 06 States/UTs, only 02 (namely Chandigarh and Delhi) have elaborative guidelines for pruning, but the other 04 (namely Gujarat, Maharashtra, Puducherry and Telangana) have mentioned the provisions in brief.

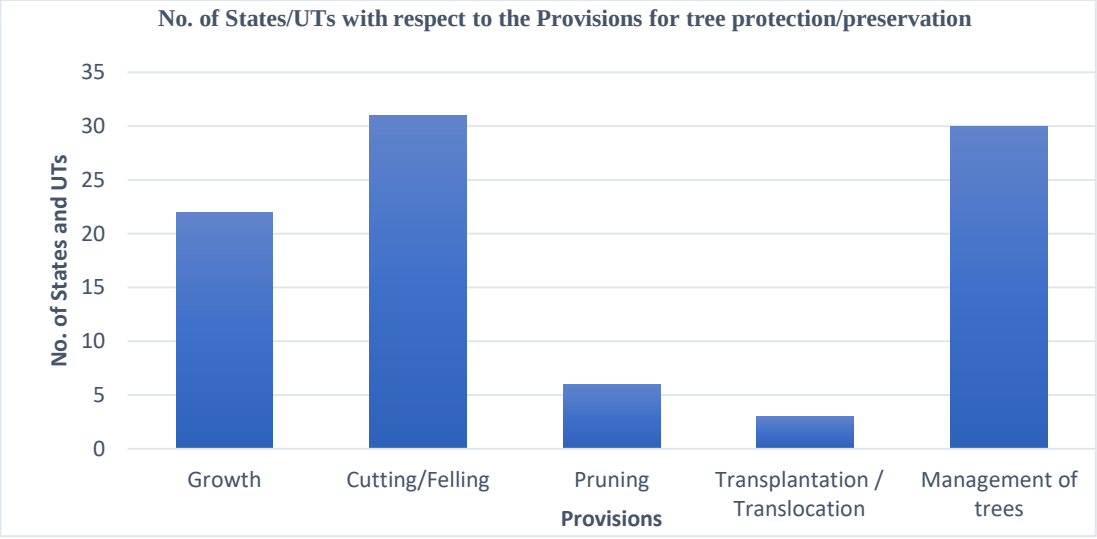
4.5.5. Only 03 of those have the relevant provisions for the Transplantation /Translocation of trees and it is to state that, 01 UT i.e. Delhi has the detailed policy for Transplantation /Translocation while the other 02 (namely Goa and Maharashtra) have only mentioned a few clauses in their respective Acts.

4.5.6. 31 States/UTs have addressed the issues like overall management (namely - Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, DNH & DD, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Ladakh, Lakshadweep, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tamilnadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal.

4.5.7. SOP/Guidelines for the pruning of the trees are operational only in Chandigarh. The guideline for pruning in Delhi has been recently struck down by the Hon'ble High Court of Delhi.

4.5.8. SOP/Guidelines for the transplantation and translocation of the trees are available only in Goa, Maharashtra and Delhi.

4.5.9. Analysis of provisions for the protection of trees in non-forest land has also been presented in the following graph:



4.6 National Environment Policy (NEP), 2006

It promotes environmental protection through sustainable development, incorporating principles that support tree and forest conservation as part of broader ecological preservation. The key provisions in NEP for tree protection are:

4.6.1. Conservation of Biodiversity:

- The NEP recognizes the need to conserve biodiversity, which inherently includes trees as critical components of ecosystems. It calls for the sustainable use of biological resources and the protection of forests, wetlands, and other critical habitats.
- The policy aims to integrate biodiversity considerations into sectoral policies, including those related to land use and forestry, to ensure that trees and forest ecosystems are protected from over-exploitation.

4.6.2. Forest and Tree Conservation:

- It stresses the importance of forests as carbon sinks and advocates for enhancing the national tree cover. The NEP outlines strategies to address deforestation and degradation of forests, focusing on afforestation and reforestation efforts to restore the ecological balance.
- Sustainable Forest Management: Encourages the sustainable management of forests and green cover, including the regulation of deforestation and illegal logging.

4.6.3. Regulation of Land Use:

- The NEP advocates for more environmentally sustainable land-use practices. This includes ensuring that developmental activities do not adversely affect forest cover and tree ecosystems. This provision aligns with the principle of environmental impact assessments (EIA), ensuring that land use does not come at the cost of cutting down critical forests and trees.

4.6.4. Afforestation and Reforestation Programs:

- The policy recommends expanding and strengthening afforestation and reforestation programs, which directly benefit tree cover. It encourages the participation of local communities and panchayats in such initiatives, fostering a collective responsibility for tree preservation.

4.6.5. Community and Local Participation:

- A key strategy in the NEP is involving local communities in the protection and management of natural resources, including trees. By encouraging community-based forest management, the policy seeks to balance environmental conservation with local livelihood needs, ensuring trees are protected while empowering communities.

4.6.6. Institutional Framework for Protection:

- The NEP also advocates for strengthening the institutional mechanisms for environmental protection, such as the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and State/UT-level tree protection laws. This ensures that enforcement mechanisms are in place to protect trees and prevent illegal logging or deforestation.

4.7 National Clean Air Programme (NCAP):

The NCAP, launched by the Government of India in 2019, primarily aims to reduce air pollution across the country by targeting a 20-30 % reduction in particulate matter (PM_{10} and $PM_{2.5}$) by 2024. While the NCAP does not explicitly include tree protection as a separate mandate, it recognizes the importance of green cover and tree planting as part of its broader strategy to improve air quality.

4.7.1. Provisions Related to Tree Protection and Green Cover in NCAP:

1. Promotion of Green Cover:

- Green Belts: NCAP encourages the creation of green belts, urban forests, and tree plantations in pollution hotspots and urban areas. Trees play a crucial role in absorbing pollutants like carbon dioxide (CO_2) and particulate matter, thus improving air quality.
- Urban Forests: The programme highlights the need for urban greenery to act as natural air purifiers. Urban forests, parks, and tree-lined roads contribute significantly to enhancing air quality in cities with high pollution levels (as noted in the National Forest Policy, 1988).

2. Afforestation and Reforestation Initiatives:

- Plantation Campaigns: Afforestation and reforestation efforts are critical components of the NCAP's approach to mitigating air pollution. Expanding tree cover is specifically recommended in areas where deforestation or urban sprawl has led to a loss of trees and worsening air quality.
- Government and Community Participation: NCAP encourages local bodies to involve communities in afforestation initiatives and tree conservation efforts. Local governments, alongside environmental NGOs and communities, are encouraged to create green spaces, which naturally support air quality improvement.

3. Integration with Other Programs:

- Smart Cities Mission: The NCAP works in tandem with initiatives like the Smart Cities Mission, which promotes eco-friendly urban planning. This includes the incorporation

of tree planting and green infrastructure, such as tree-lined streets and parks, to improve air quality and reduce urban heat islands.

- Clean Air Action Plans: Each city is required to implement a Clean Air Action Plan as part of NCAP. These plans may include steps for enhancing green cover to act as a pollution buffer and mitigating the impacts of industrial emissions, vehicular exhaust, and other sources of air pollution.

4. Monitoring and Assessment:

- Real-Time Air Quality Monitoring: The NCAP provides for a network of real-time air quality monitoring stations in cities, which assess the effectiveness of measures like increased tree cover and green spaces. By integrating air quality data, the government can fine-tune policies related to tree planting and other green initiatives.

4.8 Commission for Air Quality Management in National Capital Region and Adjoining Areas (CAQM)

CAQM, established in 2020, plays a pivotal role in air quality management in the National Capital Region (NCR) and adjoining areas. The CAQM under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021, has the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, to protect and improve the quality of the air in the National Capital Region and adjoining areas. Further, one of the functions of CAQM under the aforesaid Act is to provide an effective framework, action plan and take appropriate steps for increasing plantation.

CAQM has also come out with a comprehensive policy for control of air pollution in Delhi-NCR, containing sector-wise recommendations for Agencies and Departments of Central/State Governments, and also includes actions for abating air pollution through greening and plantation. The policy interventions as per the policy are given below:

- Expanding the net of "Nagar Van" and "Nagar Vatika", wherever feasible, in urban agglomerations and cities in NCR, including the adoption of the MIYAWAKI technique for dense plantation in limited urban spaces.
- Mass plantation drives focusing on proper nurturing and better survival rate, prioritising native species and protection of all categories of forest areas.
- Target-oriented action plans for greening/paving of central verges and sidewalks along the entire road network.

4.8.1. Role of CAQM in Tree Plantation and Protection

1. **Promotion of Green Cover:**
    - Extensive greening and plantation in open areas in NCR, particularly along the central verges of roads, roadsides/pathways etc. has all along been identified by

the Commission as an effective means towards mitigating high levels of dust, which is one of the prime concerns for poor air quality, particularly in the dry summer seasons in the entire NCR.

- In the wake of the scarcity of open land areas in dense urban agglomerates, the Commission has been promoting greening and plantation drives through effective urban forestry initiatives, particularly focusing on the Miyawaki Technique. Further, the Commission has advised all the road-owning agencies in NCR to target complete greening of the central verges/medians of major trunk roads as also, to the extent possible, on roadsides and open areas along the right of way.

2. Coordinating with Local Authorities:

- The commission in active participation and collaboration with state governments and local bodies has crossed significant milestones in its endeavour for extensive greening and plantation.

3. Collaboration with Environmental Organizations:

- The CAQM in its meetings with the representatives of NCR State Governments/ GNCTD, Central Agencies and major academic institutions, and higher education/ research institutions of NCR have encouraged the involvement of Non-Governmental Organisations (NGOs) and Resident Welfare Associations (RWAs) in plantation drive and has further highlighted that various Information, Education, and Communication (IEC) activities may also be taken up by institutions in this regard.

4.9 National Agroforestry Policy, 2014

4.9.1. The National Agroforestry Policy 2014 significantly influences tree management in non-forest areas by promoting the integration of trees into agricultural landscapes. It encourages farmers to plant and manage trees alongside crops and livestock, addressing both environmental and economic needs.

4.9.2. One of the key impacts is the removal of regulatory barriers. Previously, strict laws on tree felling, transportation, and sale discouraged tree planting on private land. The policy advocates for a simplified regulatory framework, allowing farmers to grow, manage, and benefit from trees freely, which fosters large-scale tree planting in non-forest areas.

4.9.3. By emphasizing native and productive tree species, the policy ensures ecological balance while enhancing farmers' incomes through sustainable harvesting of timber, fuelwood, fodder, and non-timber forest products (NTFPs). This reduces

pressure on natural forests as agroforestry provides an alternative source for wood-based products, aiding in forest conservation.

4.9.4. The policy's support for agroforestry research and extension services equips farmers with knowledge on best practices for tree management, ensuring higher survival rates and better growth of planted trees. Additionally, financial incentives under programs like the Sub-Mission on Agroforestry (SMAF) encourage farmers to adopt tree-based systems, improving tree cover in degraded and agricultural lands.

4.9.5. Agroforestry's contribution to climate resilience and carbon sequestration helps align tree management policies with global environmental goals. By improving soil fertility, preventing erosion, and conserving water, it ensures sustainable management of trees in non-forest areas.

4.9.6. Overall, the policy transforms tree management in non-forest areas by empowering farmers, reducing dependency on forests, and promoting large-scale tree planting. This enhances green cover, biodiversity, and rural livelihoods, contributing to sustainable land management and climate mitigation.

4.10 National Biodiversity Act, 2002

4.10.1. The National Biodiversity Act, 2002 plays a critical role in promoting tree management in non-forest areas by ensuring biodiversity conservation, sustainable use of biological resources, and equitable benefit-sharing. To fulfil India's commitment to the Convention on Biological Diversity (CBD), the Act protects ecosystems and promotes the preservation of trees in agricultural lands, urban landscapes, and degraded areas.

4.10.2. One significant impact of the Act is the conservation of indigenous and native tree species, which helps maintain biodiversity and ecological balance in non-forest regions. It discourages overexploitation of biological resources and ensures sustainable harvesting of tree products like timber, fruits, and medicinal plants.

4.10.3. The Act also encourages community involvement in tree management by protecting traditional knowledge and practices. Local communities play a vital role in identifying and conserving valuable native tree species, ensuring tree preservation is integrated into rural livelihoods and cultural traditions.

4.10.4. Through its Access and Benefit Sharing (ABS) mechanism, the Act incentivizes tree management by ensuring that economic benefits derived from the commercial use of biological resources are shared with local communities. This promotes sustainable practices and encourages the plantation and care of trees in non-forest areas.

4.10.5. Furthermore, the Act supports tree-based livelihoods by promoting agroforestry, orchard development, and biodiversity-friendly land-use systems. By integrating native trees into farming and urban landscapes, it enhances ecosystem services such as carbon sequestration, soil conservation, and groundwater recharge.

4.10.6. In summary, the National Biodiversity Act, 2002 strengthens tree management in non-forest areas by fostering biodiversity conservation, supporting community participation, and promoting sustainable use. It aligns ecological preservation with economic benefits, ensuring that trees are protected and managed effectively in landscapes outside traditional forest boundaries.

4.11 Environment (Protection) Act, 1986

4.11.1. The Environment **(**Protection**)** Act, 1986 (EPA) serves as a comprehensive framework for safeguarding the environment, including regulating tree management in non-forest areas. While primarily designed to address environmental pollution and degradation, its provisions significantly influence the conservation and management of trees outside traditional forest landscapes.

4.11.2. Under the EPA, the government is empowered to notify Eco**-**Sensitive Zones **(**ESZs**)** around protected areas, regulating activities such as tree felling, land-use changes, and industrial operations. These regulations aim to preserve native vegetation, reduce habitat fragmentation, and maintain ecological balance. Non-forest areas within ESZs often serve as vital buffers, with stringent tree management measures ensuring the continuity of ecosystem services.

4.11.3. In urban and rural non-forest areas, EPA provisions guide the development of green belts, urban forests, and roadside plantations. It mandates environmental clearances for projects involving tree removal, ensuring compensatory afforestation and adherence to sustainable land-use practices.

4.11.4. The Act also supports pollution abatement through tree plantation initiatives, promoting species that improve air quality in areas with high Air Quality Index (AQI). It integrates community participation, enabling local bodies to undertake greening projects aligned with EPA goals. By addressing non-forest tree management, the EPA complements other legislations like the Biological Diversity Act, fostering a holistic approach to environmental conservation

4.12 National Working Plan Code (NWPC), 2023

4.12.1. The National Working Plan Code (NWPC), 2023 serves as a guiding framework for sustainable forest management, including the management of Trees Outside Forests (TOF). It recognizes the ecological, economic, and social significance of trees grown on agricultural lands, urban areas, and other non-forest landscapes. By

integrating modern practices with traditional management, the NWPC 2023 ensures long-term sustainability and enhanced ecosystem services.

4.12.2. The code emphasizes the role of TOF in biodiversity conservation, carbon sequestration, and pollution mitigation. It provides clear guidelines for species selection, prioritizing native, climate-resilient, and pollution-abating species to enhance ecological restoration and mitigate the effects of climate change. In urban areas, it advocates for greening initiatives such as the development of urban forests, roadside plantations, and green belts, contributing to better air quality and urban resilience.

4.12.3. For rural landscapes, NWPC 2023 promotes agroforestry systems that integrate trees with agricultural practices, increasing productivity and providing livelihood opportunities. The code also supports compensatory plantations in degraded lands and eco-sensitive zones, aligning TOF management with national biodiversity and climate goals.

4.12.4. Technological integration is a cornerstone of NWPC 2023. It mandates the use of GIS, remote sensing, and digital tools for monitoring tree plantations, ensuring transparency and accountability. It also emphasizes the integration of tree census data with larger biodiversity and ecological monitoring frameworks.

4.12.5. The NWPC 2023 aligns with India's international commitments, such as the Paris Agreement, and national initiatives like Mission LiFE, making TOF management a critical component of sustainable development. By addressing ecological, economic, and social dimensions, the NWPC 2023 ensures that TOF contributes meaningfully to environmental conservation, rural development, and urban sustainability.

4.13 Indian Forest and Wood Certification Scheme (IFWCS)

4.13.1. The Indian Forest and Wood Certification Scheme (IFWCS) serves as a critical framework for promoting sustainable tree management beyond traditional forest areas. It operates as a voluntary, market-based, third-party certification initiative aimed at incentivizing responsible wood production and consumption. By including certification categories such as Trees Outside Forests (TOF) and Chain of Custody Certification, IFWCS aligns with the principles of sustainable forest management and fosters ecological, economic, and social sustainability.

4.13.2. The scheme prioritizes sustainability in agroforestry and urban tree management, encouraging the integration of trees in agricultural and non-forest landscapes. This integration ensures enhanced biodiversity, carbon sequestration, and pollution mitigation while providing economic benefits to landowners and communities through market access for certified tree-based products. Certification under

IFWCS enhances credibility, facilitating better positioning in domestic and international markets.

4.13.3. Technological integration in the IFWCS ensures advanced monitoring and accountability. Geotagging and digital tracking of TOF plantations promote transparency and provide data for scientific and policy-making purposes. The scheme's alignment with global standards, such as those of the Programme for the Endorsement of Forest Certification (PEFC), further enhances its relevance and applicability.

4.13.4. The IFWCS strengthens governance by ensuring that certification processes follow robust guidelines, including periodic audits and adherence to ecological benchmarks. It also facilitates collaborations between communities, private entities, and government bodies, enabling sustainable management of TOF and reducing pressure on natural forests.

4.13.5. By fostering a holistic approach to tree management outside forests, IFWCS ensures a balance between economic development, biodiversity conservation, and climate action, supporting national commitments under the Paris Agreement and other environmental goals.

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Management Roles

5. Management Roles:

5.1 The State List under the Seventh Schedule of the Constitution of India includes specific entries that empower State Governments to legislate and regulate matters related to land, agriculture, water, and public health. These entries establish that the protection and management of trees in non-forest areas fall primarily within the jurisdiction of the States/UTs.

5.2 Entry 6, which pertains to public health and sanitation, recognises that public health is directly linked to environmental quality. Trees play a vital role in improving air quality, reducing urban heat, and supporting a healthier environment. This enables States/UTs to legislate measures for the preservation, growth, and planting of trees to safeguard public health in both urban and rural areas.

5.3 Entry 14, which deals with agriculture, allows States/UTs to legislate on matters such as tree planting and protection on agricultural lands. Trees provide essential benefits to agriculture, including soil conservation, crop protection, and shelter belts, which are critical for ensuring sustainable farming practices. This entry empowers States/UTs to promote tree conservation as part of agricultural policies.

5.4 Entry 17, concerning water management, gives States/UTs the authority to legislate for the protection and conservation of water resources, which are closely linked to tree cover. Trees aid in water conservation by preventing soil erosion, improving groundwater recharge, and protecting the health of water bodies. States/UTs can use this entry to implement policies for planting and conserving trees along canals, embankments, and other water storage areas.

5.5 Entry 18, which addresses land and the "rights in or over land," provides States/UTs with comprehensive powers to regulate land use and associated vegetation. This includes the right to legislate on the ownership and management of trees on revenue lands, agricultural lands, and other non-forest areas. Under this entry, States/UTs can determine land-use policies that incorporate tree preservation, regulate tree felling, mandate compensatory plantation, and incentivise tree planting on private and public lands. It also allows States/UTs to integrate tree conservation into land improvement schemes, agricultural loans, and sustainable development initiatives.

5.6 These provisions collectively affirm that the responsibility for protecting trees in non-forest areas primarily lies with State Governments and UT Administrations. Through their legislative powers under Entries 6, 14, 17, and 18, States/UTs can effectively address the ecological, agricultural, and public health dimensions of tree conservation.

This also enables them to create region-specific policies and frameworks that cater to the unique environmental and socio-economic needs of their territories.

5.7 In the continuity of above established constitutional responsibilities, the matter regarding the felling/translocation of trees outside forest areas is also under consideration before the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 25047/2018 - Association for Protection of Democratic Rights & Anr vs The State of West Bengal & Ors. The MoEF&CC has filed its detailed response and opined that there is no requirement to frame a separate national-level Model Act as there are enough statutory provisions to safeguard the publicly owned trees on non-forest land by States/UTs. A copy of the affidavit of MoEF&CC is placed at **Annexure XIV.**

5.8 Enforcement of Acts and Rules: Existing Acts and Rules need to be enforced effectively by States/UTs to maintain a healthy Green Cover in the country. For this purpose, institutional arrangements need to be suitably strengthened in the States and UTs. Existing vacancies in the Forest Departments need to be filled. Further, existing staff need to be trained on the application of the latest technologies available globally for Forest management.

5.9 Role of MoEF&CC: The Ministry of Environment, Forest and Climate Change (MoEF&CC) and its associated scientific institutions have a pivotal role in supporting States/UTs by providing regular guidance and consultations for tree conservation and growth policies. These institutions, including the Indian Council of Forestry Research and Education (ICFRE), the Indian Institute of Forest Management (IIFM), and regional research centres, can offer scientific insights and technical expertise to assist States/UTs in designing and implementing effective policies.

5.10 Their support may include developing standardized frameworks for tree protection, offering training programs for state officials and frontline staff, and conducting region-specific research to address local ecological challenges. Additionally, these institutions can facilitate knowledge sharing by organizing workshops, conferences, and collaborative projects to promote best practices in agroforestry, urban greening, and biodiversity conservation.

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Additional Interventions

6. Advisories and Draft Tree management guidelines as per TOR:

6.1 Consultation: With inputs from the expert institutions, analysis of the past data, review of the existing documents/literature and consultations with the stakeholders, specific interventions have been proposed as per the Terms of Reference mentioned in the order dated 05.04.2024 of the Hon'ble NGT.

6.2 **TOR 1**: Formulation of policy, enactment of statutory framework and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same

As per the extant statutory framework and policy enunciated in section 4 of this report, the following Advisory has been proposed:

6.2.1. Introduction

- Purpose
  To provide a comprehensive, localized, and implementable framework for sustainable tree management in non-forest areas, enhancing environmental benefits and community involvement.
- Scope
  This advisory applies to all non-forest areas, including urban, peri-urban, agricultural lands, and community spaces in States and UTs.

6.2.2. Policy Objectives

- Sustainability: Ensure long-term health and viability of trees through effective management and silvicultural practices.
- Community Engagement: Foster active participation of the local communities in tree planting and care.
- Biodiversity Conservation: Promote native species and protect local ecosystems.
- Economic Viability: Support livelihood opportunities linked to sustainable tree management.
- Clarity and Accessibility: Develop policies and procedures that are simple, practical, and supportive of tree plantation initiatives.

6.2.3. Legal Framework

- Localized Definitions: States/UTs are encouraged to define tree management activities (e.g., pruning, felling, transplantation, pollarding) considering their local species, climate suitability, zoning regulations, and socio-economic conditions. The definitions should align with ecological priorities and community needs, ensuring clarity and simplicity for implementation.
- Definition of Offenses: Clearly define offences such as unauthorized tree felling, ensuring they are implementable and not overly punitive. Avoid deterrents that could discourage tree planting while maintaining accountability.
- Legal Compliance: Ensure alignment with national laws such as the Indian Forest Act, 1927, and the Environment Protection Act, 1986, while adapting them to the local contexts. Additionally, ensure compliance with directions issued by Hon'ble courts on tree management, biodiversity, and environmental protection.

6.2.4. Assessment and Planning

- Baseline Assessment: Conduct inventories of tree cover, species diversity, and ecological conditions to inform planning.
- Localized Management Plans: Develop plans that integrate zoning regulations, habitat conservation, and community priorities.
- Research-Based Policies: Leverage field data and online data generated through platforms like NIRANTAR to design evidence-based policies and practices for tree management.

6.2.5. Growth and Planting Guidelines

- Species Selection: Encourage planting of native and climate-resilient species suited to local ecosystems.
- Community Involvement: Organize regular tree planting drives to enhance public engagement and stewardship.
- Planting Techniques: Provide guidance on best practices for planting and aftercare to maximize tree survival rates.

6.2.6. Protection and Preservation Guidelines

- Protection Zones: Designate areas where tree cutting is restricted, such as water bodies, urban green spaces, and biodiversity hotspots.
- Self-Declaration Mechanism: Simplify compliance through self-declaration for routine activities like pruning or minor maintenance. Introduce clear processes for tree-related permissions to reduce administrative burden.

- Community Monitoring: Enable the local communities to assist in monitoring and safeguarding tree health.

6.2.7. Pruning and Maintenance Guidelines

- Localized Guidelines: States/UTs should establish region-specific pruning, maintenance, and disease management practices, considering climatic and ecological factors.
- Maintenance Protocols: Encourage routine care, including watering, mulching, and pest control.

6.2.8. Monitoring and Evaluation

- Impact Assessment: Regularly evaluate tree growth, health, and environmental impact through standardized monitoring systems.
- Data-Driven Monitoring: Utilize real-time data generated through digital platforms like NIRANTAR to ensure efficient tracking and decision-making for tree management initiatives.
- Reporting Mechanisms: Implement streamlined reporting systems for violations, tree health, and community feedback.

6.2.9. Resource Provisioning

- Financial Support: Allocate resources for training, tools, and operational requirements for effective implementation.
- Capacity Building: Provide structured training and certification programs for manpower requirements in various aspects of tree management, including planting, maintenance, and monitoring.
- Integration with Digital Platforms.
- Ensure all permissions, including felling, pruning, and transplantation, are made available online wherever feasible.
- Automate processes for application, review, and approvals, integrating clear timelines to enhance efficiency and transparency.
- Leverage technology for monitoring, self-declaration, and reporting mechanisms to reduce administrative burdens.

6.2.10. Public Consultation and Engagement

- Stakeholder Involvement: Engage local communities, NGOs, and industry stakeholders during policy formulation and implementation phases.
- Feedback Channels: Create accessible platforms for continuous stakeholder feedback to refine policies.

6.2.11. Review and Adaptation

- Periodic Review: Update policies and frameworks based on evolving environmental conditions and research findings.
- Adaptive Management: Encourage flexible approaches to respond to local challenges and monitoring outcomes.

6.2.12. Adoption of the latest technologies to gain optimum ecological and economic benefits from tree planting:

- The setting up of Hi-Tech nurseries to grow healthy seedlings.
- The plantation of healthy and tall seedlings as per site conditions.
- Timely maintenance of the planted seedlings.

6.2.13. Adoption of Value chain system comprising of the following:

- Site selection
- Plantation of suitable seedlings on the selected sites
- Harvesting of matured trees sustainably
- Transportation of harvested trees
- Addition of value- processing of timber and other produce
- Packaging and branding of finished products
- Sale of finished products in regional, national and international markets
- Certification of nurseries, plantations and harvests

6.3 TOR 2: Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas

6.3.1. Following Advisory has been proposed for Rural areas

6.3.1.1. **Introduction**

- Purpose
  To establish a localized and responsible framework for the cutting, felling, and pruning of trees in rural areas, promoting environmental sustainability, safeguarding livelihoods, and ensuring adherence to the legal requirements, including the directions of Hon'ble courts issued from time to time.
- Scope
  These guidelines/advisories shall apply to all tree management activities, including those on public and private lands within rural contexts across India.

6.3.1.2. **Policy Framework**

- Legal Compliance: Align policies with the Indian Forest Act, 1927, the Environment Protection Act, 1986, relevant State laws, and local regulations. Additionally, ensure compliance with directions issued by Hon'ble courts on tree management, biodiversity, and environmental protection.
- Permit Requirements: Guideline/Advisories have been issued for exemption of bamboo, agroforestry tree species and medicinal plants grown on non-forest/private land from felling and transit regime by the MoEF&CC vide letters dated 11.07.2014, 18.11.2014, 06.10.2017, 09.10.2017, 23.01.2018 and 01.01.2020. As of now, 27 major States/UTs have exempted a good number of agroforestry tree species from the transit and felling regime in non-forest land. The summary of exemption from felling and transit regime in non-forest/private land are given below:

S.No.	State/UTs	No. of species exempted from Felling	No. of species exempted from Transit
1.	Andhra Pradesh	-	21
2.	Bihar	Permission not required	27
3.	Chhattisgarh	Permission not required	8
4.	Gujarat	86	86
5.	Haryana	4	No transit rule
6.	Himachal Pradesh	24	24
7.	Jharkhand	-	22
8.	Karnataka	27	45
9.	Kerala	-	60 (within state)
10.	Madhya Pradesh	-	62
11.	Maharashtra	All except 15	17
12.	Odisha	-	24
13.	Punjab	6	No transit rule
14.	Rajasthan	-	32
15.	Tamil Nadu	-	36
16.	Uttarakhand	-	23
17.	Assam	9	-
18.	Meghalaya	Horticulture tree species (Schedule A1 37 trees and scheduled A2: 60 species)	Horticulture tree species (Schedule A1 37 trees and scheduled A2: 60 species)
19.	Mizoram	21	21
20.	Nagaland	11	11
21.	Tripura	6	6
22.	Telangana	40	40
23.	Uttar Pradesh	All except 5	All except 5
24.	West Bengal	-	10

25.	Arunachal Pradesh	-	-
26.	Goa	Exempt registered commercial plantation	Exempt registered commercial plantation
27.	Jammu &Kashmir	-	14
28.	Manipur	-	22
29.	Sikkim	5	5
30.	Andaman & Nicobar	-	1
31.	Chandigarh	-	No transit rule
32.	Dadra & Nagar Haveli	-	-
33.	Daman & Diu	-	-
34.	Delhi	-	No transit rule
35.	Lakshadweep	-	-
36.	Puducherry	-	-
37.	Ladakh	-	-

The above-mentioned guidelines in 6.3.1.2 and the details of exemptions are annexed herewith at **Annexures XV, XVI, XVII, XVIII, XIX and XX** respectively.

- Further, relaxation may be considered by the States/UTs for encouraging the local people to plant more and more trees. While giving relaxation, the need for ecological stability should also be kept in consideration.
- Additionally, online facilities may be used for registration of plantation and issue of permits for the trees wherever required. The power to issue permits may be delegated to the local authorities.
- The facility of NTPS presently in force may be used for the transportation of harvested trees and other produce.
- Clarity of Definitions: States/UTs should define terms like cutting, pruning, pollarding, felling, and transplantation based on local conditions, species, zoning, and climate, ensuring ease of understanding for all stakeholders.

6.3.1.3. **Assessment and Planning**

- Tree Inventory: Conduct detailed inventories to assess tree species, age, health, and ecological significance, serving as the basis for planning and decision-making.
- Feasibility Assessment: Evaluate the necessity for cutting or felling, emphasizing alternatives such as selective harvesting or thinning to avoid ecological disruption.
- Research-Driven Policies: Utilize field and online data from platforms like NIRANTAR to support evidence-based decision-making and improve policy implementation.

6.3.1.4. **Cutting and Felling Guidelines**

- Selective Cutting: Focus on removing mature or hazardous trees while preserving younger and healthier ones to maintain forest structure, biodiversity, and ecological balance.
- Removal of Old or Hazardous Trees: Prioritize cutting and removal of trees that are dead, diseased, wind fallen or dangerous, while ensuring minimal disturbance to surrounding ecosystems.
- Mandatory Replanting Program: Implement replanting strategies with native species against every tree felled or transplanted, minimum of 5 saplings to ensure restoration and biodiversity conservation.
- Community-Led Replanting: Involve local communities in tree-planting initiatives, fostering ownership and stewardship.

6.3.1.5. **Pruning Guidelines**

- Region-Specific Pruning Practices: States/UTs should define pruning techniques suited to the local climatic, ecological, and socio-economic conditions.

  Pruning Techniques:
  - Crown Thinning: Remove select branches to improve light penetration and air circulation while maintaining the tree's natural shape.
  - Crown Raising: Remove lower branches to clear pathways for agriculture or livestock.
  - Deadwood Removal: Remove dead or diseased branches to promote healthier growth without significantly altering tree structure.
  - Seasonal Considerations: Prune during the dormant season (late winter to early spring) to reduce stress on the trees.

6.3.1.6. **Biodiversity Considerations**

- Conservation of Native Species: Prioritize native and endangered tree species to maintain ecological stability and biodiversity.
- Wildlife Assessments: Assess impacts on local wildlife, including nesting birds and species dependent on trees, before undertaking any tree management activities.

6.3.1.7. **Community Engagement**

- Public Awareness: Conduct regular training sessions and awareness workshops to educate the rural communities about sustainable tree management and its ecological benefits.

- Community Involvement: Engage the local communities, village panchayats, and NGOs in decision-making processes to promote stewardship and ownership of tree management activities.
- Gram panchayat should be made part of the tree plantation process in the rural areas.
- Village level institutions must be involved in planning and implementation of tree plantation schemes.
- Biodiversity Management Committees (BMC) may also be involved in tree plantation activities. Presently more than 2.7 Lakhs BMCs are working in the country.
- Capacity Building: Offer training and certification programs to build skilled manpower for activities like planting, maintenance, pruning and monitoring.

6.3.1.8. **Monitoring and Evaluation**

- Regular Monitoring: Implement systems for periodic monitoring of tree health and the ecological impacts of cutting, felling, and pruning activities.
- Digital Tools for Monitoring: Leverage platforms like NIRANTAR to collect, analyse, and visualise real-time data for tracking tree management practices.
- Documentation: Maintain comprehensive records of inventories, cutting permits, and replanting programs to ensure transparency, accountability, and ease of audit.

6.3.1.9. **Compliance and Enforcement**

- Offense Definition: Define offences related to illegal felling or pruning clearly, ensuring they are not overly punitive or deterrent to tree planting but effective enough to ensure accountability.
- Penalties for Violations: Establish proportionate penalties for unauthorized activities, including financial fines and mandatory replanting requirements.
- Revenue received as penalties may be shared with the concerned Gram Panchayats to augment their resources.
- Technology Integration: Use digital platforms to monitor compliance, issue permits, and enforce penalties efficiently.

6.3.1.10. **Review and Adaptation**

- Periodic Review: Schedule regular evaluations to update policies based on new research, stakeholder feedback, and court directions.
- Adaptive Management: Incorporate flexibility to adjust policies and practices in response to changing ecological conditions and monitoring outcomes.
- These guidelines ensure a balanced approach to rural tree management by harmonizing ecological sustainability, legal compliance, community

involvement, and technological innovation. By integrating directions of Hon'ble Courts, digital platforms, and evidence-based practices, the framework aims to foster a culture of accountability and stewardship in tree management.

6.3.2. Following Advisory has been proposed for Urban area

6.3.2.1. **Introduction**

- Purpose: To provide a structured approach for responsible cutting, felling, and pruning of trees in urban areas, ensuring ecological sustainability, public safety, and compliance with legal and regulatory requirements, including directions issued by Hon'ble courts from time to time.
- Scope: These guidelines/advisories shall apply to all tree management activities on municipal and private lands within urban regions across India.

6.3.2.2. **Policy Framework**

- Legal Compliance: Ensure alignment with the Indian Forest Act, 1927, State laws, and municipal regulations concerning urban tree management, along with any relevant court directives.
- Permits: Mandate obtaining permissions from relevant local authorities for cutting, felling, or significant pruning of trees. These processes should be digitized and automated wherever possible, with clear timelines to improve efficiency and transparency.

6.3.2.3. **Assessment and Planning**

- Tree Assessment: Conduct a detailed evaluation of trees identified for cutting or felling, considering:
  - Overall health and structural integrity
  - Species type and ecological value
  - Potential hazards to infrastructure, public safety, or utilities
- Feasibility Study: Assess the necessity of cutting or felling, exploring alternatives like relocation or crown reduction to mitigate environmental impact.
- Research-Based Planning: Leverage field data and digital platforms like NIRANTAR to develop evidence-based strategies for urban tree management.
- Space for greening should be earmarked in the Master Plan for the development of towns and cities.
- Shelterbelt plantations should also be created at the periphery of towns and cities to absorb pollutants so as to maintain a clean and green environment in urban areas.

- Smart trees i.e. trees that provide maximum ecosystem services need to be planted in urban areas.

6.3.2.4. **Cutting and Felling Guidelines**

- Selective Cutting: Prioritize selective cutting over clear-cutting to preserve the urban canopy, biodiversity, and ecosystem services.
- Removal of Obsolete Trees: Focus on removing dead, dying, wind fallen and dangerous trees while avoiding ecological disruption.
- Mandatory Replacement Policy: Implement replanting strategies with native species against every tree felled or transplanted, a minimum of 5 saplings to ensure restoration and biodiversity conservation.

6.3.2.5. **Pruning Guidelines**

- Pruning Techniques: Implement best practices to maintain structural integrity and promote healthy tree growth:
- Crown Thinning: Reduce branch density while retaining the tree's natural form.
- Crown Raising: Remove lower branches for pedestrian and vehicle clearance.
- Deadwood removal: Eliminate dead or diseased branches to improve tree health without significantly altering its shape.
- Seasonal Timing: Prune during dormant growth seasons (late winter or early spring) to reduce stress and encourage regrowth.

6.3.2.6. **Biodiversity Considerations**

- Preservation of Native Species: Emphasize the protection and propagation of indigenous tree species that provide ecological and cultural benefits.
- Wildlife Impact Assessment: Consider impacts on local wildlife, including nesting birds and arboreal species, before undertaking any tree management activities.

6.3.2.7. **Community Engagement**

- Public Awareness Programs: Organize campaigns to educate residents about the ecological and social benefits of urban trees, as well as the need for responsible tree management practices.
- Stakeholder Participation: Involve local communities, resident welfare associations, and environmental organizations in tree management decisions to enhance accountability and foster stewardship.
- Urban local bodies should be actively involved in the planning and implementation of tree plantation schemes.

6.3.2.8. **Monitoring and Maintenance**

- Regular Inspections: Establish schedules for routine inspections of urban trees, especially in areas prone to extreme weather events.
- Record-Keeping: Maintain comprehensive records of assessments, pruning, cutting, and replanting activities for transparency and informed urban forestry planning.
- Capacity Building: Introduce training and certification programs for arborists and tree care personnel to enhance the quality and consistency of tree management practices.

6.3.2.9. **Compliance and Penalties**

- Clarity in Regulations: States and urban local bodies (ULBs) should define offenses related to illegal cutting, felling, and pruning clearly to ensure consistency and fairness in enforcement.
- Enforcement Mechanisms: Develop robust mechanisms to address violations, including appropriate penalties, and use technology to streamline enforcement processes.

6.3.2.10. **Review and Improvement**

- Regular Review: Periodically update the guidelines to incorporate best practices, stakeholder feedback, and changes in legal or environmental contexts.
- Adaptive Strategies: Promote flexibility in implementation based on outcomes of monitoring and evolving urban forestry challenges.
- This framework ensures urban tree management aligns with ecological, legal, and community objectives while leveraging technology, research, and public participation to foster sustainable urban green spaces.

6.4 TOR3: Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees

The following Advisory has been proposed:

6.4.1. Objective

- To provide a systematic framework for the successful transplantation or translocation of trees, ensuring their survival, ecological integrity, and minimal impact on the ecosystem.

6.4.2. Scope

- These guidelines/ advisories shall apply to all stakeholders, including government bodies, private contractors, and community organizations, involved in tree transplantation or translocation for conservation, landscaping, infrastructure development, or other purposes.

6.4.3. Definitions

- Transplantation: Relocating a tree within the same site to improve space utilization or avoid damage.
- Translocation: Relocating a tree to a different site, often with different environmental conditions, for ecological, cultural, or developmental purposes.

6.4.4. Pre-Transplantation/Translocation Preparations

- Site Assessment:
  - Evaluate the conditions at the new location, including soil type, pH, moisture levels, sunlight availability, and wind exposure.
  - Ensure that the site is conducive to the species' growth and long-term survival.
- Timing:
  - Conduct transplantation/translocation during dormant seasons, such as late fall or early spring, to reduce stress on the tree.
- Permissions and Documentation:
  - Secure necessary permits from local authorities as per applicable laws and regulations.
  - Document all stages of the process for transparency and compliance.

6.4.5. Tree Selection and Preparation

- Selection of Trees:
  - Prioritize healthy native trees that are free from pests, diseases, or structural damage.
  - Ensure that the species is suitable for the intended location's environmental conditions.
- Pruning and Preparation:
  - Prune excess branches to minimize stress and improve stability during transportation.
  - Water the tree thoroughly 24 hours before the transplantation process.
- Root Preparation:
  - For smaller trees, ensure that the root ball size is 12 inches in diameter for every inch of trunk diameter.

- For larger trees, engage specialized teams and equipment for proper root balling and stabilization.

6.4.6. Execution and Transportation

- Uprooting Techniques:
  - Use manual or mechanical methods appropriate to the tree's size and root system to prevent damage.
  - Preserve the integrity of the root ball with protective coverings during excavation.
- Transportation:
  - Use suitable vehicles and equipment to ensure minimal disturbance to the tree during transit.
  - Protect roots, branches, and foliage from physical damage, temperature extremes, and dehydration during the journey.
  - Transplantation and translocation should be only in cases where it is required.

6.4.7. Post-Transplantation/Translocation Care

- Planting:
  - Position the tree at the correct depth, ensuring that the root flare is visible above the soil line.
  - Backfill with soil mixed with organic matter to promote root growth.
- Watering and Mulching:
  - Water the tree immediately after planting and establish a consistent watering schedule.
  - Apply a layer of organic mulch around the base to retain moisture and regulate soil temperature.
- Stabilization:
  - Install supports or braces to secure the tree in its new location, particularly in high-wind areas.
- Monitoring and Maintenance:
  - Conduct regular inspections to assess the tree’s health and address any signs of stress or disease.
  - Continue care for at least two years post-transplantation to ensure successful establishment.

6.4.8. Training and Certification

- Introduce training and certification programs for professionals involved in tree transplantation/translocation to ensure best practices.

- Develop modules focusing on tree selection, root ball preparation, site assessment, and aftercare.

6.4.9. Integration with Digital Platforms

- Utilize digital platforms like NIRANTAR for data-driven planning, tracking, and evaluation of transplantation efforts.
- Automate permissions and documentation processes, ensuring transparency and clear timelines.

6.4.10. Monitoring and Reporting

- Establish a framework for long-term monitoring of transplanted or translocated trees, tracking survival rates and ecological impacts.
- Share progress and findings through public reports to promote accountability and continuous improvement.

6.4.11. Alignment with Legal Frameworks

- Ensure adherence to legal and regulatory requirements, including directions issued by Hon'ble courts, while prioritizing ecological balance and public interest.

6.4.12. Transplantation/Translocation Procedure

- Digging
    - Carefully dig around the root ball using sterilized tools to minimize damage.
    - Keep as much of the root ball intact as possible.
- Transporting
    - Use burlap or specialized containers to protect the root ball during transport.
    - Minimize exposure to air and sunlight to prevent damage
- Planting at the New Site
    - Dig a hole that is wider but not deeper than the root ball.
    - Place the tree in the centre, ensuring the root flare is at or above soil level.
- Backfilling and Watering
    - Backfill with the original soil mixed with compost (if needed) to enhance nutrients.
    - Water thoroughly to eliminate air pockets and ensure good contact between roots and soil

6.4.13. Post-Transplantation Care

- Monitoring
  - Monitor the transplanted tree for signs of stress, wilting, or pest infestations.
  - Protect from extreme weather conditions (using mulch or windbreaks).
- Watering Regimen
  - Establish a watering schedule, especially in the first few months post-transplanting.
  - Consider using a drip irrigation system for consistency.
- Fertilization
  - Apply a slow-release bio-fertilizer as needed, based on soil testing and tree health.

6.4.14. Reporting and Review

- Document the transplantation/translocation process, outcomes, and recommendations for future endeavours.
- Review the procedure annually to incorporate new findings or improved practices.

6.4.15. Training and Competency

- Ensure all personnel involved in transplantation/translocation are adequately trained and knowledgeable about the procedures and plant care.

6.5 **TOR4**: In addition to the above any other relevant aspect which the Committee considers necessary to address the issues

6.5.1. Advisory on Tree Management in Development Projects

6.5.1.1. **Purpose and Scope**

This advisory provides guidelines for planning, approval, and implementation of development projects involving tree felling, transplantation, and compensatory planting. It also outlines interventions to ensure sustainable tree management in areas transitioning from rural to urban landscapes within the next 20 years. The aim is to balance ecological gains with project costs while minimizing environmental impacts.

6.5.1.2. Planning Stage

- Comprehensive Tree Inventory and Landscape Assessment: Conduct a detailed tree inventory, including species classification, health status, and ecological

significance. Assess the availability of trees in the landscape and their contribution to localized ecological services (e.g., air quality improvement, flood control, biodiversity support).

- Prioritize Native Species: Protect and transplant native species wherever feasible, as they provide superior ecological services and require less maintenance. Allow relaxation for the removal of invasive species, provided compensatory planting of native species is planned.

- Incorporate Modern Tools and Research: Use GIS, remote sensing, and ecological modelling to map tree cover and predict the impact of felling on local ecosystems. Base decisions on research-backed cost-benefit analyses, factoring in the long-term ecological value of trees.

- Custom Solutions Over One-Size-Fits-All: Adopt site-specific approaches for tree management. For instance, protecting mature trees offers significant air quality and cooling benefits in urban areas, even if costs are higher.

6.5.1.3. **Approval Stage**

- Regulatory Compliance: Ensure compliance with laws, rules, and guidelines for protecting trees, forests, and the environment. Obtain approvals for activities that could have implicit adverse impacts on trees, such as construction near tree roots.

- Transplantation Plans: Mandate detailed transplantation plans with timelines, resource allocation, and post-transplantation care strategies. Use tree ambulance services equipped with trained personnel and modern tools to ensure successful transplantation.

- Public Engagement and Transparency: Organize consultations with stakeholders, including local communities and environmental experts, to discuss tree felling and compensatory measures. Provide transparent updates on planned and executed ecological restoration measures.

6.5.1.4. **Implementation Stage**

- Protect Existing Trees: Employ protective measures (e.g., root-zone barriers) to prevent damage to trees during construction.

- Effective Transplantation and Aftercare: Prioritize the transplantation of high-value native trees and use advanced monitoring tools (e.g., Internet of Things

sensors) for post-transplant care. Establish and maintain tree ambulances for the long-term survival of transplanted trees.

- Localized Ecological Services: Consider the impact of tree loss on localized services such as air quality improvement, soil moisture regulation, and flood mitigation. Implement soil improvement measures, such as mulching and irrigation, to maintain the moisture regime for transplanted and new trees.

- Invasive Species Management: Remove invasive species systematically and replace them with native species to restore ecological balance.

- Monitoring and Accountability: Use independent observers to oversee the project and ensure compliance with ecological commitments. Deploy technology for real-time monitoring of tree health and compensatory plantation progress.

6.5.2. Advisory for Transition Areas（Rural to Urban）

- Tree Outside Forests (TOF) Development: Identify and prioritize areas for TOF development to ensure sufficient tree cover as rural landscapes transition to urban. Promote agroforestry and community-managed woodlots to provide economic benefits and maintain ecological balance.

- Planning for Future Urbanization: Include TOF protection and enhancement in land-use plans to mitigate the environmental impact of urban expansion. Design green infrastructure projects (e.g., urban forests, green corridors) to integrate trees into future urban landscapes.

- Policy and Incentives: Implement policies to incentivize tree planting and conservation in areas expected to urbanize. Provide subsidies for the adoption of native species in plantations, with long-term maintenance support.

- Regulation of Urban Growth: Ensure that master plans for urban areas include provisions for protecting existing trees and planting new ones. Mandate green buffers and compensatory planting in all development projects in transition zones.

6.5.3. Advisory for Enabling Mechanisms for improving decision-making process on Tree Management

- Capacity Building and Certification: Train personnel across sectors (government, private, and community) in tree transplantation, care, and

ecological impact assessment. Develop certification programs for tree management professionals to standardize skills and practices.

- Integration of Modern Tools and Technology: Use Remote Sensing, Geographic Information Systems, and Internet of Things sensors for planning, monitoring, and maintaining trees. Deploy mobile applications for real-time tree data collection, facilitating transparency and accountability.

- Research and Development: Invest in research to develop objective criteria for balancing costs and ecological gains in tree management. Encourage innovation in tree transplantation technology to improve success rates and reduce costs.

- Financial and Policy Support: Provide funding for tree ambulance services and long-term maintenance of transplanted trees. Formulate policies that mandate ecological assessments for all development activities and provide clear guidelines on compensatory measures.

6.6 Draft Tree Management Guidelines as Advisory: A draft of Tree Management guidelines for non-forest areas as per the advisories above is attached at **Annexure XXI**. This can be treated as an additional advisory for adoption as per their local conditions and requirements.

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Recommendations

7. Recommendations

7.1 States/UTs not having legal framework at present for promoting the growth of trees and enabling protection should take up the process of establishing the required legal framework based on the applicable and relevant parts of the advisories mentioned in section 6 of this report as per the local requirements.

7.2 States/UTs with the existing legal framework may align with the broader objectives of national forest conservation efforts by integrating applicable and relevant parts of advisories mentioned in section 6 of this report as per the local requirements into their existing frameworks. These advisories should guide the enhancement of existing policies, addressing gaps related to tree pruning, felling, transplantation, and compensatory afforestation in rural and urban contexts. This review process can ensure that policies are more robust, inclusive, and aligned with sustainable development goals.

7.3 States/UTs should strive to ensure that enforcement mechanism is strengthened to use new technologies for monitoring of implementation and that self-regulation is promoted for the adoption of tree plantation by the communities.

7.4 States/UTs should prioritize reviewing the current vacancies within the departments responsible for enforcing legal frameworks related to tree plantations. They should ensure that these departments are adequately staffed to effectively implement policies and regulations. Additionally, sufficient resources both financial and human should be allocated to promote and support innovative approaches to tree plantation initiatives. This will help enhance the effectiveness of tree plantation programs and contribute to sustainable environmental practices.

7.5 States/UTs should facilitate the effective management of trees in non-forest areas by ensuring the following components in the legal framework:

- The tree officer to be designated at the local level may permit the felling of trees as per the delegated power.
- In the case of urban local bodies felling of trees may be permitted by the authorities to whom the powers are delegated.
- Preservation of the existing plantations both rural and urban areas having significant ecological values.
- Preparation of a plan to augment the plantation stocks to achieve the objectives of the National Forest Policy,1988.
- Preservation of heritage trees.

7.6 The Tree Authority should consist of members from relevant government departments, subject matter experts, and civil society representatives to ensure a holistic approach to tree management and of such seniority who can be part of the meeting to be held regularly. A suggested composition is as below:

Position	Role	Recommended Member
Chairperson	Provide leadership and overall direction.	Senior Official from the State/UT Forest Department or Urban Development Authority.
Member Secretary	Oversee execution, reporting, and coordination.	Senior Officer from the State Forest Department.
Urban Planner	Integrate tree management into urban planning.	Expert from the Town Planning Department or Urban Local Bodies (ULBs).
Ecologist/Biodiversity Expert	Advise on ecological preservation and tree health.	Renowned expert in ecology, forestry, or biodiversity management.
Public Health Expert	Highlight trees' role in improving air quality and health.	Specialist from the State Health Department or Environmental Health field.
Legal Expert	Ensure compliance with tree-related laws.	Legal professional with expertise in environmental laws.
Technical Expert (Arborist)	Advise on pruning, transplantation, and care.	Certified arborist or horticulture expert.
Representative of ULBs	Represent municipal governance needs.	Senior Officer from the Urban Local Body (ULB).
NGO/Civil Society Representative	Foster public engagement and transparency.	Representative from a recognized environmental NGO or CBO.
Community Representative	Ensure grassroots involvement.	Member from local communities or self-help groups.
Private Sector Representative (optional)	Promote collaboration and CSR initiatives.	Representative from corporate bodies involved in greening efforts.

7.7 The Ministry of Environment, Forest and Climate Change (MoEF&CC) can extend the following assistance to States and Union Territories to establish robust frameworks for tree conservation and growth, as well as to ensure effective implementation of related policies:

7.1.1. Guidance on Policy and Legal Frameworks

- Regularly update the model policies, guidelines, and standard operating procedures (SOPs) that States/UTs can adapt to their unique contexts.
- Provide regular advisories for tree conservation, felling, pruning, and transplantation in urban and rural areas, addressing gaps in existing state laws.
- Offer regular updates on national and international best practices for tree conservation.

7.1.2. Capacity Building and Training

- Conduct training programs for State/UT officials and frontline staff on technical aspects such as agroforestry, tree transplantation, social forestry, and carbon sequestration techniques.
- Facilitate workshops and seminars to enhance knowledge and build capacity for policy implementation and monitoring.

7.1.3. Technical and Scientific Support

- Provide access to advanced tools such as GIS, remote sensing, and digital platforms for monitoring tree cover and health.
- Support research through institutions like the Indian Council of Forestry Research and Education (ICFRE) and the Indian Institute of Forest Management (IIFM) to address region-specific challenges and innovations.

7.1.4. Financial Assistance

- Extend funding support under existing schemes such as the Green India Mission, and Nagar Van for afforestation and tree conservation initiatives.
- Encourage States/UTs to access funding for tree-related projects through national and international mechanisms, including climate financing and carbon credits.

7.1.5. Monitoring and Coordination

- Assist in establishing monitoring frameworks for evaluating the progress and effectiveness of policies at state and national levels.
- Promote inter-state coordination and knowledge-sharing platforms to encourage collaborative efforts and adoption of the best practices.

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Signatures of Joint Committee

1.	Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change	Chairperson	
2.	Representative of the Ministry of Housing and Urban Affairs	Member	JACOB MANOHAR. Associate Town Planner, TCPO, MoHUA
3.	Representative of the Ministry of Rural Development	Member	Anuj Chadha Under Secretary
4.	Representative of the Ministry of Panchayati Raj	Member	Vipul Ujwal Director MoPR
5.	Representative of the Director General, Indian Council for Forest Research and Education	Member	Dr. SARITA. M. JAIN PRESIDENT DIRECTOR, ICFRE.
6.	Representative of Indian Institute of Forest Management (IIFM), Bhopal, M.P	Member	ADVAITE DIGAONKAR
7.	Representative of the Director, Botanical Survey of India, Kolkata	Member	Dr. S.S Dash Addition Director/Scientist F
8.	Representative of the National Biodiversity Authority, Chennai.	Member	V. Arivudai Nambi V. ARIVUDAI NAMBI
9.	Mr. S.J.Pandit (IFS Retd.), Government of Gujarat	Member	
10.	Representative of Forest Department, Govt. of NCT Delhi	Special Invitee	(Dr. P. Viswa Kannan) CCF
11.	Member Secretary, Central Pollution Control Board	Member Secretary	

ANNEXURE-I

3601

Annexure-I

Item No. 5

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 911/2022
I. A. No. 09/2024 and I. A. No. 16/2023

NGT Bar Association (Substituted
for original applicants
Prof. Dr. Sanjeev Bagai & Ors.)

...Applicant

Versus

Department of Environment, GNCTD & Ors.

...
Respondents

Date of hearing: 05.04.2024

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicant: Mr. Narender Pal Singh, Vice President- NGT Bar Association (substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.).

Respondents: Ms. Jyoti Mendiratta, Advocate for respondents no. 1, 3 and 5-GNCTD.
Ms. Puja Kalra, Advocate for respondents no. 2, 4, 7 and 8.
Mr. P.K. Banerjee, Deputy Director, Horticulture, MCD.
Ms. Kritika Gupta and Ms. Latika Malhotra, Advocates for respondent no. 6-DDA and respondent no. 37-VC,DDA (through VC).
Mr. Kaushal Gautam and Ms. Snehpreet Kaur, Advocates for respondent no. 20- State of Uttarakhand and respondent no. 27-UKPCB.
Mr. Rahul Khurana, Advocate for respondent no. 22- State of Haryana and respondent no. 30-HSPCB.
Mr. Pradeep Misra, Advocate for respondent no. 28- UPPCB (through VC).
Ms. Priyanka Swami, Advocate for Respondent State of U.P.
Ms. Richa Kapoor and Ms. Esha Sharma, Advocates for respondent no. 29- PPCB.

O.A. No. 911/2022 NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.). Vs. Department of Environment, GNCTD & Ors.

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Mr. Shubham Bhalla, Advocate for respondent no. 24-UT Chandigarh and respondent no. 32-Chandigarh PCC.
Mr. Vaibhav Shrivastava, Advocate for respondent no. 31-HPPCB.
Mr. Divyanshu Kumar Srivastava, Advocate for respondent no.- 23, State of HP
Mr. Raj Kumar, Advocate for Respondent no. 34-LPCC
Dr. Vasanthakumar. N IAS, Secretary Forest, UT of Ladakh and BM Sharma, Member Secretary Ladakh Pollution Control Committee
Ms. Shilpi Satyapriya Satyam, Advocate for respondent no. 35- MoEF & CC.
Mr. Vikrant Pachnanda, Advocate for respondent no. 36-CPCB.
Ms. Isha Bhalla and Mr. Vipin Vishkarma Advocates for DCF West, Delhi.
Mr. Maulik Nanavati for State of Gujarat and Gujarat PCB.

Application under Section 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Prof. Dr. Sanjeev Bagai and others have filed the present application under Section 14 and 15 of the National Green Tribunal Act, 2010, seeking *inter alia* issuance of directions to respondents no. 1 to 6 to take appropriate remedial and penal action against respondent no. 12 to 17 for illegal act of cutting, felling and pruning of trees in Vasant Vihar.

2. This Tribunal passed interim orders permitting pruning of trees, if considered necessary, by the concerned Civic Authorities, MCD/DDA as the case may be strictly in accordance with the provisions of the Delhi Preservations of Trees Act, 1994 and Guidelines dated 01.10.2019 issued by the Deputy Conservator of Forest, (HQ)/Member Secretary, Tree Authority for Pruning of Trees under the Delhi Preservations of Trees Act, 1994.

3. The Applicants filed Writ Petition (Civil) No. 2317 of 2023, titled as "Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors before the Hon'ble High Court of Delhi which was disposed of by the Hon'ble High Court of Delhi vide its judgement dated **29.05.2023**. The relevant part of the judgment is reproduced as under:-

"Conclusion:

14. Under the Act there is no sanction for the 15.7 cms girth of a tree branch to be cut. Therefore, this figure is incongruous with the statutory requirements as mandated under sections 8 and 9 of the DPT Act. The so-called permission granted under the Guidelines seek to over-reach the statute. The Guidelines, are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, the permission for pruning, presumed to be or granted under the Guidelines would be of no consequence and shall always be non- est. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite.

16. As regards, the petitioner's reservations apropos the personal observations about him in the impugned order, the court is of the view that in the light of substantive orders having been passed in this petition, the personal observations stand superseded and would be of no relevance. They stand expunged. The learned counsel for the petitioner says, upon instructions, that in view of the above, he would seek to withdraw his petition before the NGT. The petitioner would always have the liberty to pursue all remedies as may be available to him in law.

17. As regards the complaints and specific grievances in this case, the learned counsel for the Tree Officer submits that he has received instructions as well as copies of the record of the proceedings on various dates before the Tree Officer. He assures the court that the matters will be expeditiously proceeded with in accordance with law.

18. In W.P (C) 12271/2022 titled Rajiv Dutta vs. GNCTD & Ors., this court had directed that complainants and public spirited persons who bring to the notice of the Tree Officer, DCF, any harm to trees or breach of statute or would be "required to be

heard apropos complaint made or otherwise be kept informed throughout the proceedings...". There should be no denial of natural justice in proceedings initiated before the Tree Officer. Therefore, apropos the conduct of quasi-judicial proceedings, imparting of refresher courses, to the Tree Officers, DCF would be of some assistance. The GNCTD is directed to arrange refresher training courses as maybe requisite, which would also cover the conduct of hearings through hybrid mode, e-filing of petitions, replies, etc., for the benefit of Tree Officers, DCF and other Officers of the Department, at the Delhi Judicial Academy, within four weeks of receipt of this order.
19. The petition stands disposed-off in terms of the above."

4. The Original Applicants filed application for withdrawal of OA No. 911 of 2022 titled as Prof. Dr. Sanjeev Bagai and others. Vs. Department of Environment, Government of National Capital Territory of Delhi and others on the ground of the present Original Application having become infructuous.

5. This Tribunal observed that the Hon'ble High Court of Delhi did not grant all the reliefs claimed in the OA, did not completely set aside order dated 03.01.2023 and did not observe the OA to have become infructuous, this Tribunal has to proceed with the OA and has to adjudicate upon all environmental questions involved in the case. Consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in the present case with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of application as withdrawn. In the peculiar facts and circumstances of the case the Applicants were allowed to withdraw from the application and the application was further proceeded with in exercise of the powers of this Tribunal to take cognizance of civil cases involving issues relating to

environment arising out of enforcement of enactments specified in Schedule I to the National Green Tribunal Act, 2010. The National Green Tribunal Bar Association is accordingly allowed to join the proceedings as applicant and substituted for the Applicants and the names of the Applicants were deleted and the name 'National Green Tribunal Bar Association' was substituted for them in the array of parties. This Tribunal also emphasized the need for consideration of all relevant aspects regarding protection of trees including permissibility of pruning of trees and the modalities for carrying out the same. The relevant part of the order is reproduced as under:-

"19. It may be observed here that Hon'ble High Court of Delhi relied upon order dated 13.03.2017 passed by Western Zone Bench of this Tribunal in O.A. no. 157/2016 titled as Mr. Pradeep Indulkar Vs. Municipal Corporation for the City of Thane and others which analyzed a similar provision of law regarding pruning of trees under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as upheld by Hon'ble Supreme Court in Civil Appeal No. 8946/2017. For brevity relevant part of the Judgment is not extracted and reproduced herein as the same can be referred to therein.

20. While setting aside the Guidelines Hon'ble High Court of Delhi directed that no pruning of trees will be permitted in Delhi except in accordance with the DPT Act and that it will be open to the respondents to frame guidelines and/or rules as may be requisite. The question of framing of such guidelines and/or rules has to be considered by the concerned authorities in the light of observations made by Hon'ble High Court of Delhi. We are of the considered view that the matter needs to be examined by a Committee of Experts from the relevant fields with respect to all relevant aspects as to permissibility of pruning of trees and the modalities for carrying out the same.

21. In the course of hearing of this case and of similar matters coming up for hearing before this Tribunal it has come to our notice that there is no enactment similar to the Delhi Preservation of Tree Act, 1994, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, the Uttar Pradesh Protection of Trees Act, 1976 in the States of Haryana, Punjab and Himachal Pradesh besides others and the aspects of illegal cutting and pruning of trees are being ignored or remain un- remedied due to

absence of statutory frame work and requisite guidelines. Protection of trees is of utmost importance for protection and improvement of environment and remedial measures are also required to be taken under the Environment Protection Act, 1986 and the matter also calls for intervention by this Tribunal in exercise of powers under the National Green Tribunal Act, 2010.

22. We widen the scope of present proceedings in exercise of powers to take suo moto cognizance of the cases involving substantial question relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 as upheld by the Hon'ble Supreme Court vide its Judgment passed in Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others reported at 2021 SSC Online SC 897."

6. In view of the nature of the environmental questions involved in the matter having national ramifications, this Tribunal considered presence of Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be, and Pollution Control Boards/Pollution Control Committees thereof through their Member Secretaries, in the first instance, to be necessary for just and proper adjudication of the questions involved in the case. Accordingly, Ministry of Environment, Forest and Climate Change, Government of India through the Secretary, Central Pollution Control Board through the Member Secretary, and States of Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh and NCT of Delhi and Union Territories of Chandigarh, Jammu and Kashmir and Ladakh through the Additional Chief Secretary/Principal Secretary/Secretary, Environment, as the case may be, and Pollution

Control Boards/Pollution Control Committees thereof through their Member Secretaries were impleaded and notices were ordered to be issued to them requiring them to file their reply/response with respect to the aspects of protection of trees against illegal felling and pruning of trees and all related aspects and framing of guidelines/rules regarding the same. The CPCB was also directed to obtain and compile the information with respect to the above mentioned aspects from all the States and Union Territories and include such compiled information in its reply/response. Personal appearance of the officers duly authorised by the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, the Member Secretary, Central Pollution Control Board, the Commissioner, Municipal Corporation of Delhi and the Vice Chairman, DDA before this Tribunal physically or through VC was ordered. In compliance thereof Mr. B N Sharma, Member Secretary, LPCC, Dr. Shobhita Aggarwal, Assistant Inspector General of Forest and Dr. Sharandeep Singh, Scientist E, CPCB have appeared before this Tribunal through VC and Mr. P.K. Banerjee, Deputy Director, Horticulture, MCD appeared before this Tribunal physically.

7. Reports/responses have been filed by J&KPCC vide email dated 25.01.2024, by PPCB vide email dated 03.02.2024, by DCF Chandigarh vide email dated 05.02.2024, by Chandigarh PCC vide email dated 05.02.2024 and by HPSPCB vide email dated 05.02.2024, by MoEF & CC vide email dated 05.02.2024,by CPCB vide email dated 05.02.2024, by Uttarakhand SPCB vide emails dated 04.03.2024 and 07.03.2024, by MPCB vide email dated 22.03.2024, by Department of Science, Technology and Environment, Punjab vide email dated 28.03.2024, by

PCCF, Shimla, Himachal Pradesh vide email dated 02.04.2024 and by State of Haryana vide email dated 04.04.2024

8. In its reply MoEF & CC has submitted information in tabular format regarding Acts/Rules framed by the States/UTs and submitted that MoEF & CC is of opinion that there is no requirement of framing of centralized guidelines for Tree Preservation Acts/Tree Felling Acts as it is already being regulated by State Governments as per existing provisions in State Acts, Rules based on State specific circumstances. Relevant part of the reply reads as under:-

> "***REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 1 (MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)***
> *X X X X*
> *5. That, the land is a state subject and the State Government /UT Administration have regulated felling of trees on non-forest land through various Acts and Rules. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating felling of trees on revenue lands and penal provisions for violations.*
> *6. The implementation of these Acts and rules is supervised by designated authorities whose permission is necessary for felling of trees in Non- Forest Land. A list of the States/UT's having their own Tree Preservation Acts / Tree Felling Acts is as follows;*

S.N	Name of States/UTs	Name of Acts/ Rules
1	Assam	Assam (Control of felling and Removal of Trees from Non-Forest land) Rules, 2002
2	Arunachal Pradesh	The Arunachal Pradesh Forest (Removal of Timber) Regulation Act 1983
3	Andhra Pradesh	The Andhra Pradesh Preservation of Private Forest rules, 1978; (The Andhra Pradesh (Protection Of Trees And Timber in Public Premises) Rules 1989

6	Delhi	The Delhi Preservation of Tree Act, 1994
7	Dadar and Nagar Haveli and Daman &Diu	The Goa, Daman and Diu Preservation of Trees Act, 1984 extends to Dadar and Nagar Haveli
8	Goa	The Goa, Daman and Diu Preservation of Trees Act, 1984
9	Gujarat	The Saurashtra Felling of Trees (Infliction of Punishment Act 1951, Gujarat Private Forests (Acquisition) Act 1972
10	Haryana	Punjab Land Preservation Act, 1900
11	Punjab	Punjab Land Preservation Act, 1900
12	Madhya Pradesh	The Madhya Pradesh Prohibition of Regulation of the cutting of Trees Rules, 2002
13	Maharashtra	The Maharashtra Felling of Trees (Regulation) Act 1964, Maharashtra (Urban Areas) Preservation of Tree Act, 1975, Maharashtra Land Revenue Code 1966
14	Himachal Pradesh	The Himachal Pradesh Land Preservation Act, 1978,
15	Jharkhand	Jharkhand Timber and other Forest produce Transit and Regulation) Rules 2004
16	Karnataka	The Karnataka Preservation of Trees Act, 1976
17	Kerala	The Kerala Preservation of Trees Act, 1986, Kerala Forest (Vesting And Management Of Ecologically Fragile Lands) Act 2003
18	Meghalaya	The Meghalaya Forest (removal of Timber Regulation) Acts and Rules 1981, The Meghalaya Tree (Prevention) Act 1976.

19	*Mizoram*	*Government notification dated 26.09.2017 for felling and removal of trees*
20	*Manipur*	*Guidelines for Felling of Trees From Non-Forests Areas,2002*
21	*Nagaland*	*Nagaland Tree Felling Regulation 2002*
22	*Odisha*	*The Orissa Timber and other Forest Produce Transit Rules 1980, The Orissa Timber and other Forest Produce Transit (Amendment Rules) 2006, The Orissa Village Forest Rules 1985,*
23	*Puducherry*	*Pondicherry Timber Transit Rules. 1983*
25	*Tripura*	*Notification issued by Tripura in 2010*
26	*Uttar Pradesh*	*Uttar Pradesh Timber and other forest produce transit Rules, 1978, The Uttar Pradesh Private Forest Act 1948, The Uttar Pradesh Protection of Trees Act, 1976.*
27	*West Bengal*	*The West Bengal Trees Protection and Conservation in Non-Forest Areas Act 2006*
28	*Tamil Nadu*	*The Tamil Nadu Preservation of Private Forest Act 1949*
29	*Sikkim*	*The Sikkim Private & Other non-Forest Lands tree Felling Rules, 2006.*
30	*Telangana*	*The **Telangana Water , Land and Trees Act ,2002***
31	*Chandigarh*	*Tree Felling **Committee order dated 22.07.2022***
32	*Uttarakhand*	*Uttar Pradesh Tree Preservation Act, 1976 is implemented in Uttarakhand*

7. Further, the Answering respondent is of opinion that there is no requirement for framing of centralized guidelines for Tree Preservation Acts / Tree Felling Acts as it is already being regulated by State Governments as per existence provisions in State Acts, Rules based on State specific circumstances."

9. CPCB has compiled the information received from the SPCBs/UTPCCs and filed report alongwith copies of the information so received. Relevant part of the report reads as under:-

"Report in compliance to the Hon'ble NGT Order dated 05.12.2023 in Original Application No. 911/2022, I. A. No. 14/2023 and I. A. No. 16/2023 titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

2. Compliance of directions:

2.1 Approach

CPCB vide letter dated 03.01.2024, has requested SPCBs & PCCs to provide information in a prescribed format (Format was also provided by CPCB) in consultation with concerned Government Departments in their State/Union Territory (the said letter dated 03.01.2024 and Format is placed at Annexure 2).

Further a meeting has also been convened on 23.01.2024 with SPCBs and PCCs to follow-up in the matter.

2.2 Compilation and Review of information received from SPCBs & PCCs

In response to above communication and meeting, total 26 Nos of SPCBs/PCCs have responded. Responses received from 26 nos. of SPCBs, PCCs have been compiled and the same are given in the subsequent paragraphs of this report.

3. State-wise information received from State Pollution Control Boards and Pollution Control Committees.

Information received from 26 nos. of SPCBs and PCCs of the States & UTs. The names of them are SPCBs / PCCs of

Andaman & Nicobar, Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Kerala, Jammu & Kashmir, Ladakh, Lakshadweep, Madhya Pradesh, Meghalaya, Maharashtra, Nagaland, Odisha, Puducherry, Punjab, Tamil Nadu, Telangana, Tripura,and Uttarakhand
Status of information received from SPCBs & PCCs are as follows:

Sl. No.	***States/UTs***	***Response received from SPCBs/PCCs and concerned Forest departments***	***Annexure***
1	*Andaman and Nicobar*	*Yes*	*Annexure 3*
2	*Andhra Pradesh*	*Yes*	*Annexure 4*
3	*Arunachal Pradesh*	*Yes*	*Annexure 5*
4	*Assam*	*Not yet Received*	-
5	*Bihar*	*Yes*	*Annexure 6*
6	*Chandigarh*	*Not yet Received*	-
7	*Chhattisgarh*	*Yes*	*Annexure 7*
8	*Dadra & Nagar Haveli and Daman & Diu*	*Yes*	*Annexure 8*
9	*Delhi*	*Yes*	*Annexure 9*
10	*Goa*	*Not yet Received*	-
11	*Gujarat*	*Yes*	*Annexure 10*
12	*Haryana*	*Yes*	*Annexure 11*
13	*Himachal Pradesh*	*Yes*	*Annexure 12*
14	*Jammu and Kashmir*	*Yes*	*Annexure 13*
15	*Jharkhand*	*Not yet Received*	-
16	*Karnataka*	*Not yet Received*	-
17	*Kerala*	*Yes*	*Annexure 14*
18	*Ladakh*	*Yes*	*Annexure 15*
19	*Lakshadweep*	*Yes*	*Annexure 16*
20	*Madhya Pradesh*	*Yes*	*Annexure 17*
21	*Maharashtra*	*Yes*	*Annexure 18*
22	*Manipur*	*Not yet Received*	-
23	*Meghalaya*	*Yes*	*Annexure 19*
24	*Mizoram*	*Not yet Received*	-
25	*Nagaland*	*Yes*	*Annexure 20*
26	*Odisha*	*Yes*	*Annexure 21*
27	*Puducherry*	*Yes*	*Annexure 22*
28	*Punjab*	*Yes*	*Annexure 23*
29	*Rajasthan*	*Yes*	*Annexure 24*

30	*Sikkim*	*Not yet Received*	*-*
31	*Tamilnadu*	*Yes*	*Annexure 25*
32	*Telangana*	*Yes*	*Annexure 26*
33	*Tripura*	*Yes*	*Annexure 27*
34	*Uttarakhand*	*Yes*	*Annexure 28*
35	*Uttar Pradesh*	*Not yet Received*	*-*
36	*West Bengal*	*Not yet Received*	*-*

The received information with respect to aspects of protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same have been compiled and placed below:

3.1 Andaman and Nicobar

As per the information provided by the office of the Principal Chief Conservator of Forests of Andaman and Nicobar Islands vide Letter dated 24.01.2024 (Copy Given at Annexure 3):

a. There is currently no specific Act in place to regulate the felling and pruning of non-forest areas.

b. The Revenue Department of the A&N Administration has submitted the draft "Andaman and Nicobar Islands Felling and Transit of Tree Species on Non-Forest Land Regulation 2020" to the Government of India. However, the department has not provided information about the timelines for the final notification of this regulation.

c. Furthermore, the department mentioned that since the act is still in the draft stage, no rules are present regarding the felling and transit of tree species on non-forest land.

d. At present, no penalty or compensation is being imposed for violations related to illegal tree felling and pruning in non-forest areas. Additionally, there is currently no plan to develop a methodology for imposing environmental compensation or penalty, under consideration of the Department of Environment and Forest.

e. As the approval of the mentioned draft regulation is under consideration, the Sub-Divisional Magistrate is allowing the removal of dangerous trees that pose a threat to life and property on revenue land/private land/land belonging to any

institution/individual under Section 133 of the Criminal Procedure Code (CRPC).

3.2 Andhra Pradesh

As per information provided by the Government of Andhra Pradesh, Forest Department vide Letter dated 24.01.2024 (Copy Given at Annexure 4):

a. In respect of illegal cutting/felling/pruning of trees as envisaged under the Andhra Pradesh Forest Act,1976, Andhra Pradesh Reservation of Private Forest Rules, 1978, Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules,1989, Andhra Pradesh Water, Land and Trees Act,2002 and Andhra Pradesh Water, Land and Trees Rules,2004.

b. In G.O.Ms. No.87, EFS&T, (Sec-II) Dept., dt.29/11/2017 under ease of doing business (EoDB), the government of Andhra Pradesh have prescribed simplified procedure to accord tree felling permission, as per which applicant has to apply to forest department for felling of trees duly paying rupees 500 per tree (rupees 450 towards security deposit for planting charges in case the applicant fails to plant no. of trees felt and rupees 50 towards inspection charges.

c. For illegal felling of trees in the forest areas, penalties and procedures have been prescribed under sections 44 and 59 of the Andhra Pradesh Forest Act, 1967. For illegal felling of trees in other than forest areas, penalties and procedures have been prescribed under sections 37, 38 of Andhra Pradesh Water, land & Trees Act, 2002 read with sections 26, 27 & 28 of Andhra Pradesh Water, land & trees rules, 2002.

Arunachal Pradesh

As per information provided by the Government of Arunachal Pradesh, Department of Environment, Forest & Climate Change, Itanagar vide Letter dated 30.01.2024 (Copy Given at Annexure 5):

a. The Assam Forest Regulation Act 1891, Amendment Act 2005, and Arunachal Pradesh (Control of Felling and Removal of Trees from Non-Forest Land) Rules, 2001, are applicable in the state.

b. No information about guidelines has been provided.

c. As per Section 2.35, there is a provision for the imposition of penalties for the violation of the Assam Forest Regulation Act 1891.

3.3 Bihar

As per the information received from the Office of the Chief Principal Forest Conservator, Bihar, Patna vide Letter dated 11.01.2024 through Bihar State Pollution Control Board vide Letter dated 23.01.2024 (Copy Given at Annexure 6):

a. There is no specific Act for the protection/preservation of trees, or for the felling and pruning of trees. Additionally, no information has been provided regarding a plan for formulating the aforementioned Act.

b. Furthermore, it was mentioned that there is no Rule in place for the protection of trees or the felling and pruning of trees. However, the department highlighted that by Resolution No. 43(E) dated 28.01.2013, 119(E) dated 03.03.2014, and 178(E) dated 29.03.2016 of the State Government, guidelines have been laid down for the felling of trees on Non-Forest Government Land. Provision has been made for compensatory plantation of trees against the felled trees.

3.4 Chhattisgarh

As per information provided by Office of the Chief Principal Forest Conservation and Forest Force Chief, Chhattisgarh vide Letter dated 24.01.2024 (Copy Given at Annexure 7):

a. Acts, Rules, Guidelines, Statutory framework are there in place and accordingly action is taken for any illegal felling of trees in forest areas.

b. Chhattisgarh is following the Indian Forest Act, 1927 for protection/ preservation of trees or felling and pruning of trees. Department informed that Section 26, 33 and 41 are related to protection / preservation of trees or felling and pruning of trees. Further, Department informed that there is no rule for the protection/ preservation of trees.

c. There is a system of beat inspection as per sanctioned beat roaster in which Divisional Forest Officer/Sub Divisional Officer/Range Officer/Range Assistants do regular beat

inspection. Regular night patrolling is done in sensitive areas. JMF Samities have been actively involved in inspection. For illegal felling of trees there is provision of penalty in terms of tax and compensation.

d. However, there is no specific information provided for preservation/ protection of trees outside forest area i.e. non – forest areas.

3.5 Dadra & Nagar Haveli and Daman & Diu

As per the information received from the Deputy Conservator of Forest (Territorial) – Administration of Dadra & Nagar Haveli (U.T) vide dated 22.01.2024 through Pollution Control Committee of Dadra & Nagar Haveli and Daman & Diu vide Letter dated 24.01.2024 (Copy Given at Annexure 8):

a. The trees in the Forest Area are protected under the Indian Forest Act, 1927, and the Wildlife Protection Act, 1972. The trees outside the forest area are protected under the Dadra & Nagar Haveli and Daman & Diu PTA, 1984 (2022).

b. The rules are framed to implement the Acts mentioned above. The rules are Dadra & Nagar Haveli Forest Rules & Goa, Daman & Diu Forest Rules.

c. Penalties for illegal felling of trees are imposed under the respective Acts and Rules. In Chapter IX, Sections 52 to 69 of the Indian Forest Act, 1927, in Chapter VI, Section 51 of the Wildlife Protection Act, 1972, and in Chapter VI, Sections 16 to 26 of the Preservation Tree Act, DNH & DD, 2022.

3.6 Delhi

As per information provided by Department of Forests and Wildlife, GNCTD vide E¬mail dated 25.01.2024 (Copy Given at Annexure 9):

a. There are Delhi Preservation of Trees Act, 1994 in Delhi. The relevant Section 8, 9, 10 & 11 of the Delhi Preservation of Trees Act, 1994 gives information on restriction on felling and removal of trees, procedure for obtaining permission to fell, cut, remove or dispose of, a tree, obligation to plant trees and preservation of trees.

b. The Delhi Preservation of Trees Rules, 1996 are there in Delhi.

c. The pruning guidelines dated 01.10.2019 were in force for effective/ scientific pruning of trees framed under the provisions of DPTA, 1994. However, the Hon'ble High Court of Delhi vide order dated 29.05.2023 in W.P.(C). No. 2317/2023 "Dr. Sanjeev Bagai Vs. Principal Secretary (Env. & Forest), GNCTD", set aside the existing guidelines and gave the following direction: -

"14. Therefore, the Guidelines permitting regular pruning of branches of trees with girth upto 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.

"15. In view of the above, no pruning of trees will be permitted in Delhi except in accordance with the DPT Act. It will be open to the respondents to frame guidelines and/or rules as may be requisite In view of the above, the new guideline has been framed by the department and are under submission to the Government for seeking approval under Delhi Preservation of Trees (DPTA), 1994.
The file of draft guidelines for pruning / felling of trees is under submission to the Government for seeking approval under Delhi Preservation of Trees Act (DPTA), 1994.

d. The relevant Section 21 & 24 of the Delhi Preservation of Trees Act, 1994 are related to penal provision.

3.7 Gujarat

As per information provided by Gujarat Pollution Control Board vide E-mail dated 25.01.2024 (Copy Given at Annexure 10):

a. Provisions of Indian Forest Act, 1927 and the amendment made by Gujarat State are applicable for protection/preservation of trees for notified forest areas.

b. Forest (Conservation) Act, 1980 ["Van (Sanrakshan Evam Samvardhan) Adhiniyam"] for diversion for Forest areas for non-forestry purposes.

c. Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 is enacted for felling of trees outside notified forest areas

d. Information about Rule is not mentioned. However, for Gandhinagar capital City, a provision for consultation of Forest Department for cutting of trees has been made and Forest Department undertakes the tree felling or pruning activities in Gandhinagar Capital City.

e. No separate guidelines have been issued in state.

f. The provisions of Indian Forest Act, 1927 and the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951 are applicable for violation in respect of illegal trees felling and illegal pruning of trees.

3.8 Haryana

As per information provided by Principal Chief Conservator of forest (HoEF) Haryana vide Letter dated 25.01.2024 (Copy Given at Annexure 11):

a. Land on which the Indian Forest Act ,1927 , Wildlife (Protection) Act, 1972 & special notification made under Punjab Land Preservation Act, 1900 have been made attract provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam,1980. Further, tree felling in forest areas is permitted only in accordance with the 10 year working plans of the Forest Divisions approved by MoEF&CC or when forest land get diverted for non-forestry purposes by the Central Government under provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Tree felling in Forest areas outside these provisions is an illegal activity and lawful action for such illegal activities is taken under penal clauses of Indian Forest Act, Wildlife Protection Act Punjab Land Preservation Act and Van (Sanrakshan Evam Samvardhan) Adhiniyam. There is restriction of tree felling in lands notified under general section 4 of Punjab Land Preservation Act, 1900 without approval of Divisional Forest Officer. The tree felling on such lands has been notified by the State Government as Right to Service.

b. Persons requiring tree felling on land of their ownership apply on right to service portal and the applications are proposed and decided by the Competent Authority as per procedure of Right to service Portal.Any tree felling done without permission of Competent Authority is punishable under section 19 of the Punjab Land Preservation Act, 1900.

c. The Guidelines made under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are followed.

d. The penal provisions of Forest Laws provide for fines and imprisonment or both for violation of tree felling or diversion of Forest Land for non-Forestry Purposes. However, there is no provision for environmental compensation.

3.9 Himachal Pradesh

As per information provided by Principal Chief Conservator of forest (HoEF) Himachal Pradesh vide Letter dated 23.01.2024 (Copy Given at Annexure 12):

a. In the State of Himachal Pradesh, conservation and protection of tree grown on private land is dealt as per Land preservation Act, 1978 and rules made there under i.e. HP land Preservation Rules, 1983.

b. Trees grown on Forest Land, necessary actions are being taken as per provisions of the IFA, 1927. Besides there are HP Govt. Order No. FFE-B-A(3)4/99 dated 24.09.2003

c. As regards pruning and loping of trees necessary instructions/ guidelines to field functionaries in compliance of OA No. 372 of 2022 titled as Avinash Vidrohi Vs State of HP have been issued vide Letter No. Ft1/2018-19(S) Vol II dated 06.07.2023.

3.10 Jammu and Kashmir

As per information provided by Jammu and Kashmir Pollution Control Committee vide Letter dated 24.01.2024 (Copy Given at Annexure 13):

a. In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927.

b. In State and Private land, the trees have been protected in accordance with J&K Specified Trees Act, 1969 and J&K Specified Trees Rules, 1969 and particularly with reference to Khair trees it is regulated as per the provisions laid out in SRO-111 of 2016. Restrictions on felling is applicable only on trees that had been declared as specified trees. As of now, the following species have been declared as specified trees:- Walnut, Willow, Khair, Conifers and Oaks.

c. Felling of trees in village woodlots, strip plantations and community land involving community participation is regulated under the Jammu and Kashmir Social Forestry (Plantation) Rules 2023

d. As per the provisions laid out in chapter XX in Section 339 to 355 of J&K Municipal Corporation Act, 2000, the tree felling are regulated within the jurisdiction of Municipal Corporations.

e. Following Guidelines have been mentioned for protection/ preservation of trees or felling and pruning of trees:

i. Circular No. 05 of 1998 by J&K Forest Department dated 05-03-1998 read with Circular by J&K Forest Department dated 31-03-2011

ii. Guidelines for felling of trees posing threat to life and property has been issued in J&K Forest Department vide Circular No. 01 of 2019 dt. 28- 11¬2019.

f. In Forest land, Penal Provisions are dealt under the provisions of lndian Forest Act, 1927.In the jurisdictions of Municipal Corporations as per the provisions laid out in Section 352, penal provisions are provided. Section 13 of Jammu and Kashmir Preservation of Specified Trees Act, 1969 prescribes penalties for violations of the provisions of the said Act.

3.11 Kerala

As per information provided by Kerala State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 14):

a. In Forest area - the trees have been protected in accordance with the Kerala Forest Act, 1961; in Non-Forest Area - the trees have been protected in accordance with the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

b. The Kerala Promotion of Tree Growth in Non-forest Land Rules, 2011 are being followed for protection preservation of trees.

c. Guidelines having No. G.O(Rt) No.68/2010/F&WLD dated 10.02.2010 also exist for protection of trees

d. Government permission from Tree Committee constituted as per G.O(Rt) No.172/2010/F&WLD dated 21.04.2010 is mandatory for felling of trees in public land. Compensatory planting in the ratio of 1:10 in lieu of tree felling has to be carried out by the user agency. For illicit felling, on complaint received from the authority of the land, concerned SHO of Police Department can initiate legal action for theft from Government property.

3.12 Ladakh

As per information provided by Ladhak Pollution Control Committee vide Letter dated 15.01.2024 (Copy Given at Annexure 15):

a. The Indian Forest Act, 1927 is implemented for protection/preservation of trees growing on forest land. However, the trees growing on the State land /Private land are under protection of Jammu & Kashmir Preservation of specified Tress Act, 1969 which is applicable to Ladakh Region also.

b. No specific rules, but protection of trees or felling or pruning of trees etc. growing on forest land is governed under Indian Forest Act, 1927.The Jammu & Kashmir Preservation of specified Tress Rule, 1969 under the Jammu & Kashmir Preservation of specified Tress Act, 1969 applicable for the trees growing on State land/private land are comprehensive for the purpose.

c. Ladakh is a cold desert with most of areas above tree line, with no natural forests, except for plantation of popular and salix sporadically occurring at different locations. Further for felling/pruning of trees raised/growing on industrial lands/defence land, the circular guidelines issued by the office of the principal chief conservator of Forests, J&K vide No.: PCCF/Lease/Felling/Trees/2011/1094-1144, dated 31.03.2011 are applied. There are circular guidelines issued vide circular no.: 01/2019, dt. 28.11.2019 for felling of trees posing threat to life and property which are also applicable.

d. The general penal provisions for felling/loping of trees in reserved forest are implemented as per Sec 26(1) (e) and (f) of India Forest Act, 1927, which provide punishment for imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both, in addition to such compensation for damage done to

the forest as the convicting court may direct to be paid. Similarly for felling or lopping of trees in a protected forest, the penal provisions are contained in Section 33 (1) (a) & (f) which prescribe a penalty in the form of imprisonment for term which may extend to two years, or with fine which may extend to twenty-five thousand rupees.

3.13 Lakshadweep

As per information provided by Lakshadweep Pollution Control Committee vide Letter dated 30.01.2024 (Copy Given at Annexure 16):

a. As on date, there is no Act. However, it is stated, that within one year Act shall be developed and accordingly Rules and Guidelines will be developed and Penal provisions shall be incorporated in Act.

b. Lakshadweep comprised of 32 Sq. km of land area and 90.33 of the total land mass have forest cover. Among the total plants, approximately 80% of tree cover comprised of coconut plants. The local peoples inherited the habit of plant coconut trees in between their old coconut trees. They also have habit of planting other indigenous in their partition boundaries of their land. As per ISFR 2019 and 2021, here forest cover is 90.33 % respectively. There is no change in forest cover and is maintained properly. Through Nutri garden programme the UTLA has distributed thousands of plants to maintain the green cover.

3.14 Madhya Pradesh

As per information provided by Madhya Pradesh Pollution Control Board vide Letter dated 22.01.2024 (Copy Given at Annexure 17):

a. For protection / preservation of trees or felling and pruning of trees in urban areas is dealt as per Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001.

b. Guidelines and procedure to apply for tree cutting permission is available on MP Nagar Palika Portal.

c. Section 18 of the M.P. Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001 states that "Whoever fells any tree or causes any tree to be felled in contravention of any

provision of this Act or Rules or order made thereunder shall, on conviction be punished with imprisonment which may extend to two years or with line which may extend to fifty thousand rupees or with both. The line, if not deposited within the prescribed time limit, will be recoverable as arrears of land revenue."

d. The issue of protection/preservation of trees or felling and pruning of trees situated in Forest Areas is governed by the Forest Department and allied rules and regulations laid down by Ministry of Forest, Environment and Climate Change.

3.15 Maharashtra

As per the information received from Department of Environment and Climate Change, Government of Maharashtra through Maharashtra Pollution Control Board E-mail dated 25.01.2024 (Copy Given at Annexure 18):

a. Protection/ preservation of trees in urban areas in Maharashtra is dealt under the Maharashtra (Urban Areas) Preservation of Trees Act, 1975 (Act 44 of 1975).

b. Guidelines for tree pruning is under development.

3.16 Meghalaya

As per information provided by Meghalaya State Pollution Control Board vide Letter dated 25.01.2024 (Copy Given at Annexure 19):

a. Pretection / Preservation of trees in Meghalaya are being dealt by Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of 1973), the Meghalaya Tree Prevention Act, 1976 (Meghalaya Act 13 of 1976) and Meghalaya Tree Felling (Non Forest Areas) Rules 2006.

b. There is no any methodology for imposing environment compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation & recovery etc. for Violation of the Guidelines of tree felling within non-forest area. In case of Reserved Forest Provision of Meghalaya Forest Regulation (Application & Amendment) Act, 1973 (Meghalaya Act 9 of

1978). The Meghalaya Tree (Prevention) Act, 1976. (Meghalaya Act 13 of 1976) is applicable.

3.17 Nagaland

As per information provided by Nagaland Pollution Control Board vide Letter dated 16.01.2024 (Copy Given at Annexure 20):

a. In Nagaland, Preservation of trees are being dealt under the Nagaland Forest act 1968 where in provisions of Reserved Forests, Village Forests , General Protection of Forests and Forest Produce , control over Forest and Waste land not being the Property of Government and penalties and procedure provided.

b. The protection of trees, felling of trees are in place through the Nagaland Forest Act, 1968 in line with the Indian Forest Act, 1927.

c. There is no information provided regarding Act, guidelines and penalty provisions for non – forest areas.

3.18 Odisha

As per information provided by Odisha State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 21):

a. Protection/ Preservation of trees in Odisha are dealt under Section-3 of Odisha Preservation of Private Forests Act, 1947, Section-2 of Forest (Conservation) Act, 1980, Section-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972, Section-3 of Odisha Preservation of Private Forests Rules, 1963, Section-2 of Forest (Conservation) Rules, 2003, Section 4 of the Odisha Timber other Forest Produce Transit, 1980, Section 5 of Odisha Village Forest Rules, 1985

b. Odisha is not mentioned about any Guidelines.

c. Penalty provisions have been mentioned in the context of trees conservation are covered under Section-3 of Odisha Preservation of Private Forests Act, 1947, Under Section-2 of Forest (Conservation) Act, 1980, Sec-27, 31, 36, 42 & 55 of Odisha Forest Act, 1972

3.19 Puducherry

As per information provided by Pondicherry Pollution Control Committee Pondicherry vide E-mail dated 30.01.2024 (Copy Given at Annexure 22):
a. In Puducherry, there is no Act, rules and Guidelines for preservation of trees. However, as per the information provided Applications are submitted to the Department of Forests and Wildlife, Puducherry, through user agency which includes general public/ organizations, private establishments as well as Government Departments. Major number of applications are received through Departments of Municipality, Public Works Department, Electricity, etc. Applications are scrutinized by means of field inspection for both tree pruning and felling.
b. Penalty provisions for illegal tree pruning and felling are enforced during the illegal transit of the material so realized. Violation are booked under Puducherry Timber Transit Rules, 1983, which are evoked under Indian Forests Act, 1927.

3.20 Punjab

Punjab state Pollution Control Board vide Letter dated 15.01.2024 (Copy Given at Annexure 23) has informed that the Secretary to Government of Punjab, Department of Science, Technology and Environment has written a letter memo no. 03/73/2023-STE(4)/25 dated 10.01.2024 in reference to another case (OA No. 142 of 2023 titled as Balbir Dass V/s State of Punjab and others) for the framing of requisite Standard Operating Procedure, statutory framework for the protection of trees, grant of permission for cutting of trees, imposition of Environmental Compensation for illegal cutting of trees etc., which may be made applicable in General Conditions in the State of Punjab. This exercise may take three months' time.

3.21 Rajasthan

As per information provided by Rajasthan State Pollution Control Board vide Letter dated 29.01.2024 (Copy Given at Annexure 24):

Protection / preservation of trees are dealt under Rajasthan Forest Act 1953 for forest areas protected forest Rules 1957 & Rajasthan tenancy Act 1955 for trees outside forest section 81-85. In forest area protection for trees done by Rajasthan Forest

Act 1953.For illegal Tree felling and Transportation of trees penalty imposed as per provisional Rajasthan forest Act 1953.

3.22 Tamil Nadu

As per information provided by Tamil Nadu State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 25):

a. There are number of acts & rules notified by Tamil Nadu for conservation of forests which are as follows

i. Tamil Nadu Preservation of Private Forest Act, 1949
ii. Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955
iii. Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1955
iv. Tamil Nadu Rosewood (Conservation) Act, 1994
v. Tamil Nadu Sandalwood Rules, 1967
vi. Tamil Nadu Timber Transit Rules, 1968
vii. Tamil Nadu Sandalwood Possession Rules, 1970.

b. As per the Tamil Nadu Government G.O Ms. 39, ECCF dept. dated 02.07.2021 the District and State level committee has been constituted to regulate the cutting of trees and to take up tree planting activities in public lands and public offices. In generally Private Lands in respect of the forest Department the question does not arise. However, the private land comes under the Tamil Nadu Preservation of Private Forests Act, 1949(TNPPF Act, 1949/TNHP Act, 1955) that the permission should be obtained from the District Forest Committee for the felling of trees. Tamil Nadu preservation of Trees Act, 2023, Preservation of Trees (Government Lands) Act, 2023 preservation of trees and regulation of felling of trees on Government Lands in state of Tamil Nadu in draft stage. There is no Penal provision mentioned.

3.23 Telangana

As per information provided by Government of Telangana, Forest Department vide Letter dated 23.01.2024 (Copy Given at Annexure 26):

a. Protection / preservation of trees in Telangana are dealt under the Telangana Forest Act, 1967(For protection and management of Forests, duly prescribing for punishments for violation of said Act,Telangana Water, Land and Trees Act

(WALTA), 2002 (An Act to promote Water Conservation and increase Tree cover and Regulate the protection and management of trees outside the forest areas. For Protection and Management of Tress in scheduled areas, 'Telangana Preservation of Private Forest Rules 1978' are there.To increase Tree Cover and Regulate the Protection and management of trees there are 'Telangana Water, Land and Trees in Rues, 2004'.

b. In G.O.Ms. No.23, EFS&T, (For. I) Dept.,Dated 05.07.2017 Under Ease of doing business, government of Telangana have prescribed simplified procedure to accord tree felling permission. As per which the applicant has to submit application through online under TGFMIS website of Telangana Forest Department for feeling of tress duly paying Rs 500/- per tree (Rs-450/- towards Security Deposit for planting Charges in case the applicant fails to plant number of trees felled and RS. 50/- towards inspection charges.

c. For illegal felling of trees in the Forest areas, Penalties and procedure has been prescribed under section 44, 48, & 59 of Telangana Forest Act, 1967.For illegal felling of trees in other than Forest areas, penalties and procedure has been prescribed under section 37,38 of Telangana Water, Land and trees Act, 2002 read with section 26, 27 & 28 of Telangana water, Land and Tress Rules, 2004.

3.24 Tripura

As per information provided by the Tripura State Pollution Control Board vide Letter dated 24.01.2024 (Copy Given at Annexure 27):

a. The Indian Forest Act, 1927 has been adopted in the state and necessary amendments have been undertaken time to time for the purpose of dealing issue related conservation of forest, wherever needed.There is no separate rule specific to the state for such protection of trees.
b. There is a Guideline for managing and regulating tree felling in non-forest areas.
c. There is no any methodology for imposing environment compensation/penalty for violation in respect of illegal trees felling and illegal pruning of trees, however there are some provisions of confiscation of tree felling within non-forest area. In respect of trees within the forest the provisions of IFA is applicable.

3.25 Uttarakhand

As per information provided by Uttarakhand Pollution Control Board vide Letter dated 30.01.2024 (Copy Given at Annexure 28):

a. Uttar Pradesh Protection of Trees Act 1976 is adapted in the State of Uttarakhand by Uttaranchal (UPPTAct1976) Adaption and Modification Order 2002.

b. Section 10 of the act provide for imprisonment extend to six months or with fine which may extend to one thousand rupees or with both. Section 15(1) also provides for compounding of offences in respect of trees on private land on payment of money not exceeding rupees five thousand.

c. The felling and pruning of trees not falling under the purview of IFA 1927 are regulated by the provision of UP Protection of trees Act 1976.

***4. Observation and Analysis of the information received from SPCBs & PCCs**.*

As per information received from the 26 nos. of SPCBs and PCCs following have been observed in context available Act/ Rules/ Guidelines with respect to protection of trees, felling and pruning of trees and framing of guidelines/rules regarding the same:

Within Forest Area:

a) In context of Existing Acts notified by the Central Government

- *Indian Forest Act, 1927 are followed by about 11 Nos. of States & UTs namely Chattisgarh, Dadra and Nagar Haveli and Daman and Diu, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir , Ladakh, Nagaland , Puducherry, Tripura, Uttarakhand. Among them, Wildlife Protection Act, 1972 is followed by 02 Nos. of States & UTs namely Dadra and Nagar Haveli and Daman and Diu, Haryana and Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 followed by 01 Nos. of State namely Haryana.*

b) In context of Own Acts for Regulation of trees under Forest Area

- *No. of States & UTs have prepared their Separate Own Acts for regulation of trees under Forest Area - about 10 Nos.*
- *Name of States/UTs - Andhra Pradesh, Arunachal Pradesh, Gujarat, Kerala, Meghalaya, Nagaland, Odisha, Rajasthan, Tamil Nadu, Telangana.*
- *Separate own Act under draft or planned stage : Separate Acts have been drafted or planned by only 02*

No. of UT namely Andaman and Nicobar Island and Lakshadweep.

c) In context of Rules for Regulation of trees under Forest Area :

- *No of States & UTs have prepared their Separate Rules- 04 Nos.*
- *Name of States & UTs- Dadra and Nagar Haveli and Daman and Diu, Odisha, Rajasthan, Telangana.*

d) In context of Guidelines for Regulation of trees under Forest Area Forest Trees:

- *No of States & UTs have prepared their Separate Guidelines-01 Nos.*
- *Name of States & UTs – Chhattisgarh*
- *Guidelines have been drafted or planned by 02 Nos. of States & UTs namely Delhi, Maharashtra.*

e) In context of Penal Provision for Regulation of trees under Forest Area Forest Trees:

- *No of States & UTs have stipulated Penal Provisions under act/ Rules / guidelines – about 12 Nos.*
- *Name of States & UTs - Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Dadra and Nagar Haveli and Daman and Diu, Gujarat, Jammu & Kashmir, Ladakh, Nagaland, Odisha, Puducherry, Rajasthan and Telangana.*

Outside the Forest Area

a) In context of the protection of Trees specifically outside the forest area

- *Separate Acts have been prepared by 15 Nos. of States & UTs namely: Andhra Pradesh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Gujarat, Himachal Pradesh, Jammu and Kashmir, Kerala, Ladakh, Madhya Pradesh, Maharashtra, Meghalaya, Rajasthan, Tamilnadu, Telangana, Uttarakhand.*
- *Separate Acts have been drafted or planned by 01 No. of UT namely A&NI.*
- *Rules have been prepared by 12 Nos. of States & UTs namely Andhra Pradesh, Arunachal Pradesh, Delhi, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Meghalaya, Puducherry, Tamilnadu, Telangana.*
- *Guidelines have been prepared by about 10 no. of States & UTs namely Andhra Pradesh, Bihar, Himachal*

Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Tamilnadu, Telangana, Tripura and Uttarakhand.

- *Penal Provision have been possessed by about 10 States & UTs namely Andhra Pradesh, Dadra & Nagar Haveli and Daman & Diu, Delhi, Gujarat, Jammu and Kashmir, Kerala, Madhya Pradesh, Puducherry, Telangana and Uttarakhand.*

On the basis of development of own Regulations, above observations are briefed as under:

S. No.	States/UTs	Regulations w.r.t protection/ preservation/felling/ pruning of trees within Forest Area				Regulations w.r.t protection/ preservation/felling/pruning of trees outside the Forest Area			
		Act	Rules	Guid elin e	Penal provision	Act	Rules	Guidelines	Penal provision
1	Andaman and Nicobar Island	N	N	N	N	N	N	N	N
2	Andhra Pradesh	Y	NSI	NSI	Y	Y	Y	Y	Y
3	Arunachal Pradesh	Y	NI	NI	Y	NI	Y	NSI	NI
4	Bihar	N	N	N	N	N	N	Y	N
5	Chhattisgar h	N	N	Y	Y	N	N	N	N
6	Dadra & Nagar Haveli and Daman & Diu	N	Y	N	Y	Y	N	N	Y
7	Delhi	NI	NI	NI	NI	Y	Y	NSI	Y
8	Gujarat	Y	N	N	Y	Y	N	N	Y
9	Haryana	N	N	N	N	N	N	N	N
10	Himachal Pradesh	NI	NI	NI	NI	Y	Y	Y	NI
11	Jammu and Kashmir	NI	NI	NI	Y	Y	Y	Y	Y
12	Kerala	Y	NI	NI	NI	Y	Y	Y	Y
13	Ladakh	-	NS.	NSI	Y	Y	Y	NSI	NSI

S. No.	*States/UTs*	*Regulations w.r.t protection/ preservation/felling/ pruning of trees within Forest Area*				*Regulations w.r.t protection/ preservation/felling/pruning of trees outside the Forest Area*			
		Act	*Rules*	*Guidelines*	*Penal provision*	*Act*	*Rules*	*Guidelines*	*Penal provision*
14	*Lakshadweep*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
15	*Madhya Pradesh*	*NI*	*NI*	*NI*	*NI*	*Y*	*Y*	*Y*	*Y*
16	*Maharashtra*	*NI*	*NI*	*NI*	*NI*	*Y*	*N*	*N*	*N*
17	*Meghalaya*	*Y*	*NI*	*NI*	*NI*	*Y*	*Y*	*NI*	*NI*
18	*Nagaland*	*Y*	*NI*	*NI*	*Y*	*NI*	*NI*	*NI*	*NI*
19	*Odisha*	*Y*	*Y*	*NI*	*Y*	*NI*	*NI*	*NI*	*NI*
20	*Puducherry*	*NI*	*NI*	*NI*	*Y*	*NI*	*Y*	*NI*	*Y*
21	*Punjab*	*NI*	*NI*	*NI*	*NI*	*NI*	*NI*	*NSI*	*NI*
22	*Rajasthan*	*Y*	*Y*	*NI*	*Y*	*Y*	*NI*	*NI*	*NI*
23	*Tamilnadu*	*Y*	*NI*	*NI*	*N*	*Y*	*Y*	*Y*	*N*
24	*Telangana*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*
25	*Tripura*	*N*	*N*	*NI*	*NI*	*NI*	*NI*	*Y*	*NI*
26	*Uttarakhand*	*NI*	*NI*	*NSI*	*NI*	*Y*	*NI*	*Y*	*Y*

Y: Yes, N: No, NI: No Information, NSI: No Specific Information,"

10. Trees are the most important landscape architects of our country, not only in forests but also in countless other ecosystems, including human-fabricated habitats. Due to their significance in the majority of terrestrial ecosystems, trees play an important role in maintaining biodiversity and providing food and habitat for countless microorganisms, fungi, climbers, invertebrates, and vertebrates. Trees are also indispensable for the development of human societies and are important for our survival today and in the future. Trees therefore have

an inestimable scientific, economic, social, cultural, and aesthetic value. By their very nature, trees and green space provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air and to remove pollutants from the air is well known. Trees not only provide shade, help lower temperatures during hot weather and beautify landscapes but also enrich our lives cleaning the air we breathe, providing food we eat, providing medicines to cure our ailments, meet our requirements of fuel and timber and protecting our habitat. However, industrialization and growth of population with ever increasing demand for utilization of natural resources to meet requirements thereof has resulted in illegal felling of trees, not only in forests but also in non- forest areas/private lands, which may have disastrous consequences for our natural habitat. Hence the need to promote growth of trees and to preserve trees not only in forest but also in non-forest areas/private lands by formulation of policy and Statutory framework/guidelines.

11. Reference in this regard may be made to the Statement of Objects and Reasons for enactment of the Karnataka Preservation of Trees Act, 1976 and the Preamble to the the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

12. Statement of Objects and Reasons for enactment of the Karnataka Preservation of Trees Act, 1976 (Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 8-11-1976 as No. 4417 at page 16.) reads as under :-

> *"Industrialisation and pressure of population have resulted in heavy destruction of tree growth in urban areas. Trees which provide shade, mitigate the extremes of climate, render*

aesthetic beauty, purify the polluted atmosphere, mute the noise, have been one of the first casualties of pressure on space in our cities and towns.

The percentage of forest area in the heavy rainfall zone is very much below the required level. Denudation in the rest of the areas has catastrophic results. This is the zone forming the catchment of the major rivers in South India. Large scale felling of trees has resulted in increased soil erosion and floods during monsoons. Stream flow during the rest of the year is reduced. Sedimentation in the reservoirs of our multi-crore projects has increased.

In the vast belt covered by the eastern districts of the State, drought and famine conditions have become recurring features. Rains have become erratic. Loss of soil moisture due to wind is excessive. Due to shortage of fuel, cow dung instead of being diverted as manure to the fields is availed as fuels. Avenue trees are destroyed. In this some judicious mixture of silviculture and agriculture can benefit agriculture and animal husbandry. Small number of trees, well distributed, grown in the marginal lands and on bunds of fields can be more effective than blocks of plantations. Trees of leguminous species can benefit agriculture by improving the soil, provide green leaf manure and fodder for cattle. It will provide small timber and fuel.

We have reached the stage when it is incumbent to legislate to restrict and regulate the felling of trees and prescribe growing of a minimum number where none exists."

13. The Preamble to the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005, which extends to the whole of the State of Kerala and applies to all non-forest lands in the State reads as under:-.

"Preamble.-WHEREAS, it is necessary to maintain environmental stability by the cultivation of trees in non-forest areas;

AND WHEREAS, cultivation of new trees are necessary for checking soil erosion and denudation in the catchment areas of rivers, lakes, tanks and canals and for mitigating floods and droughts;

AND WHEREAS, in order to increase the green cover in the country, it is necessary to cultivate trees in all non-forest lands also;

AND WHEREAS, in order to meet the requirements of fuel, wood, fodder and small timber to the rural populations, it is necessary to promote cultivation of trees in all non-forest areas in the State;

AND WHEREAS, it is necessary to establish tree lands, wherever possible, for the amelioration of the people and for

preserving climatic conditions and promoting the general well being of the people;
AND WHEREAS, for the constant supply of wood for industrial growth and realization of maximum annual revenue in perpetuity, it is necessary to promote cultivation of trees in all non-forest areas;
AND WHEREAS, the Law-Reforms Committee appointed by the Government of Kerala have recommended to bring in a legislation to promote cultivation of trees in non-forest areas, in order to fulfill the needs enumerated above;
BE it enacted in the Fifty-sixth Year of the Republic of India as follows….."

14. The protection of trees in Urban as well as Rural areas outside the Notified Forests is extremely crucial for the management of the environment, mitigating the Urban heat island effect, Carbon sink and maintenance and extension of green cover outside forests. Large number of States/UTS have Trees Protection/Preservation Acts for the protection of trees in Urban and Rural Areas but there are no such enactments in some States.

15. In I.A. No. 162/2022 in O.A. No. 374/2022 titled as Green Earth Vs. Dy. Commissioner, Kurukshetra & Ors this Tribunal directed State of Haryana to evolve appropriate regulatory mechanism and the relevant part of order dated 01.07.2022 is reproduced as under: -

"10. We have considered the rival submissions. Having regard to environmental significance of trees, it is difficult to accept that trees should be allowed to be cut without any regulation or approval. If there is no regulatory mechanism, the State is bound by public trust doctrine to lay down an appropriate regulatory mechanism on the subject. Environmental concerns may be addressed as per laid down mechanism.

11. Accordingly, we direct that the Chief Secretary, Haryana to look into the matter and if no regulation exists, the same be laid down within a month. Regulatory mechanism be complied before cutting the trees in question.."

16. In M.A. No. 48/2023 in OA no. 200/2023 titled as Kuldeep Singh Khaira & Ors. Vs. State of Punjab & Ors. this Tribunal directed formulation of policy and evolving of regulatory mechanism in the State of Punjab and the relevant part of order dated 28.07.2023 is reproduced as under:-

> *"5. The Committee has recommended that the Forest Department should be directed to formulate the policy and guidelines for such activities.*
> *6. Accordingly, we direct Chief Secretary, Punjab to issue a proper instruction to Forest Department to formulate the policy of such incidents and the modalities may be adopted from Tree Protection Act of Delhi in addition to some other modifications required and thought by the authorities concerned.*
> *7. In the meanwhile, Forest Department shall take appropriate action with regard to such incidents and proper remedial measures would be taken for cutting of trees and protection of trees. Policies and guidelines so formulated be submitted to this Tribunal within three months..."*

17. In these facts and circumstances we are of the considered view that the question as to whether there is any necessity for formulation of any policy, legislating any statutory frame work and laying down any guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same needs proper examination by a Committee of Experts and appropriate action by concerned Statutory and Administrative Authorities on due consideration the recommendations of the Committee.

18. In view of the above, we constitute a Joint Committee comprising of the following:

1. Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC)

...Chairperson

2. Representative of the Ministry of Housing and Urban Affairs to be nominated by the Secretary not below the rank of Joint Secretary.

...Member

3. Representative of the Ministry of Rural Development and Panchayati Raj (to be nominated by the Secretary not below the rank of Joint Secretary. ... Member

4. Representative of the Director General, Indian Council for Forest Research and Education (ICFRE), Dehradun, Uttarakhand.

... Member

5. Representative of Indian Institute of Forest Management (IIFM), Bhopal, M.P. ... Member

6. Representative of the Director, Botanical Survey of India, Kolkata.

... Member

7. Representative of the National Biodiversity Authority, Chennai.

... Member

8. Mr. S.J.Pandit (IFS Retd.), Government of Gujarat.

... non-official Member

9. Member Secretary, Central Pollution Control Board

...Member Secretary

Terms of reference

(i) Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth,

protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.

(ii) Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.

(iii) Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.

(iv) In addition to the above any other relevant aspect which the Committee considers necessary to address the issues.

19. The Chairperson of the Committee may also Co-opt any other expert and seek assistance from any Authority/Institution.

20. Non Official Members be paid honorarium of Rs. 25,000/-(Rs. Twenty Five Thousands only) for each meeting in addition to TA/DA & boarding/ lodging, local conveyance as admissible to Joint Secretary to the Government of India.

21. Expenditure on TA/DA, lodging and boarding, local transportation, convening the meetings and providing logistics will be borne by the CPCB, from the environmental compensation amount lying deposited with it.

22. The Member Secretary of CPCB will act as Convenor/Coordinator/Nodal Officer for the reimbursement of the Expenditure and making all necessary arrangements for the convening of the Meetings.

23. The Committee shall submit its Report to the NGT, Principal Bench, New Delhi within four months from the date of receipt of a copy of this Order.

24. So far as the present Original Application is concerned, vide order dated 05.12.2023 MCD and DDA were directed to file response regarding orders passed/permissions granted for pruning of trees in Delhi and also carrying out of pruning of trees in Vasant Vihar by them before and after 29.05.2023 and DCF, West Forest Division was directed to file response regarding complaints made to him and action taken by him in respect of illegal cutting/pruning of trees. Report dated 01.02.2024 was filed by MCD vide email dated 02.02.2024; report dated 05.02.2024 has been filed by DDA vide email dated 05.02.2024 and report dated 02.02.2024 has been filed by DPCC vide email dated 02.02.2024.

25. In its reply MCD has given information regarding permissions granted by the Department of Forest and Wild Life, GNCTD for pruning of trees but MCD has not submitted any specific reply in respect of pruning done in Vasant Vihar area. In its report DPCC has mentioned having written a letter to Additional PCCF, Department of Forest and Wild Life, GNCTD. In its reply DDA has given information regarding green strip GHPS at Vasant Vihar and District Park at Vasant Vihar and requested for grant of four weeks time to collect data with respect to pruning of trees undertaken by DDA in entire Delhi. DCF, West Forest Division did not file any response in compliance to order dated 05.12.2023.

26. MCD and DDA are directed to file their response in terms of order dated 06.02.2024 with respect to pruning activities carried out by the

respondents no. 12 to 18 in Vasant Vihar area mentioning in detail particulars regarding application for permission for pruning of trees or carrying out of the same, supervision/monitoring of pruning of trees if any done by them and complaints if any received by them regarding illegal pruning of trees and DCF, (West Forest Division), Delhi is directed to file response in terms of order dated 05.12.2023 within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

27. List the matter for further consideration on 06.08.2024.

28. A copy of this order be sent to Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), Director General of Forest, Ministry of Housing and Urban Affairs, Secretary, Ministry of Rural Development and Panchayati Raj, Director General, Indian Council for Forest Research and Education (ICFRE), Dehradun, Uttarakhand, Vice Chairperson, Indian Institute of Forest Management (IIFM), Bhopal, M.P, Director, Botanical Survey of India, Kolkata, the National Biodiversity Authority, Chennai, Mr. S.J.Pandit (IFS Retd.), Government of Gujarat and Member Secretary, CPCB.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 05, 2024

ANNEXURE-II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

No.: CM-13011/196/2023-LAW-HO-CPCB-HO 1425-1434 May 08, 2024

To

As per List

Subject: Hon'ble National Green Tribunal (NGT) Order dated April 05, 2024 in Original Application No. 911/2022 (I. A. No. 14/2023 and I. A. No. 16/2023) titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

Reference: MoEF&CC O.M. No.: F. No. 8/1/2024-FPD dated 30.04.2024.

Sir/Madam,

This has reference to the order dated 05/04/2024 issued by Hon'ble NGT in O.A No 911 of 2022. Hon'ble NGT vide Order dated April 05, 2024 (Copy enclosed) has constituted a Joint Committee comprising of the following members:

1.	Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC)	... Chairperson
2.	Representative of the Ministry of Housing and Urban Affairs to be nominated by the Secretary not below the rank of Joint Secretary.	... Member
3.	Representative of the Ministry of Rural Development and Panchayati Raj (to be nominated by the Secretary not below the rank of Joint Secretary.	... Member
4.	Representative of the Director General, Indian Council for Forest Research and Education (ICFRE), Dehradun, Uttarakhand.	... Member
5.	Representative of Indian Institute of Forest Management (IIFM), Bhopal, M.P.	... Member
6.	Representative of the Director, Botanical Survey of India, Kolkata.	... Member
7.	Representative of the National Biodiversity Authority, Chennai.	... Member
8.	Mr. S.J.Pandit (IFS Retd.), Government of Gujarat.	... non-official Member
9.	Member Secretary, Central Pollution Control Board	... Member Secretary

As directed by Hon'ble NGT, 'Terms of reference' of the Joint Committee are as follows:

"(i) Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

(ii) Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.
(iii) Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.
(iv) In addition to the above any other relevant aspect which the Committee considers necessary to address the issues."

In view of the above, it is requested to kindly nominate representative of the respective organisation for the above-stated joint committee constituted by Hon'ble NGT. Details of the nominated representative along with his/her contact details (Contact number & email id) may kindly be forwarded to sharandeep.cpcb@nic.in & upc1.cpcb@gov.in to enable taking necessary action so as to comply with the Hon'ble NGT direction within the stipulated timeframe.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary

Encl.: As above

Copy to:

1.	The Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi – 110003, India	For kind information, please.
2.	Shri S. J. Pandit (IFS Retd.), Government of Gujarat, 19, Ushadeep Society, Opposite Jahanvi Restaurant, Near L.D. Evening College, Gulbai Tekra, Ahmedabad, Pin - 380015	For kind information, please.
3.	Dr. Shobhita Aggarwal Assistant Inspector General of Forests(FPD) Ministry of Environment, Forest and Climate Change, Government of India Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110003	For kind information, please.

(Bharat Kumar Sharma)

2101/UPC1/24
08/May/2024

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत..N.K.Singh
दिनांक 09/5/2024

List of the Organisations

1. The Secretary
   Ministry of Housing And Urban Affairs
   Nirman Bhawan, Maulana Azad Road,
   New Delhi-110011

2. The Secretary
   Ministry of Rural Development
   Government of India,
   Krishi Bhavan, Dr. Rajendra Prasad Road,
   New Delhi – 110001, India

3. The Secretary
   Ministry of Panchayati Raj
   11th Floor, Jeevan Prakash Building, 25 K.G.Marg,
   New Delhi-110001

4. The Director General
   Indian Council of Forestry Research & Education,
   P.O. New Forest,
   Dehra Dun – 248006

5. The Director,
   Indian Institute of Forest Management,
   P O Box 357, Nehru Nagar, Bhopal,
   Madhya Pradesh, 462003, India

6. The Director,
   Botanical Survey of India
   CGO Complex, 3rd MSO Building,
   Block F (5th and 6th Floor), DF Block,
   Sector I, Salt Lake City,
   Kolkata – 700064

7. The Secretary,
   National Biodiversity Authority,
   5th Floor, TICEL Bio Park,
   CSIR Road, Taramani,
   Chennai – 600113

ANNEXURE-III

Annexure-III

Minutes of the Meeting held on June 03, 2024 in the matter of Original Application No. 911/2022 (I. A. No. 14/2023 and I. A. No. 16/2023) titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors.

Meeting date & time : June 03, 2024 at 3:00 PM

The first meeting of the Joint Committee was convened on 3rd June 2024 under the Chairmanship of Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (*hereinafter referred as* **MoEFCC**). A List of a participant is enclosed in **Annexure-I.**

Deliberations:

1. The Chairperson of the Committee welcomed participants and requested for a brief introduction of all the Members of the Committee. It was noted that, the Member of the Committee from the Ministry of Panchayati Raj (MoPR) was not present in the meeting.

2. The Member Secretary of Central Pollution Control Board (CPCB) explained the background of the case and terms of reference as per the order dated 05.04.2024 passed by the Hon'ble National Green Tribunal, New Delhi. During discussion, it was deliberated that as the matter raised in Original Application is related to Government of National Capital of Territory Delhi, there may be need to co-opt Head of Forest Department from Government of National Capital Territory of Delhi in the Committee.

3. The Assistant Inspector General of Forests (Forest Protection Division), MoEFCC, New Delhi briefed the committee on existing Policy/Rules /Guidelines at Central Level/State Level in Rural and Urban Areas.

4. After detailed deliberations, it was suggested that a Model Act may be drafted taking into consideration the best features of the existing Acts/Guidelines/Rules in the States and UTs along with the Terms of Reference as laid by the Hon'ble Tribunal. The Model Act should focus on the provisions for support, growth, protection/preservation/pruning and management of trees in urban and rural non-forest areas.

5. Shri S.J.Pandit (IFS Retd.),Member raised the issue of extremely high temperature in the Country during summer season and proposed for plantation of indigenous tree species in vacant spaces of Urban and Rural areas especially in areas where high temperature has been recorded.

After detailed discussions, the following recommendations were made:

a. As the issue for consideration before Joint Committee is of utmost importance, Member from MoPR to ensure presence in further proceedings of the Joint Committee. **(Action by: Member of MoPR)**
b. Head of the Department of Forest, Government of National Capital Territory of the Delhi be co-opted as member in the Joint Committee. **(Action by: CPCB and GNCTD,)**
c. The Delhi Government may carry out plantation of indigenous species particularly in areas, where high temperature has been recorded recently by Indian Meteorological Department during this summer season. **(Action by: MOHUA, GNCTD)**
d. A draft Model Act focusing on the provisions for support, growth, protection/preservation/pruning and management of trees in urban and rural non-forest areas may be prepared by the Indian Institute of Forest Management (IIFM), Bhopal in consultation with Shri. .S.J.Pandit, Member and shall be submitted to Member Secretary of the Joint Committee within 15 Days. **(Action by:IIFM, BHOPAL and Shri. .S.J.Pandit ,Member)**
e. Analysis of the existing Acts/Rules/Guidelines shall be carried out by the Forest Protection Division of the MoEFCC and CPCB within 15 days .**(Action by:IG(FPD),MoEFCC and CPCB))**
f. A Status report on existing Green Cover in the urban and rural areas outside the notified and recorded forests shall be prepared by ICFRE and submitted to Member Secretary of the Joint Committee within 15 Days. **(Action by: ICFRE)**
g. Next meeting of the Joint committee be held immediately after receipt of the above reports.

The meeting ended with vote of thanks to the Chair and the Participants.

Annexure-I

List of Participants

Date & Time: June 03, 2024, 3:00 PM onwards

S. No.	Name & Designation	Organization
1	Shri. Jitendra Kumar, Director General of Forest & Special Secretary	Ministry of Environment, Forest and Climate Change (MoEF&CC)
2	Ms. Manisha Sensarma, Economic Advisor, (Housing-II, LSG & UD)	Ministry of Housing and Urban Affairs
3	Shri. Anuh Chadha. Under Secretary	Ministry of Rural Development
4	Shri. Kiran P Mali, Programme Officer, NRM	Ministry of Rural Development
5	Shri. A. C. Teron, IFS, DCF	Indian Council for Forest Research and Education (ICFRE),Dehradun.
6	Dr. Manmohan Yadav, Professor & Dean.	Indian Institute of Forest Management (IIFM). Bhopal, M.P.
7	Shri Sudhansu Sekhar Dash, Scientist F & Incharge, Technical Section,	Botanical Survey of India, Kolkata.
8	Dr. Hanchinal Ramappa, Non-Official Member	National Biodiversity Authority, Chennai.
9	Shri. S.J.Pandit , IFS Retd..	Government of Gujarat.
10	Shri Bharat Kumar Sharma, Member Secretary	Central Pollution Control Board
11	Dr. Shobhita Agarwal . AIGF (FPD)	Ministry of Environment, Forest & Climate Change
12	Smt. Suveena Thakur. AIGF (RT)	Ministry of Environment, Forest & Climate Change
13	Ms. Prity , Associate (Legal)	Ministry of Environment, Forest & Climate Change
14	Mr. Ankit Sobti, OA	Ministry of Environment, Forest &Climate Change
15	Shri. Sharandeep Singh, Additional Director, DH-UPC-I	Central Pollution Control Board
16	Shri Danish Meena, Scientist C	Central Pollution Control Board
17	Dr. Palash Mal, RA-III	Central Pollution Control Board

ANNEXURE-IV

Annexure IV

Minutes of the 2nd Meeting of the Joint Committee held on July 30, 2024 in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

Meeting Date & Time: July 30, 2024, at 3:00 PM

The second meeting of the Joint Committee constituted in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was convened on July 30, 2024, under the Chairmanship of the Director General Forests & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (hereinafter referred to as MoEFCC). The list of participants is enclosed in **Annexure-I**.

Deliberations:

1. The Inspector General of Forests (Forest Protection Division) welcomed the participants and briefed the agenda of the meeting.
2. The Member Secretary of the Joint Committee/Member Secretary of the Central Pollution Control Board (CPCB) explained the background of the case and the Terms of Reference of the joint committee as per the Hon'ble NGT order dated 05.04.2024.
3. Then, the Chairperson of the Committee requested a status update regarding the actionable points identified in the first meeting of the Joint Committee. In response to the same the following were intimated:
    a. The Director, Indian Institute of Forest Management (IIFM), Bhopal, informed that a Model Act encompassing provisions for support, growth, protection/preservation/pruning, and management of trees in urban and rural non-forest areas has been drafted. The work done by the IIFM, Bhopal was appreciated in the meeting.
    b. The representative from the Indian Council for Forest Research and Education (ICFRE), Dehradun reported that ICFRE had prepared a status report on the existing green cover outside the notified recorded forests. In this regard, ICFRE was requested for further

refinement of the report by segregating the data pertaining to the tree cover in urban and rural areas, outside the notified recorded forests, in collaboration with the Forest Survey of India (FSI), Dehradun.

4. After detailed discussions, the following decisions were arrived at;

i. The draft prepared by the IIFM, Bhopal, shall be circulated among the Joint Committee Members and the institutes of the Ministry of Environment Forest & Climate Change, Government of India under NIRANTAR for their comments and inputs, to be submitted within two weeks. The IIFM, Bhopal will accordingly modify the draft Model Act by considering comments/inputs so received suitably and place the modified draft before the committee in the next meeting. **(Action by: IIFM, NIRANTAR institutions)**

ii. The ICFRE, Dehradun should collaborate with the FSI, Dehradun to collate information for updating the status report regarding existing green cover in urban and rural areas outside the notified and recorded forests and further circulate it to all members of the Joint Committee for comments. **(Action by:ICFRE, Dehradun)**

iii. Since the present matter is listed for further consideration on 06.08.2024, it was decided, that an interim reply affidavit/progress report may be submitted to the Hon'ble National Green Tribunal, New Delhi. As finalization of the final report will take some more time, the Hon'ble NGT may be requested to grant an extension by four months for the committee**. (Action:Member Secretary, Joint Committee).**

The meeting ended with a vote of thanks to the Chair and the Participants.

Annexure-I

List of Participants

Date & Time: July 30, 2024, 3:00 PM onwards

Sl. No.	Name & Designation	Organization
1.	Shri Rajesh S., Inspector General of Forests (Forest Protection Division)	Ministry of Environment, Forest and Climate Change
2.	Shri Bharat Kumar Sharma, Member Secretary	Central Pollution Control Board & Member Secretary of the Joint Committee
3.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division)	Ministry of Environment, Forest and Climate Change
4.	Dr. K. Ravichandran, Director,	Indian Institute of Forest Management (IIFM), Bhopal
5.	Mr. A. C. Teron, IFS, DCF	Indian Council for Forest Research and Education (ICFRE), Dehradun
6.	Shri Vipul Ujwal, Director	Ministry of Panchayati Raj
7.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.)	Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
8.	Dr. Sandeep Kumar Pant, TCP	Ministry of Housing and Urban Affairs
9.	Dr. Pawan Kumar, Associate TCP	Ministry of Housing and Urban Affairs
10.	Shri Kiran P Mali, Programme Officer, NRM	Ministry of Rural Development

11.	Dr. K. Ravichandran, Director,	Indian Institute of Forest Management (IIFM), Bhopal
12.	Dr. Manmohan Yadav, Professor & Dean,	Indian Institute of Forest Management (IIFM), Bhopal
13.	Dr. Sudhansu Sekhar Dash, Scientist F & Incharge, Technical Section,	Botanical Survey of India, Kolkata
14.	Dr. Hanchinal Ramappa, Non-Official Member	National Biodiversity Authority, Chennai
15.	Shri Sharandeep Singh, Scientist 'E'	Central Pollution Control Board
16.	Dr. C K Dixit, Scientist 'C'	Central Pollution Control Board
17.	Ms. Juli Patel, Scientist 'B'	Central Pollution Control Board
18.	Dr. Palash Mal, Research Associate-III	Central Pollution Control Board
19.	Ms. Prity , Associate (Legal)	Ministry of Environment, Forest & Climate Change

ANNEXURE-V

Annexure V

Minutes of meeting (MoM) of the 3rd Meeting of the Joint Committee held on October 4, 2024, in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors

The third meeting of the Joint Committee constituted in the matter of O.A. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was convened on October 4, 2024, at 11:00 hrs under the Chairmanship of the Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi (hereinafter referred to as MoEFCC). The list of participants is given in Annexure**-I**.

The Member Secretary of the Joint Committee/Member Secretary of the Central Pollution Control Board (CPCB) welcomed the Chairman and the Participants and briefed the agenda of the meeting. Thereafter Shri Sharandeep Singh, Scientist 'E', CPCB, made a presentation on the progress made so far in the matter.

Shri Sharandeep Singh explained; (a) the background of the matter, (b) the Terms of Reference (ToR) of the Joint Committee as per the Hon'ble NGT order dated April 5, 2024, (c) recommendations made in the second meeting of this Joint Committee, (d) the status of comments received from the Joint Committee members and institutes under NIRANTAR.

Thereafter, Shri. Advait Edgaonkar, Associate Professor, Indian Institute of Forest Management [IIFM], Bhopal informed that they had prepared a Draft Model Act on Trees (Plantation and Protection in Non-Forest Areas) Act, 2024, along with Standard Operating Procedures (SOPs) for transplantation and felling of trees. It was also informed that the comments received from the Joint Committee members and the NIRANTAR Institutes have been incorporated suitably into the Draft Model Act. Shri Edgaonkar also delivered a presentation on the salient features of the Model Act and SOPs.

Shri. S.J. Pandit, IFS (Retd.) suggested that;

a. The proposed Model Act recommends imprisonment of 1-2 years for certain offences, which may make them bailable and non-cognizable. He indicated that it might be beneficial to include provision for a minimum of three years imprisonment, extendable to seven years. Additionally, Section 24(1) of the draft Model Act, which addresses the powers to prevent offenses, may be revised by incorporating for cognizance of offenses.

b. Rather than relying solely on online plantation registration, technology-driven solutions like satellite imagery could be considered for monitoring of tree covers.

c. Institutions with a large number of trees might be encouraged to preserve them through incentives such as municipal tax exemptions.

d. For construction projects exceeding 20,000 square meter of carpet area, it would be advisable to require environmental clearance (EC) from the State Environment Impact Assessment Authority (SEIAA).

e. The Ministry of Environment, Forest, and Climate Change (MoEF&CC) may consider issuing suitable instructions to SEIAAs to impose conditions for roof terrace plantations, taking into account structural safety.

f. To achieve the target of 33% tree cover, specific goals for increasing tree cover outside forests might be set for both urban and rural areas, with annual progress monitoring by the MoEF&CC. This approach could align with Sustainable Development Goals [SDGs 13 - Climate Action and SDG 15 - Life on Land].

g. It was suggested in the meeting that instead of the District Forest Officer/Divisional Forest Officer/ Deputy Conservator of Forest (DCF), a Gram Panchayat member or a Revenue Department functionary in villages, the Chief Officer in municipality areas, and an Assistant or Deputy Municipal Commissioner in Municipal Corporations may serve as Tree Officer.

h. Tree officer may not require concurrence of State Pollution Control Board before issuing the certificate of clearance under section 12(4) of the Model Act.

ii. Shri V. Arivudai Nambi, Scientific Consultant, National Biodiversity Authority, Chennai suggested that institutions established at the ground level, particularly the Biodiversity Management Committees under the Biological Diversity Act, be considered as one of the implementing agencies in the Draft Act. He also recommended including provisions for a tree census in the Draft Model Act and a tree census linked to the People's Biodiversity Registers (PBRs) available in rural and urban areas. The e-PBRs could also be utilized in future for issuing online felling and transit passes and for tracking them. Additionally, he mentioned about the need to establish separate rules for horticulture and forestry.

iii. Shri Vipul Ujwal, Director, Ministry of Panchayati Raj suggested that Panchayats should have jurisdiction over the trees within their areas and proposed that proceeds of any pecuniary penalties imposed on trees should be shared with the panchayats. He further added that Panchayats may also be responsible for planting trees along the sides of canals and roads within their jurisdiction.

In order to prepare the report to be submitted before the Hon'ble NGT, it was decided that a Sub Committee comprising of Shri Rajesh S., Inspector General of Forests, MoEF&CC as Chairperson, along with Shri Amit Anand, Assistant Inspector General of Forests, MoEF&CC, Shri Sanjay Chauhan Assistant Inspector General of Forests, MoEF&CC, and Shri Sharandeep Singh (Scientist 'E', CPCB) as Members, be constituted.

After detailed discussions, the following recommendations were made;

a. The Sub-Committee shall draft the report based on the Terms of Reference (ToR) outlined in the Hon'ble NGT order dated April 5, 2024, under the guidance of Shri K. Ravichandran, Director, IIFM, Bhopal. Further, comments on the draft Model Act shared by the members of the Committee may be examined by the Sub- Committee and suitably incorporated in the report.

b. The report would incorporate salient features from the Draft Model Act and SoPs for tree transplantation and felling.

c. The draft report be completed within two weeks and it would be circulated among the Joint Committee Members for review.

d. The fourth Joint Committee meeting shall be convened between October 25 and October 31, 2024, to review the draft report of the Sub- Committee.

[Action: by the concerned]

The meeting ended with a vote of thanks to the Chair and all the participants.

Annexure-I

List of Participants

Date & Time: **October 4, 2024 at 11:00 AM**

Sl.No	Name & Designation Organization
1.	Shri Rajesh S., Inspector General of Forests (Forest Protection Division) Ministry of Environment, Forest and Climate Change
2.	Shri Bharat Kumar Sharma, Member Secretary Central Pollution Control Board & Member Secretary of the Joint Committee
3.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division) Ministry of Environment, Forest and Climate Change
4.	Shri Amit Anand Inspector General of Forests (Forest Protection Division)

	Ministry of Environment, Forest and Climate Change
5.	Dr. K. Ravichandran, Director, Indian Institute of Forest Management (IIFM), Bhopal
6.	Shri Vipul Ujwal, Director Ministry of Panchayati Raj
7.	Ms. Piyali Roy choudhary, Consultant Ministry of Panchayati Raj
8.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
9.	Shri. A. C. Teron, IFS, DCF Indian Council for Forest Research and Education (ICFRE), Dehradun
10.	Shri Kiran P Mali, Programme Officer,NRM Ministry of Rural Development
11.	Shri S.J Pandit IFS Ret.
12.	Shri . V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
13.	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
14.	Shri Sharandeep Singh, Scientist ‘E’ Central Pollution Control Board
15.	Ms. Juli Patel, Scientist ‘B’ Central Pollution Control Board
16.	Dr. Palash Mal, Research Associate-III Central Pollution Control Board

ANNEXURE-VI

Annexure VI

Minutes of the 4th Meeting of the Joint Committee held on October 28, 2024 at 15:30 hrs., in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

The 4th meeting of the Joint Committee constituted in the matter of O.A. No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Vs Department of Environment, GNCTD & Ors., was convened on October 28, 2024, under the Chairmanship of Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi/Chairman, Joint Committee. The list of participants is given in **Annexure I**.

Deliberations:

1. At the outset, Shri Rajesh S., IGF, MoEFCC welcomed all the participants and after taking permission of the Chairman requested Shri Sharandeep Singh, Scientist-E, CPCB to deliver a presentation on the progress on the works assigned to the Sub-Committee constituted in the last meeting.
2. Shri Sharandeep Singh, Scientist-E, CPCB explained the background of the case; the Terms of Reference (ToR) of the Joint Committee as directed by the Hon'ble NGT vide its order dated 05.04.2024; recommendations made in the third Meeting of the Joint Committee, draft report prepared by the Sub-Committee and highlighted the methodology adopted by the Sub-Committee, results of the content analysis of the Acts, Rules, Guidelines, etc., with regard to the protection and management of trees in non-forest areas in the States and UTs, and concluded with Sub-Committee's recommendations with regard to the TOR (I), TOR (II) and TOR (III).

3. Further, Shri Rajesh S., IGF, MOEFCC, referred to the TOR(I) and mentioned that the land as a subject matter falls under the purview of State/UTs. Accordingly, the Sub-Committee prepared a draft framework for an advisory on cutting / felling, pruning of trees, and translocation/ transplantation of trees along with a set of recommendations concerning the TOR(I), TOR(II), TOR(III). A draft framework of the advisories was

submitted for consideration/ review by the Joint Committee.

4. It was recommended in the meeting that the draft report prepared by the Sub-Committee would incorporate advisory frameworks for developing policy, Act, and guidelines for the management of trees outside forest areas, in accordance with the TORs. The same needs to be validated by a technical expert institution such as the IIFM, Bhopal.
5. Further, Shri S.J. Pandit, IFS (Retd.), Expert Member, and Shri V. Arivudai Nambi, Scientific Consultant, National Biodiversity Authority, Chennai suggested that in the advisory framework, ecological issues/problems associated with the plantation of alien species in areas outside notified forest areas to considered. It was also suggested that instead of alien species, emphasis should be given to promoting native species. They also highlighted the need to address issues associated with the growth of alien species/invasive species that are harmful to other biotic components in the concerned landscapes.

6. After detailed discussions, the following decisions were arrived at;

a. Draft advisories on the following should be finalized by the Sub-Committee Members in one week and would be shared with the Joint Committee Members.

i. Advisory framework for developing Policy, Act, and Guidelines for growth, protection/preservation, pruning, and management of trees in non-forest areas in States/UTs not having such institutional arrangements.
ii. Advisory framework for developing Policy, Act, and Guidelines on; a) cutting and felling of trees for Rural areas, b) cutting, felling, and pruning of the trees for urban areas; and c) Translocation/ Transplantation of the trees.

(Action by: FPD Division)

b. All the Members of the Joint Committee would review the draft report prepared by the Sub-Committee and provide their inputs/comments within a week.

(Action by: Members of the Joint Committee)

c. After finalization of the advisory frameworks based on the comments received from the Joint Committee members, the Sub-Committee would share the report with the IIFM, Bhopal for technical validation of the report.

(Action by: IIFM-Bhopal)

d. Further, the Sub-Committee shall conduct a shareholder consultation meeting with all States/UTs Forest Departments in the last week of November 2024 to consolidate the Advisory frameworks on policy, Act, and guidelines.

(Action by: Sub-Committee)

e. Since the present matter is listed for further hearing on 18.11.2024, it was recommended by the Joint Committee that on account of the requirement of technical validation of the report and the required consultation with States/UTs, two months times may be requested from the Hon'ble NGT for submission of the final report of the Joint Committee.

(Action by: CPCB)

The meeting ended with a vote of thanks to the Chair and all the Participants.

Annexure-I

List of Participants

Sl. No.	Name & Designation Organization
1	Shri Jitendra Kumar, the Director General Forest & Special Secretary, MoEF&CC, Govt. of India.
2	Shri Anjan Kumar Mohanty, ADGF, MoEF&CC, Govt. of India.
3	Shri Rajesh S., Inspector General of Forests (Forest Protection Division), MoEF&CC, Govt. of India.
4	Shri Bharat Kumar Sharma, Member Secretary

	Central Pollution Control Board & Member Secretary of the Joint Committee, New Delhi.
5	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division), MoEF&CC, Govt. of India.
6	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
7	Shri Kiran P Mali, Programme Officer, NRM, Ministry of Rural Development, Govt. of India.
8	Shri Pankaj Kumar, Ministry of Panchayati Raj, Govt. of India
9	Ms. Piyali Roy Choudhary, Consultant, Ministry of Panchayati Raj, Govt. of India.
10	Dr. Sarita Jain, Indian Council for Forest Research and Education (ICFRE), Dehradun
11	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
12	Sh. Sudhansu Sekhar Dash, Scientist 'F', Botanical Survey of India
13	Shri V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
14	Shri S.J. Pandit, IFS Retd. Technical Expert, Joint Committee
15	Shri Sharandeep Singh, Scientist 'E', Central Pollution Control Board, New Delhi
16	Ms. Juli Patel, Scientist 'B', Central Pollution Control Board, New Delhi
17	Dr. Palash Mal, Research Associate-III, Central Pollution Control Board, New Delhi
18	Shri Ankit Sobit, Legal Assistant, MoEF&CC, New Delhi

ANNEXURE-VII

Annexure VII

Minutes of the 5th Meeting of the Joint Committee held on November 22, 2024 in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

Meeting Date & Time: November 22, 2024 at 4.00 PM

The 5th meeting of the Joint Committee constituted in the matter of O.A. No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was held on November 22, 2024, under the Chairmanship of the Director General Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi/Chairman, Joint Committee. The list of participants is given in **Annexure-I**.

Deliberations:

(a) Chairman of the Joint Committee welcomed all the participants in the meeting and thereafter, Member Secretary of the Joint Committee presented the current status of work done by the Joint Committee.

(b) The draft report prepared by the Joint Committee was presented in the meeting highlighting its salient features.

(c) Detailed deliberations were held. The members of the Joint Committee provided valuable suggestions which were suitably incorporated in the draft report. The modified draft report was agreed upon by the Joint Committee in the meeting and is attached as Annexure A.

Decisions:

After detailed discussions, the following decisions were taken by the Joint Committee:

1. Consultation with the State/UTs are required for finalization of the report. Therefore, it was decided that the draft report of the Committee may be placed before the Hon'ble NGT with a request to provide one and a half month time to hold consultation with the States/UTs and finalize the draft report. Alternatively, the Hon'ble NGT may be requested to permit submission of the draft report of the Joint

Committee to MoEF&CC and the MoEF&CC may take further necessary action in consultation with States/UTs.

2. The committee also expressed to submit before the Hon'ble NGT that the task assigned to the Joint Committee was very important, which required collection & analysis of data, review of documents and consultation with expert institutions and other stakeholders and the committee has continuously been putting its efforts and the details of actions taken by the Joint committee in preparing the report have been given in Chapter 2 of the Report.

   Required actions were taken by the Committee and the draft report was prepared by the Joint Committee in a short period of about seven months. Considering nature of the work, it is submitted that Hon'ble NGT may appreciate the efforts of the Joint Committee leading to preparation of the draft report.

The meeting ended with vote of thanks to the Chair and all the Participants.

Annexure-I

List of Participants

Date & Time: November 22, 2024 at 4:00 PM

Sl. No.	Name & Designation Organization
1.	Shri Jitendra Kumar, the Director General Forest & Special Secretary, MoEF&CC
2.	Shri Bharat Kumar Sharma, Member Secretary Central Pollution Control Board & Member Secretary of the Joint Committee
3.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests (Forest Protection Division), MoEF&CC
4.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
5.	Shri Kiran P Mali, Programme Officer, NRM, Ministry of Rural Development
6.	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
7.	Shri Vikas Anand (Joint Secretary), MOPR
8.	Shri Mohd. Tauqueer Khan, MOPR
9.	Shri Jacob Manohar (Associate TCPO), MOHUA
10.	Shri V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
11.	Shri S.J. Pandit, IFS Retd.
12.	Shri Sharandeep Singh, Scientist ‘E’, Central Pollution Control Board
13.	Ms. Juli Patel, Scientist ‘B’, Central Pollution Control Board
14.	Dr. Palash Mal, Research Associate-III, Central Pollution Control Board
15.	Shri Ravi Kumar, Legal Assistant, MoEF&CC

ANNEXURE-VIII-A

भरत कुमार शर्मा
सदस्य सचिव
Bharat Kumar Sharma
Member Secretary

सत्यमेव जयते

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
CENTRAL POLLUTION CONTROL BOARD
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

NGT MATTER
TIME BOUND
November 26, 2024

To,

The Chief Secretary
Government of Andhra Pradesh,
Block No.1, 1st Floor, AP Secretariat,
Velagapudi, Guntur District-522238

Sub.: Hon'ble NGT matter O.A. 911/ 2022 Prof. Sanjeev Bagai and Ors Vs Department of Environment, GNCTD: Inputs sought on draft report of the Joint Committee constituted in the matter regarding growth, protection/preservation, pruning and management of trees and related aspects

Respected Sir,

I am directed to forward a draft report prepared by the Joint Committee constituted vide Hon'ble NGT order dated April 05, 2024 in the matter of O.A. 911/ 2022 under the chairmanship of Director General of Forests and Special Secretary, Ministry of Environment, Forest & Climate Change.

This draft report comprises advisories and guidelines prepared in pursuant to the following Terms of Reference of the Committee:

(i) *Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.*
(ii) *Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.*
(iii) *Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.*
(iv) *In addition to the above any other relevant aspect which the Committee considers necessary to address the issues*

Your kind intervention is requested in seeking comments of the concerned Departments & Agencies of the Andhra Pradesh on the above draft report, preferably by December 11, 2024, for finalization of the report of the joint committee which is to be filed to Hon'ble NGT in a time bound manner.

The comments may kindly be sent to the Member Secretary, CPCB <mscb.cpcb@nic.in> and <sharandeep.cpcb@nic.in>.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary
Joint Committee in OA 911/ 2022

'परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032, भारत
'Parivesh Bhawan, East Arjun Nagar, Delhi-110 032, India
Tel. +91-11-22303655, 22307078, e-mail: bksharma.cpcb@nic.in, mscb.cpcb@nic.in
Website: www.cpcb.nic.in

भरत कुमार शर्मा
सदस्य सचिव
Bharat Kumar Sharma
Member Secretary

3681

सत्यमेव जयते

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
CENTRAL POLLUTION CONTROL BOARD
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

NGT MATTER
TIME BOUND
November 26, 2024

To,

The Chief Sec ary
Government of Andhra Pradesh,
Block No.1, 1st Floor, AP Secretariat,
V agapudi Guntur District-522238

Sub.: Hon'ble NGT matter O.A. 911/ 2022 Prof. Sanjeev Bagai and Ors Vs Department of Environment, GNCTD: Inputs sought on draft report of the Joint Committee constituted in the matter regarding growth, protection/preservation, pruning and management of trees and related aspects

Respected Sir,

I am directed to forward a draft report prepared by the Joint Committee constituted vide Hon'ble NGT order dated April 05, 2024 in the matter of O.A. 911/ 2022 under the chairmanship of Director General of Forests and Special Secretary, Ministry of Environment, Forest & Climate Change.

This draft report comprises advisories and guidelines prepared in pursuant to the following Terms of Reference of the Committee:

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(ii) *Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.*
(iii) *Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.*
(iv) *In addition to the above any other relevant aspect which the Committee considers necessary to address the issues*

Your kind intervention is requested in seeking comments of the concerned Departments & Agencies of the Andhra Pradesh on the above draft report, preferably by December 11, 2024, for finalization of the report of the joint committee which is to be filed to Hon'ble NGT in a time bound manner.

The comments may kindly be sent to the Member Secretary, CPCB <mscb.cpcb@nic.in> and <sharandeep.cpcb@nic.in>.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary
Joint Committee in OA 911/ 2022

'परिवेश भवन, पूर्वी अर्जून नगर, दिल्ली-110 032, भारत
'Parivesh Bhawan, East Arjun Nagar, Delhi-110 032, India
Tel. +91-11-22303655, 22307078, e-mail: bksharma.cpcb@nic.in, mscb.cpcb@nic.in
Website: www.cpcb.nic.in

Copy to:

1. The Principal Chief Conservator of Forest & Head of Forest Force,
   Andhra Pradesh, 'Aranya Bhawan',
   Mangalagiri-522503

2. The Chairman, Andhra Pradesh Pollution Control Board,
   D. No. 33-26-14 D/2, Near Sunrise Hospital,
   Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet,
   Vijayawada – 520 010, Andhra Pradesh

(Bharat Kumar Sharma)

भरत कुमार शर्मा
सदस्य सचिव
Bharat Kumar Sharma
Member Secretary

सत्यमेव जयते

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
CENTRAL POLLUTION CONTROL BOARD
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

NGT MATTER
TIME BOUND
November 26, 2024

To,

The Chief Secre[illegible]agapudi, Guntur District-522238
Government Andhra Pradesh,
Block N . , 1st Floor, AP Secretariat,
Vel

Sub.: Hon'ble NGT matter O.A. 911/ 2022 Prof. Sanjeev Bagai and Ors Vs Department of Environment, GNCTD: Inputs sought on draft report of the Joint Committee constituted in the matter regarding growth, protection/preservation, pruning and management of trees and related aspects

Respected Sir,

I am directed to forward a draft report prepared by the Joint Committee constituted vide Hon'ble NGT order dated April 05, 2024 in the matter of O.A. 911/ 2022 under the chairmanship of Director General of Forests and Special Secretary, Ministry of Environment, Forest & Climate Change.

This draft report comprises advisories and guidelines prepared in pursuant to the following Terms of Reference of the Committee:

(i) *Formulation of policy, enactment of statutory frame work and laying down of guidelines for the growth, protection/preservation, pruning and management of trees in non-forest areas in States/UTs not having the same.*

(ii) *Preparation of SOP/Guidelines for the cutting/felling of the trees in Rural Area, cutting/felling and pruning of trees in Urban Areas.*

(iii) *Preparation of SOP/Guidelines for the Transplantation /Translocation of Trees.*

(iv) *In addition to the above any other relevant aspect which the Committee considers necessary to address the issues*

Your kind intervention is requested in seeking comments of the concerned Departments & Agencies of the Andhra Pradesh on the above draft report, preferably by December 11, 2024, for finalization of the report of the joint committee which is to be filed to Hon'ble NGT in a time bound manner.

The comments may kindly be sent to the Member Secretary, CPCB <mscb.cpcb@nic.in> and <sharandeep.cpcb@nic.in>.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary
Joint Committee in OA 911/ 2022

'परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032, भारत
'Parivesh Bhawan, East Arjun Nagar, Delhi-110 032, India
Tel. +91-11-22303655, 22307078, e-mail: bksharma.cpcb@nic.in, mscb.cpcb@nic.in
Website: www.cpcb.nic.in

Copy to:

1. The Principal Chief Conservator of Forest & Head of Forest Force,
   Andhra Pradesh, 'Aranya Bhawan',
   Mangalagiri-522503

2. The Chairman, Andhra Pradesh Pollution Control Board,
   D. No. 33-26-14 D/2, Near Sunrise Hospital,
   Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet,
   Vijayawada – 520 010, Andhra Pradesh

(Bharat Kumar Sharma)

ANNEXURE-VIII-B

Annexure VIII B

Minutes of the 6th Meeting of the Joint Committee held on December 13, 2024, in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

Meeting Date & Time: December 13, 2024, at 11.00 AM in Hybrid mode.

The 6th meeting of the Joint Committee constituted in the matter of O.A. No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was held on December 13, 2024, under the Chairmanship of the Director General of Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi/Chairman, Joint Committee. The list of participants is given in **Annexure I**.

Deliberations:

(a) Chairman of the Joint Committee welcomed all the participants in the meeting and thereafter, Member Secretary of the Joint Committee presented the current status of work done by the Joint Committee.

(b) The efforts made by Dr P. Viswakannan, Chief Conservator of Forests, Delhi Forst Department, Shri Amit Anand (Assistant Inspector General of Forest), MoEFCC , Shri Sanjay Kumar Chauhan (Assistant Inspector General of Forest), MoEFCC and Member Secretary CPCB and his team in preparation of the draft report.

(c) Member secretary CPCB informed draft report has been circulated to all the State Government Administration/SPCBs/PCCs and PCCFs of all state/UTs for their comments vide letter dated 26.11.2024 and Comment is received only from Ladakh.

(d) Mr Sharandeep Singh, Scientist E, CPCB briefed about the comment received from Ladakh.

(e) Detailed deliberations were held on the comment provided by Ladakh and Joint Committee supported the comment and recommended exemptions for agro forestry tree species from transit and felling regulations only for the rural areas.

(f) Shri V. Arivudai Nambi, member representing the National Biodiversity Authority informed the committee that they have provided the comments which may be incorporated in the final report.

(g) Shri S.J Pandit, Ex officio Member (Retired IFS) Joint Committee requested that comments provided may be placed as annexure in the Joint Committee report.

Decisions:

After detailed discussions, the Joint Committee made the following recommendations:

1. Reminder would be sent to the State/UTs Administration/SPCBs/PCCs and PCCFs of States/UT to provide comments on the draft report of the Joint Committee at the earliest. (**Action by CPCB**)
2. The Joint Committee recommended that advisory framework prepared on the formulation of policy and Act may be used by all the States/ UTs to make their policy/act under the umbrella of the National Forest Policy which is in existence.
3. The Joint committee further recommended that
    a. Guidelines on pruning of trees in Urban Areas
    b. Guidelines on cutting/feeling of Trees in rural and urban areas
    c. Guidelines on transplantation/translocation.

be prepared (which may be used as advisory by State/UTs) and the comments received if any, from State Government / SPCBs/PCCs and PCCFs also be incorporated in the Joint Committee draft report by 22.12.2024. **(Action by Shri Amit Anand, Shri Sanjay Kumar Chauhan,AIGF MoEF&CC, CPCB)**

4. Final draft report be circulated by 23.12.2024 to all State Government / SPCBs / PCCs and PCCFs, the Joint Committee members for providing comments by 27.12.2024. (**Action by CPCB**)
5. Comments received from all State Government / SPCBs / PCCs and PCCFs, the Joint Committee members will be incorporated in the Final report by 30th December 2024. **(Action by Shri Amit Anand, Shri Sanjay Kumar Chauhan,AIGF MoEF&CC, CPCB)**
6. Further the report shall be shared with IIFM, Bhopal and FSI, Dehradun for vetting by 3rd January,2025
7. The next meeting of the Joint committee will be held on **06th January 2025** for the finalization of the report and further submission to the Hon'ble NGT.

The meeting ended with vote of thanks to the Chair and all the Participants.

Annexure-I

List of Participants

Date & Time: December 13, 2024 at 11:00 AM

Sl. No.	Name & Designation Organization
1.	Shri Jitendra Kumar, the Director General of Forest & Special Secretary, MoEF&CC
2.	Shri Bharat Kumar Sharma, Member Secretary Central Pollution Control Board & Member Secretary of the Joint Committee
3.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests, MoEF&CC
4	Shri Amit Anand, Assistant Inspector General of Forests, MoEF&CC
4.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi
5.	Shri Kiran P Mali, Programme Officer, NRM, Ministry of Rural Development
6.	Shri. Advait Edgaonkar (Associate Professor), The Indian Institute of Forest Management (IIFM), Bhopal
7.	Shri Vipul Ujwal, Directror, MOPR
8	Piyali Roy, Consultant, MoPR
9.	Shri Jacob Manohar (Associate TCPO), MOHUA
10.	Shri V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
11.	Shri S.J. Pandit, IFS Retd
12.	Shri Sharandeep Singh, Scientist ‘E’, Central Pollution Control Board
13	Shri Danish Meena, Scientist C, Central Pollution Control Board
14.	Ms. Juli Patel, Scientist ‘B’, Central Pollution Control Board
15	Ravi Kumar, Legal Associate, FPD, MoEFCC

ANNEXURE-IX

Annexure IX

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Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd

SS SHARANDEEP SINGH <sharandeep.cpcb@nic.in>

Fri, 20 Dec 2024 4:51:14 PM +0530 • INBOX

To "DIRECTOR" <director@iifm.ac.in>, "dgfsi" <dgfsi@fsi.nic.in>

Cc "Jitendra Kumar" <dgfindia@nic.in>, "MEMBER SECRETARY CPCB" <mscb.cpcb@nic.in>, "SANJAY CHAUHAN" <sanjay.ifs12@mp.gov.in>, "agmu216" <agmu216@ifs.nic.in>, "igfsu-moefcc" <igf.su-moefcc@gov.in>, "Danish Meena" <danish.cpcb@nic.in>, "JULI PATEL" <juli.cpcb@gov.in>, "PALASH MAL" <palashmal.cpcb@supportgov.in>, "Akanksha Verma" <akanksha.cpcb@supportgov.in>

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Sir/Madam,

I am directed to humbly submit the **Draft Revised Joint Committee Report**, along with **Annexure XX - Draft Guidelines for Tree Management in Non-Forest Areas** and other related annexures, for your kind perusal and **necessary vetting** by **27.12.2024**. The **vetted document** may please be provided via return email to **sharandeep.cpcb@nic.in**

regards
Sharandeep Singh
Sct'E',
Central Pollution Control Board
Delhi-32
9312011262

========== Forwarded message ==========
From: SANJAY KUMAR CHAUHAN <sanjay.ifs12@mp.gov.in>
To: "SHARANDEEP SINGH"<sharandeep.cpcb@nic.in>
Cc: "Jitendra Kumar"<dgfindia@nic.in>, "AMIT ANAND"<agmu216@ifs.nic.in>, "MS, CPCB" <mscb.cpcb@nic.in>, "K SINGH"<igf.su-moefcc@gov.in>
Date: Fri, 20 Dec 2024 12:11:00 +0530
Subject: Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd
========== Forwarded message ==========

Sir, please find attached herewith the Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting within aperiod of 7 days by 27.12.2024.This issues with the approval of DGF&SS.

With Warm Regards

Sharandeep Singh
Sct'E'
Divisional Head- UPC-I & PR
Central Pollution Control Board
Delhi-110032

19 Attachment(s) • Download as Zip • Add To

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Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd

9312011262

========== Forwarded message ==========
From: SANJAY KUMAR CHAUHAN <sanjay.ifs12@mp.gov.in>
To: "SHARANDEEP SINGH"<sharandeep.cpcb@nic.in>
Cc: "Jitendra Kumar"<dgfindia@nic.in>, "AMIT ANAND"<agmu216@ifs.nic.in>, "MS, CPCB" <mscb.cpcb@nic.in>, "K SINGH"<igf.su-moefcc@gov.in>
Date: Fri, 20 Dec 2024 12:11:00 +0530
Subject: Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd
========== Forwarded message ==========

Sir, please find attached herewith the Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting within aperiod of 7 days by 27.12.2024.This issues with the approval of DGF&SS.

With Warm Regards

Sharandeep Singh
Sct'E'
Divisional Head- UPC-I & PR
Central Pollution Control Board
Delhi-110032

19 Attachment(s) • Download as Zip • Add To

- Draft report of Joint commitee rep... .docx — 124.9 KB
- Annexure - VIII letter dt-26.11.2024.pdf — 283 KB
- Annexure - I Honble NGT Order dat... .pdf — 367.9 KB
- Annexure - II CPCB Letter May 820... .pdf — 651.5 KB
- Annexure - III Minutes of the 1st me... .pdf — 755.6 KB

ANNEXURE-X

Annexure X

Meeting notice - Seventh meeting of the Joint Committee constituted by Hon'ble NGT in Original Application No. 911/2022, 1. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors....

SS SHARANDEEP SINGH <sharandeep.cpcb@nic.in>

Fri, 03 Jan 2025 6:15:43 PM +0530 • INBOX

To "ccfgnctd" <ccf.gnctd@gov.in>, "sandeepraut69" <sandeep.raut69@gov.in>, "sudeeproy" <sudeep.roy@nic.in>, "mssharma" <ms.sharma@nic.in>, "anujchandra35" <anuj.chandra35@nic.in>, "Mail-jsre-mord" <Mail-jsre-mord@nic.in>, "kiranpmali" <kiranpmali@gmail.com>, "js2-mopr" <js2-mopr@gov.in>, "vipulujwal" <vipulujwal@gmail.com>, "Pankajkr73" <Pankaj.kr73@nic.in>, "piyaliroy" <piyali.roy@nic.in>, "tauqueerkhan" <tauqueer.khan@nic.in>, "adg-edu" <adg-edu@icfre.org>, "sarita" <sarita@icfre.org>, "chongteron" <chongteron@gmail.com>, "Dr Dash" <ssdash@bsi.gov.in>, "rrhanchinal" <rrhanchinal@gmail.com>, "rrhanchinal" <rrhanchinal@rediffmail.com>, "arivunambi1965" <arivu.nambi1965@gmail.com>, "secretary" <secretary@nba.nic.in>, "shwejpandit" <shwejpandit@gmail.com>, "advaite" <advaite@iifmbhopal.edu.in>

Cc "Jitendra Kumar" <dgfindia@nic.in>, "igfsu-moefcc" <igf.su-moefcc@gov.in>, "agmu216" <agmu216@ifs.nic.in>, "MEMBER SECRETARY CPCB" <mscb.cpcb@nic.in>, "Danish Meena" <danish.cpcb@nic.in>, "CHANDRA KANT DIXIT" <ckdixit.cpcb@nic.in>, "JULI PATEL" <juli.cpcb@gov.in>, "PALASH MAL" <palashmal.cpcb@supportgov.in>

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Dear Sir/ Madam,

I am directed to refer to orders dated 05/04/2024, 06/08/2024, 18.11.2024, and 26.11.2024 (copies enclosed) issued by Hon'ble NGT in O.A. No. 911 of 2022 (1. A. No. 14/2023 and I. A. No. 16/2023) titled Prof. Dr. Sanjeev Bagai & Ors. Versus Department of Environment, GNCTD & Ors., and the minutes of sixth meeting of the Joint Committee convened on 13.12.2024(copy of the minutes of the sixth meeting of joint committee enclosed).

It has been decided that the seventh meeting of the Joint Committee under the Chairmanship of the Director General of Forest & Special Secretary, Ministry of Environment, Forest and Climate Change, would be held on 06th January,2024 at 3:00 PM at Krishna Conference Hall, 4th Floor, JaI Wing, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi–110003 in Hybride mode.
The agenda of the meeting : Discussion and finalization of Joint Committee report along with draft guidelines for tree management in non- forest areas

Copies of Joint Committee report along with draft guidelines for tree management in non- forest areas enclosed for your kind reference,please

In view of the above, all the Joint Committee Members are requested to make it convenient to attend the Joint Committee meeting as per schedule. A line in confirmation may please be e-mailed to danish.cpcb@nic.in, juli.cpcb@nic.in and sharandeep.cpcb@nic.in.

yours faithfully,

Sharandeep Singh
Sct'E',Divisional Head UPC-I & PR
Central pollution Control Board

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Meeting notice - Seventh meeting of the Joint Committee constituted by Hon'ble NGT in Original Application No. 911/2022, 1. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors....

Committee meeting as per schedule. A line in confirmation may please be e-mailed to danish.cpcb@nic.in, juli.cpcb@nic.in and sharandeep.cpcb@nic.in.

yours faithfully,

Sharandeep Singh
Sct'E',Divisional Head UPC-I & PR
Central pollution Control Board

========== Forwarded message ==========
From: SHARANDEEP SINGH <sharandeep.cpcb@nic.in>
To: "ccfgnctd"<ccf.gnctd@gov.in>, "sandeepraut69"<sandeep.raut69@gov.in>, "sudeeproy" <sudeep.roy@nic.in>, "mssharma"<ms.sharma@nic.in>, "anujchandra35"<anuj.chandra35@nic.in>, "Mail-jsre-mord"<Mail-jsre-mord@nic.in>, "kiranpmali"<kiranpmali@gmail.com>, "js2-mopr"<js2-mopr@gov.in>, "vipulujwal"<vipulujwal@gmail.com>, "Pankajkr73"<Pankaj.kr73@nic.in>, "piyaliroy"<piyali.roy@nic.in>, "tauqueerkhan"<tauqueer.khan@nic.in>, "adg-edu"<adg-edu@icfre.org>, "sarita"<sarita@icfre.org>, "chongteron"<chongteron@gmail.com>, "manmohan"<manmohan@iifm.ac.in>, "manmohan" <manmohan@iifmbhopal.edu.in>, "advaite"<advaite@iifmbhopal.ed.in>, "ssdash"<ssdash@bsi.gov.in>, "rrhanchinal"<rrhanchinal@gmail.com>, "rrhanchinal"<rrhanchinal@rediffmail.com>, "arivunambi1965" <arivu.nambi1965@gmail.com>, "secretary"<secretary@nba.nic.in>, "shwejpandit" <shwejpandit@gmail.com>
Cc: "Jitendra Kumar"<dgfindia@nic.in>, "s rajesh Rajesh"<rajesh.skumar@gov.in>, "SANJAY CHAUHAN" <sanjay.ifs12@mp.gov.in>, "Danish Meena"<danish.cpcb@nic.in>, "JULI PATEL"<juli.cpcb@gov.in>, "PALASH MAL"<palashmal.cpcb@supportgov.in>
Date: Thu, 05 Dec 2024 16:48:41 +0530
Subject: Sixth meeting of the Joint Committee constituted by Hon'ble NGT in Original Application No. 911/2022, 1. A. No. 09/2024 and I. A. No. 16/2023, NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors
========== Forwarded message ==========

•••

With Warm Regards

Sharandeep Singh
Sct'E'
Divisional Head- UPC-I & PR
Central Pollution Control Board
Delhi-110032

7 Attachment(s) • Download as Zip • Add To ›

NGT order 05-04-2024_compresse... .pdf
275.5 KB •

NGT order 06-08-2024_compresse... .pdf
67.9 KB •

ANNEXURE-XI-A

3701

Annexure XI A

Comments of IIFM

1. The draft guidelines need to have standard definitions with proper citations for terms like “sustainable tree management”, "transplantation," "translocation," "tree management" etc. The guideline may consider addressing challenges like paucity of funding through innovative funding mechanisms (like green credit scheme, PES etc).
2. The guideline should emphasize that translocation is only for cases where other options aren't possible. Cost-benefit analysis and impact studies should precede translocation projects.
3. Monitoring, capacity building and reporting are mentioned in several places repeatedly, these can be consolidated into fewer paragraphs.

Mail Search Mail contains IIFM

Fwd: Re: Fwd: Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd

========== Forwarded message ==========
From: Advait Edgaonkar <advaite@iifmbhopal.edu.in>
To: "SHARANDEEP SINGH"<sharandeep.cpcb@nic.in>
Date: Sun, 05 Jan 2025 12:58:32 +0530
Subject: Re: Fwd: Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd
========== Forwarded message ==========

Dear Sir,,
May kindly find one more set of suggestions in track changes mode from the Director's office.
sincerely
Advait

On Wed, Jan 1, 2025 at 5:16 PM Advait Edgaonkar <advaite@iifmbhopal.edu.in> wrote:

> Dear Sir,
> May kindly find the comments on the guidelines in track changes mode as requested.
> thanks and regards,
> Advait
>
> On Mon, Dec 30, 2024 at 6:38 PM Advait Edgaonkar <advaite@iifmbhopal.edu.in> wrote:
> > Dear Sir,
> >
> > Greetings from IIFM! Editing has been done in track changes mode. In addition the following general comments may be considered:
> >
> > 1.The draft guideline needs to have standard definitions with proper citations for terms like “sustainable tree management”, "transplantation," "translocation," "tree management" etc. The guideline may consider addressing challenges like paucity of funding through innovative funding mechanisms (like green credit scheme, PES etc).
> >
> > 2. The guideline should emphasize that translocation is only for cases where other options aren't possible. Cost-benefit analysis and impact studies should precede translocation projects.
> >
> > 3. Monitoring , capacity building and reporting are mentioned in several places repeatedly, these can be consolidated into fewer paragraphs.
> >
> > thanks and regards,
> >
> > Advait
> >
> > On Sun, Dec 29, 2024 at 1:04 PM Advait Edgaonkar <advaite@iifmbhopal.edu.in> wrote:
> >
> > ---------- Forwarded message ---------
> > From: **Advait Edgaonkar** <advaite@iifm.ac.in>
> > Date: Thu, 26 Dec, 2024, 3:43 pm
> > Subject: Fwd: Fwd: Draft revised Joint Committee report along with Draft guidelines for Tree Management in Non Forest Areas for circulating to IIFM and FSI for Vetting-rgd
> > To: advaite <advaite@iifmbhopal.edu.in>
> >
> > ----- Forwarded Message -----

ANNEXURE-XI-B

Annexure XI B

Comments of Shri S J Pandit, IFS (Retd.) Member of the Joint Committee

Permission Regime

Following may be considered for the powers to permit cutting of trees:

1. The Tree officer can permit cutting (Felling) of only **10 trees** per applicant/per project.

2. In case of Municipal Corporation, for the permission of felling of more than **10** and up to **100 trees**, the tree officer will send the recommendation to the concerned Committee of elected representatives looking after Parks, Gardens and Environment. The Committee will decide and issue suitable order. In all other cases the tree officer will send the recommendation to the Taluka/Tehsil Committee **(TLC)** headed by the **Tehsildar** with the **Block Development Officer** and the concerned **RFO** having the jurisdiction as other 2 members. The Committee will decide and issue suitable order.

3. In case of Municipal Corporation, for the permission of felling of more than **100** and up to **1000 trees**, the tree officer will send the recommendation to the concerned Committee of elected representatives looking after Parks, Gardens and Environment. The Committee will deliberate and send its recommendations to the Standing Committee for final decision. In all other cases the tree officer will send the recommendation to the Taluka/Tehsil Committee. The Taluka/Tehsil Committee will deliberate and send its recommendations to the District Level Committee **(DLC)** headed by the **Collector** with the **District Development Officer** and the concerned **DCF** having the jurisdiction as other 2 members. The DLC will decide and issue suitable orders.

4. The powers to permit felling of more than **1000 trees** will be vested with the State Govt. The proposal with recommendations of Tree officer, concerned Municipal Committee, Standing Committee, DLC will be submitted to the State Level Committee. (SLC) headed by the Chief Secretary and Secretaries in charge of Revenue Department and Forest & Environment Department as other 2 members will scrutinize the proposal and the State Cabinet will give the approval.

Other suggestions :

5. When the rural areas are included in the proposed and final Town Planning Schemes for the expansion of cities and towns, the existing trees raised by the Forest department and Govt/Other institutes like Gram Van and other block plantation should be preserved as City/Town Forests.
6. Many Govt/Semi Govt/Private institutes situated in the cities and towns have very large campus with very good tree cover. These institutes with large number of trees serve as green lungs for the cities/towns. They need to be encouraged to preserve the trees inside their campuses by way of municipal tax exemptions/rebates and other

incentives. When they go for expansion of existing buildings and construction of new buildings, they may go for vertical rise and save maximum trees.

7. Any construction, having more than 20,000 Sq. Mts. of total carpet area needs prior Environment Clearance (EC) from the State Environment Impact Assessment Authority (SEIAA). MoEF & CC may issue suitable instructions to all the SEIAAs to impose conditions for the roof terrace plantations of small/medium size trees/shrubs on the top of the building after due care and calculation of load bearing capacity and structural safety of the roof top/terrace. This will help in enhancing green cover as well as mitigating Urban Heat Island Effect.
8. As per the National Forest Policy, 1988; the country needs Forest/Tree cover of 33 % of the total geographical area. The present cover as per the SFR published by FSI is around 24 %. To reach the ideal target of 33 %, targets for enhancing tree cover outside forests for each state may be fixed for urban as well as rural areas and the yearly progress in this regard may be monitored by the MoEF & CC. This can also be added as a part of **Sustainable Development Goal no 13 : Climate Action or Goal no 15 : Life and Land.**
9. All the trees over 100 years of age may be declared as heritage trees. All such trees may be provided with proper signage highlighting its age, usage, common as well as botanical name and importance. Special protection against uprooting must be provided like retaining wall leaving sufficient open soil and space around its stem.

10. Following care must be taken in the interest of protection of trees :
    (a) When trees are planted with tree guards, it is often found that the tree guards are not removed despite the sufficient increase in the girth. This results in damage to trees due to chocking of stem. To avoid such damage, care must be taken foe timely removal of tree guards after sufficient growth. This will also facilitate reuse of tree guards.
    (b) In urban areas, it is found that carpeting of tar and fixing of paver blocks are done around the stem of the existing trees without leaving sufficient open space of soil to accommodate future growth of the stem. This may inhibit the growth of the stem and may damage the paved surface. So sufficient open soil must be kept around the stem of the existing trees keeping in mind its future growth.
    (c) At many places it is observed that decorative lightings are entangled around the stem as well as on the branches of trees during festivals and functions. This must be prohibited with suitable punitive actions by the concerned authorities as it is harmful to the health of the trees.
    (d) Nailing of trees to fix signage and advertisement boards must be prohibited with suitable punitive actions by the concerned authorities as it damages the bark and stem of the trees.
    (e) Burning of leaf and other litter under the trees should be strictly prohibited with suitable punitive actions by the concerned authorities as it damages the stem and the branches.

ANNEXURE-XII

Annexure- XII

Minutes of the 7th Meeting of the Joint Committee held on January 06, 2025, in the matter of Original Application No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors.

Meeting Date & Time: January 06, 2025, at 4:30 PM in Hybrid mode.

The 7th meeting of the Joint Committee constituted in the matter of O.A. No. 911/2022, I. A. No. 09/2024 and I. A. No. 16/2023 titled NGT Bar Association (Substituted for original applicants Prof. Dr. Sanjeev Bagai & Ors.) Versus Department of Environment, GNCTD & Ors., was held on January 06, 2025, under the Chairmanship of the Director General of Forest & Special Secretary, Ministry of Environment, Forest & Climate Change, New Delhi/Chairman, Joint Committee. The list of participants is given in **Annexure I**.

Deliberations:

a) The Chairman of the Joint Committee welcomed all the participants in the meeting and thereafter, Member Secretary of the Joint Committee presented the current status of work done by the Joint Committee.

b) Member Secretary, CPCB informed that draft report has been again circulated to all the State Government Administration/SPCBs/PCCs and PCCFs of all state/UTs for their comments vide letter dated 16.12.2024 and Comment have been received from 10 States/UT's(Bihar , ddar & Nagar Haveli, Delhi, Goa , Himachal Pradesh, Karnataka, Madhya Pradesh, Ladakh, Punjab, Uttar Pradesh).

c) Shri V. Arivudai Nambi, member representing the National Biodiversity Authority informed the committee that NBA has provided the comments which may be incorporated in the final report.

d) Shri S.J Pandit, Ex officio Member (Retired IFS) of Joint Committee requested that comments provided him may be placed as annexure in the Joint Committee report.

e) Based on comments received and their review, final draft report was discussed in the meeting.

f) The Chairman of the Joint Committee acknowledged the special efforts contributed by Shri Amit Anand, Assistant Inspector General of Forest, MoEFCC, Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forest, MoEFCC and Member Secretary CPCB and his team in preparation of the draft.

Decisions:

After detailed discussions, the Joint Committee arrived at the following recommendations:

1. Joint Committee duly approved the report for submission before Hon'ble NGT. Approved copy of joint copy report is attached as Annexure-I
2. As matter is listed on 17th January 2025, joint committee expressed views that final report is to be filed before Hon'ble NGT well within the time.
3. Joint Committee decided that the Joint Committee report shall also be submitted to MoEF&CC, Government of India.

The meeting ended with vote of thanks to the Chair and all the Participants.

Annexure-I

List of Participants
Date & Time: January 06, 2025 at 04:30 PM

Sl. No.	Name & Designation Organization
1.	Shri Jitendra Kumar, Director General of Forest & Special Secretary, MoEF&CC, Government of India.
2.	Shri Krishna Bahadur Singh, Inspector General of Forest, MoEF&CC, Government of India.
3.	Shri Bharat Kumar Sharma, Member Secretary, Central Pollution Control Board & Member Secretary of the Joint Committee.
4.	Shri Sanjay Kumar Chauhan, Assistant Inspector General of Forests, MoEF&CC, Government of India.
5.	Shri Amit Anand, Assistant Inspector General of Forests, MoEF&CC, Government of India.
6.	Dr. P. Viswakannan, Chief Conservator of Forests (Admn.) Office of Principal Chief Conservator of Forests, Department of Forests and Wildlife, Govt. of NCT of Delhi.
7.	Dr. Dushyent Gehlot, Assistant Commissioner, Ministry of Agriculture & Farmers Welfare.
8.	Shri Kiran P Mali, Programme Officer, NRM, Ministry of Rural Development.
9.	Shri. Advait Edgaonkar (Associate Professor), Indian Institute of Forest Management (IIFM), Bhopal
10.	Shri Pankaj Kumar, MOPR
11.	Shri Jacob Manohar (Associate TCPO), MOHUA
12.	Dr Sandeep Kumar Raut, TCPO, MoHUA
13.	Dr Sarita Jain ICFRE, Dehradun
14.	Shri V. Arivudai Nambi (Scientific consultant) National Biodiversity Authority, Chennai
15.	Shri S.J. Pandit, IFS Retd
16.	Dr. C.K. Dixit, Scientist 'D', Central Pollution Control Board
17.	Shri Danish Meena, Scientist C, Central Pollution Control Board
18.	Ms Juli Patel, Scientist 'B', Central Pollution Control Board
19.	Sh. Ravi Kumar, Legal Associate, FPD, MoEFCC

ANNEXURE-XIII-A

****Content analysis of the Acts, Rules, Guidelines etc. with regard to protection and management of trees in non-forest area of the States and UTs**

S. No.	State/ UTs	NON-FOREST AREA									
		Name of Act/guideline/ SOP/policy	**Growth**	**Protection**	**Preservation**	**Cutting**	**Felling**	**Transplantation**	**Translocation**	**Management of trees**	**Pruning**
1.	Andhra Pradesh	Andhra Pradesh Water, Land and Trees Act, 2002	Provisions of tree plantation in urban areas, protection of trees, tree plantation by Government Departments, encouraging stall fed sheep and goat farming, tree protection in fringe areas			The Act regulates the cutting and felling of trees requiring prior approval from the authorities to prevent unauthorized removal.Provision of 30% of the available open area in the premises of institutions shall be taken up for tree plantation with a density of not less than 6 trees per every 100 Square meters in open area		No	No	Yes	No
2.	Andman & Nicobar	-	-	-	-	-	-	-	-	-	-

3.	Arunachal Pradesh	Arunachal Pradesh(control of felling & Removal of trees from Non Forest land) Rules,2001	**No**	Tree plantations established in non-forest areas by individuals, communities, institutions, non-governmental organizations, or other agencies play a crucial role in the protection and preservation of trees		Application for permission for felling of trees for non- commercial purposes, including in respect of registered plantations shall be made to the Divisional Forest Officer after marking of the trees proposed to be felled in the proforma prescribed by the Principal Chief Conservator of Forests.	No	No	Yes, tree management activity is carrying out under this Rules	No
4.	Assam	Assam (control of felling and removal of tree from Non-forest lands) Rules, 2002 Tree	**No**	**Yes**	**Yes**	**Permission for felling of trees from non-forest areas including from registered plantations shall be granted following the provisions as prescribed by the Principal Chief Conservator of forests, Assam** • No Felling Permission (FP) is	No	No	Yes, tree management activity is carrying out under this guidelines	No

					required for home grown bamboo.				
5.	Bihar	By resolution No 43 (E) dated 28.01.2013, 119 (E) dated 03.03.2014 and 178 (E) date 29.03.2016 state government guidelines	…	Yes, there is a Provision of Tree protection and preservation	**Yes, cutting and felling is regulated by the permission of Authority.**	No	No	**Yes**	No
6.	Chandigarh	Chandigarh Trees Preservation Order, 1952	Section 3 of the 1952 order provides that any cutting down, lopping, pruning, destruction, of any tree in any part of the woodland area in the zoning plan can only be done on the basis of an application made to the Chief Administrator.		**Yes,** The Act prohibits the felling or removal of trees in urban areas unless permission is obtained from the relevant authorities, ensuring that tree removal is regulated.	No	No	**Yes**	Yes
		Department of Forests and Wildlife, order dated 22/07/2022	**No**	**No**	According to the order dated 22/07/2022 all requests by the public for felling, pruning, etc. of trees are to be received online after which the request is forwarded to the	No	No	**Yes**	According to the order dated 22/07/2022 all requests by the public for felling, pruning, etc. of trees are to be received

			engineering/horticulture wing of Municipal Corporation/ Forest Department, depending on the jurisdiction after which a preliminary inspection is done. That in case the proposal is justified that It is passed on to the committee which has been formed under the aforementioned order otherwise It is rejected at the outset. Order dated 22/07/2022 also Constituted the Tree Felling Committee (TFC) comprised of the following officers: a. Convener- Sub Divisional Officer (Horticulture), Municipal Corporation, Chandigarh b. Member Sub-			online after which the request is forwarded to the engineering/horticulture wing of Municipal Corporation/ Forest Department, depending on the jurisdiction after which a preliminary inspection is done. That in case the proposal is justified that It is passed on to the committee which has been formed under the aforementioned order otherwise It is rejected at the outset.

					Divisional officer Engineering Department, Chandigarh. Member - Range Forest Officer, Chandigarh Range, Forest Department, UT Chandigarh.				
7.	Chhat isgarh	-	-	-	-	-	-	-	-
8.	DNH & DD	Dadra & Nagar Haveli and Daman & Diu Preservation of Trees Act, 1984 (2022)	Obligation to plant trees, Planting of adequate number of trees in blank areas, Preservation of trees;		Restriction on felling and removal of trees, Procedure for obtaining permission to fell, cut, remove or dispose off a tree	No	No	**Yes**	No
9.	Delhi	The Delhi Preservation of Trees Act, 1994 (DPT, Act),	Obligation to plant trees, preservation of trees, adoption of trees is there; Procedure for obtaining permission to fell, cut, remove or dispose of a tree is there;		The Sections 8, 9, 10 & 11 of the Delhi Preservation of Trees Act, 1994 give relevant information on restriction on felling and removal of trees, procedure for obtaining permission to fell, cut, remove or dispose of a tree, obligation to plant trees and preservation of trees.	Yes	Yes	There are provisions for management of certain class of trees etc.	In exercise of the powers conferred by section 34 of the DPT Act, Government of GNCTD made the Delhi Preservation of Trees Rules, 1996 which are comprising of prescribed

					There are provisions of restrictions on felling and removal of trees and liabilities for preservation of trees				Forms for trees pruning, cutting, removal, disposal etc. as per various Sections of the DPT Act.;
		The Delhi Preservation of Trees Rules, 1996	Provisions of obligation of tree plantation, preservation, implementation of Orders is there		-	No	No	**Yes**	
10.	Goa	The Goa, Daman and Diu Preservation of Trees Act, 1984 Goa Preservation of Trees (Amendment) Bill, 2022. tree" means any woody plant whose branches spring from and are supported upon the trunk or the body and whose trunk or body is not less	Every person who is granted permission under this Act to fell or dispose of any tree shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by	All the owners shall effectively protect all the trees growing in the lands or areas under their control. The Tree Officer may direct the owner to take necessary measures to protect trees from damage	no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer. Any person desiring to fell or remove or otherwise dispose of by any means a tree shall make an application to the concerned Tree Officer for permission,	planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;		Yes	(Not get Data)

		than ten centimeters in diameter at breast height (dbh – 1.37 mts) from the ground level (and includes Coconut palm)	the Tree Officer.		accompanied by necessary documents				
11.	Gujarat	Gujarat Saurashtra Felling of Trees Act, 1951	**Yes, there is a provision for growth** The Act regulates the felling of trees outside notified forest areas to ensure the protection and preservation of the environment.	**Yes,** No person may voluntarily fell, appropriate, or damage any tree or portion thereof without the written permission of the Collector or an authorized officer. This provision aims to safeguard trees from unauthorized removal.	**Yes,** Unauthorized felling of trees is prohibited. Anyone who contravenes this provision may face fines ranging from fifty to one thousand rupees, determined by a revenue officer. This ensures that those who unlawfully cut down trees are held accountable.	NO	No	It ensures that tree resources are managed sustainably, preventing deforestation and promoting reforestation.	No But Gadhinagar city , a provision for consultation with the forest department for cutting of trees has been made departments undertakes tree felling or pruning activity
12.	Haryana	THE PUNJAB LAND PRESERVATION ACT, 1900	**Yes,** The Act includes measures to promote the growth and	**Yes,** **t**he Act emphasizes the protection of land resources and mandates	**Yes,** The Act regulates the cutting and felling of trees requiring prior approval from the	No	No	Yes, The Act outlines guidelines for the	No

			preservation of trees and vegetation on land to prevent soil erosion and maintain ecological balance.	conservation practices to preserve the environment.	authorities to prevent unauthorized removal.			management of trees, including their maintenance, preservation, and sustainable utilization to ensure ecological health.	
13.	Himachal Pradesh	The Himachal Pradesh Municipal Corporation Act 1994	Yes, Section 346 is regarding adequate number of trees Section 347 is regarding planting in place of fallen/destroyed trees. Section 348 is regarding responsibility of preservation of trees		Section 339, of chapter XX, is regarding Prohibiting, felling, cutting, damaging destroying any tree in any urban area. No person shall cut, damage, destroy, fell or remove any tree of prescribed class wherever included in a private holding or not within the jurisdiction of the municipal corporation except	No	No	Yes	No

					wit prior permission obtained from the State Government under the provisions made in this chapter or any rule thereunder.				No
		The HP Land preservation Act 1978	**Yes** The Act aims to conserve and protect trees grown on private land in Himachal Pradesh.	**Yes,** The cutting of trees in certain areas is prohibited, with specific exceptions for domestic use.	**Yes,** Trees for sale may only be felled according to a ten-year felling program established by the Forest Department, and permission must be obtained.	**Yes,** Individuals must plant at least three trees for every tree felled for domestic, agricultural, or sale purposes.	No	No	**Yes,** The Act regulates the management
14.	Jammu & Kashmir	THE JAMMU AND KASHMIR PRESERVATION OF	**Yes,** The Act applies to trees growing on private land and State	**Yes,** Restrictions on felling apply only to trees that have been declared as specified trees.		**Yes,** The Act specifically regulates the cutting and felling of trees that have been designated	No	No	**Yes,** The Act regulates the management

		SPECIFIED TREES ACT,1969	land but not on forest land. Procedure/Guideline for Regulating Felling of Plantations and Trees Growing on Institutional Land, Including Defence Land are also included Felling of royal, reserved, specified trees, and those trees restricted under any order of the Hon'ble Supreme Court or the Government of Jammu & Kashmir will not be allowed		as specified trees. The following species are currently classified as specified trees: Walnut, Willow, Khair, Conifers, and Oaks. Felling these trees is restricted and requires obtaining the necessary permits to ensure sustainable management and conservation efforts. Felling of royal, reserved, specified trees, and those trees restricted under any order of the Hon'ble Supreme Court or the Government of Jammu & Kashmir will not be allowed except under specific permissions as provided by law.			ent and felling of specified trees to ensure their preservation.	

			except under specific permissions as provided by law.						
		Municipal corporation ACT, 2000	**Yes,** The Act aims to promote the growth and preservation of trees in urban areas, emphasizing the importance of maintaining green spaces.	**Yes,** No person shall cut, damage, destroy, fell, or remove any tree of the prescribed class within the jurisdiction of the Municipal Corporation without prior permission from the Government.	**Yes,** The Act prohibits the felling or removal of trees in urban areas unless permission is obtained from the relevant authorities, ensuring that tree removal is regulated.	No	No	**Yes,** The Act outlines responsibilities for the preservation of trees and mandates the planting of an adequate number of trees to support urban forestry efforts.	No
15.	Jharkhand	-	-	-	-	-	-	-	-
16.	Karnataka	The Karnataka Preservation of Trees Act, 1976	The Act establishes the Tree Authority responsible for tree preservation, conducting a tree census, specifying tree standards, and ensuring the planting of a minimum		Restrictions are placed on tree felling, and in the case of felling, adequate tree planting is required. The Act also addresses the		The Tree Authority oversees nurseries, supplies	This act includes provision for tree	No Criteria for Pruning

			of five trees per hectare in rural areas. It mandates the replacement of felled or destroyed trees.			planting and transplanting of trees when necessary.		seeds and saplings, and ensures tree planting or replacing.	managem ent	
17.	Keral a	THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST AREAS ACT, 2005	As per Section 4, of the KERALA PROMOTIO N OF TREE GROWTH IN NON-FOREST AREAS ACT, 2005, the Local Self Government Institutions shall promote tree growth in non-forest areas and be responsible for,-- (a) the cultivation of saplings in the lands owned or transferred or vested in	**No**	**No**	As per Section 6, of the KERALA PROMOTION OF TREE GROWTH IN NON-FOREST AREAS ACT, 2005, not-withstanding anything contained in any other law for the time being in force, every owner of non-forest land shall have the right to cut and transport any tree, other than sandalwood tree, standing on his land: Provided that the provision under this sub-section shall not apply to trees, if any, reserved by the Government at the time of assignment of such land or trees	No	No	Yes	No

	THE KERALA PROMOTION OF TREE GROWTH IN NONFOREST AREAS RULES, 2011	the objects of this Act.			As per Rule 3 of THE KERALA PROMOTION OF TREE GROWTH IN NONFOREST AREAS RULES, 2011, declaration to be filed for cutting a specified tree or transportation of timber of a specified tree from any non-forest land to	No	No	Yes	At Rule 5(x) of the said Rules, pruning of trees required for agricultural operations shall be allowed in deserving cases on condition that the girth of the branch to be cut shall not exceed thirty cms. at the biggest end and the main stem of the trees shall not be damaged during lopping or pruning

any other place.	At Rule 4 in the said Rules, procedure for obtaining prior permission for cutting and transporting any specified tree from a notified area have been stated.					At Rule 5 of the said Rules, conditions for granting permissio		

						n for cutting of trees have been provided.					
18.	Ladakh	THE JAMMU AND KASHMIR PRESERVATION OF SPECIFIED TREES ACT,1969	**Yes,** The Act applies to trees growing on private land and State land but not on forest land. Procedure/Guideline for Regulating Felling of Plantations and Trees Growing on Institutional Land, Including Defence Land are also included Felling of royal, reserved, specified trees, and those trees	**Yes,** Restrictions on felling apply only to trees that have been declared as specified trees.	**Yes,** The Act specifically regulates the cutting and felling of trees that have been designated as specified trees. The following species are currently classified as specified trees: Walnut, Willow,	No	No	**Yes,** The Act regulates the management and felling of specified trees to ensure their preservation.	No	THE JAMMU AND KASHMIR PRESERVATION OF SPECIFIED TREES ACT,1969	**Yes,** The Act applies to trees growing on private land and State land but not on forest land. Procedure/Guideline for Regulating Felling of Plantations and Trees Growing on Institutional Land, Including Defence Land are also included Felling of royal, reserved, specified trees, and those trees

		restricted under any order of the Hon'ble Supreme Court or the Government of Jammu & Kashmir will not be allowed except under specific permissions as provided by law.		Khair, Conifers, and Oaks. Felling these trees is restricted and requires obtaining the necessary permits to ensure sustainable management and conservation efforts. Felling of royal, reserved, specified trees, and those trees restricted under			restricted under any order of the Hon'ble Supreme Court or the Government of Jammu & Kashmir will not be allowed except under specific permissions as provided by law.

				any order of the Hon'ble Supreme Court or the Govern ment of Jammu & Kashmir will not be allowed except under specific permissi ons as provided by law.	-					-	-
19.	Laksh adwee p	-	-	-	-	As per Section 10 of the Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001, where the Tree	-	-	-	-	-
20.	Madh ya Prade sh	Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra)	**No**	(1) Every person who is under an obligatio n to	**No**		No	No	As per Section 21 of the Madhya Pradesh Vrikshon Ka	No	

		Adhiniyam, 2001		plant trees under an order made under Section 6 shall start preparatory work within thirty days of the date of receipt of the order or directions, as the case may be and shall plant trees in accordance with such order or directions in the		Officer or any Forest Officer has reasons to believe that an offense under this Act has been committed in respect of any tree, he may seize the tree or part thereof which has been severed from the ground or the trunk, as the case may be, alongwith the tools and implements used for felling. When the seizure is made by forest officer he will forward the case to the Tree Officer for further action.			Pariraksh an (Nagariya Kshetra) Adhiniya m, 2001, the State Governm ent may, in the interest of general public, declare by notificatio n that any class of trees shall not be felled for such period as is specified in that notificatio n. (2) The managem ent of such trees shall be regulated	

							in the prescribed manner.
							ensuing or following rainy season or within such extended time as the Tree Officer may allow and shall provide adequate and effective protection to the trees that are planted in the land or the area from any damage. (2) In case of default by such

21.	Maharashtra	Maharashtra (Urban areas) preservation of trees act, 1975 Amendments appended: 10 of 2010, 6 of 2012, 15 of 2015, 13 of 2017, 9 of 2021, 25 of	Yes, Aims to promote the growth of trees in urban areas, recognizing their ecological, aesthetic, and social importance.	It establishes measures to protect trees from illegal cutting and felling, person, the Tree Officer may cause trees to be planted and may recover the cost of plantation from such person as an arrear of land revenue.	Yes, aims to promote the preservation of trees in urban areas, recognizing their	This act prohibits the cutting or felling of trees witho	This act allows for the transplantation and translocation of trees, emphasizing best practices to minimize damage during these processes.		The act outlines responsibilities for local authorities regarding the management of trees. This	The act provides guidelines for the pruning of trees,

	2022, 43 of 2023		ensuring that urban landscapes remain green and sustainable	ecological, aesthetic, and social importance.	ut prior permission from the appropriate authorities. It sets guidelines for obtaining such permissions, ensuring that any removal is justified.		includes maintaining public trees, enforcing protection measures, and implementing replanting programs	

22.	Manipur	Guideline for felling of trees from non-forests areas-2002	**No**	**Yes**	**Yes**	**Felling Permission of trees should be taken from Divisional forest officer**	No	No	Yes, tree manegment activity is carrying out under this guidelines	No
23.	Meghalaya	THE MEGHALAYA TREE (PREVENTION) ACT, 1976. (Meghalaya Act 13 of 1976)	Yes, An Act to make provisions for regulating the felling of trees for the protection of catchment areas and soil from erosion, to preserve the special characteristics of hilly areas regarding landscape, vegetal cover, and climate, and to provide for matters connected therewith	No person shall fell any tree or cause or permit such trees to be felled in any land, whether of his ownership or otherwise, except with the prior permission of the Divisional Forest Officer, who may grant such permission subject to conditions not inconsistent with the provisions of this Act.		Includes provisions for felling and cutting: penalty for felling trees in contravention of the Act and a bar against certain activities related to felling that are inconsistent with the provisions of the Act.	NO	No	This act includes provision for tree managem ent	NO
24.	Mizoram	Guidelines for felling and	**The institution/L**	The preservation of trees shall be		**No Tree shall be felled without the**	No	No	Yes, tree managem	Branches obstructing

		removal of trees from Municipal areas of cities, towns, villages and along highways , railways and other government/Public Lands in Mizoram	**and owner will undertake the responsibility of planting suitable tree species elsewhere in lieu of the trees felled**	prioritized by restricting felling permission to the minimum number of trees necessary for the intended purpose.		**cutting permission Granted by the Divisional forest officer of the division concerned**			ent activity is carrying out under this guidelines	visibility and which require emergency removal may ve felled or looped by the concrened authority
25.	Nagaland	Nagaland Tree Felling Regulation, 2002	Registration of tree plantations ensures systematic growth and management of trees in designated areas.	Restriction on the felling of certain species like Aam (*Mangifera indica*) and Wild Apple from non-forest areas ensures protectionnd No permission for	permission for felling is limited to registered plantations or isolated trees, preserving tree cover in non-forest areas. And The requirement to	Permission is required for felling trees from registered plantations. And Isolated trees can be felled with a maximum limit of five trees per applicant in non-forest areas with permission from the Divisional Forest Officer.	No	No	This act includes provision for tree management The registration of plantations, along with permissions for felling, reflects a structured approach to tree management.	No

				felling is granted for trees less than 5 years old, which supports their protection and growth.	register plantations aids in the preservation of managed tree growth.				The Divisional Forest Officer oversees permissions for felling isolated trees in non-forest areas.	
26.	Odisha	**The Orissa Preservation of Private Forests Rules, 1963**	**No**	Before granting permission to cut reserved trees by clear felling method, one or more compact blocks shall be selected to provide for not less than 40 annual coupes. At least 10 to 15 reserved trees must be retained as standard per acre in the annual coupe, and if no reserved trees are available, a sufficient number of unreserved species must be retained		No permission to fell a prohibited tree shall be granted.	No	No	Yes, tree manegment activity is carrying out under this Rules	NO

27.	Puduc hary	Puducherry Timber Transit Rules, 1983, which are evoked under Indian Forests Act, 1927.	…	….	….	….	Applications are submitted to the Department of Forests and Wildlife, Puducherry, through user agency which includes general public/ organizations, private establishments as well as Government Departments. Major number of applications are received through Departments of Municipality, Public Works Department, Electricity, etc. Applications are

									scrutinized by means of field inspection for both tree pruning and felling.
28.	Punjab	THE PUNJAB LAND PRESERVATION ACT, 1900	**Yes,** The Act includes measures to promote the growth and preservation of trees and vegetation on land to prevent soil erosion and maintain ecological balance.	**Yes,** The Act emphasizes the protection of land resources and mandates conservation practices to preserve the environment.	**Yes,** The Act regulates the cutting and felling of trees requiring prior approval from the authorities to prevent unauthorized removal.	No	No	Yes, The Act outlines guidelines for the management of trees, including their maintenance, preservation, and sustainable utilization to ensure ecological health.	No
29.	Rajasthan	-	-	-	-	-	-	-	-
30.	Sikkim	Sikkim Private and Other Non-Forest Lands	No restrictions are placed on the lopping of	Trees on private or non-forest	Trees that are deemed to have	Permission is required to fell trees on private or other non-forest land.	No	No	The block officer and forest range	No

		Tree Felling Rules, 2006	trees to encourage the growth of cultivated crops on private land. Additionally, the number of saplings, along with their species, must be registered.	land can only be felled if they do not exceed 33% of the total trees within one continuous patch, unless an approved management plan allows for more. Trees cannot be felled if they are located within 20 feet of gullies,	high ecological value, such as those supporting rare epiphyte growth, are to be preserved. Trees reserved under government provisions or laws, as well as mother trees capable of producing good seeds, are also preserved. The government may	Trees may be felled following proper procedures for construction purposes or if they pose a threat. However, dead trees are allowed to be felled without restriction, provided they are confirmed to be dead.			officer are responsible for overseeing actions related to tree felling. Additionally, the Divisional Forest Officer must tally the names of trees registered, and the private land must be recorded as privately owned in the Government cadastral survey record of 1952.	

				stream banks, or precipitous slopes. Furthermore, trees standing on landslides, landslips, eroded surfaces, or general slopes exceeding 70 degrees cannot be felled.	provide compensation to preserve trees with high ecological value.					
31.	Tamil nadu	The Tamil Nadu Preservation of Private Forests Act, 1949	--	**there is a provision for this.** No owner or person claiming	**Yes,** No owner of any private forest shall sell, mortgage, lease,	**Yes,** Cutting trees or reeds requires permission from the Committee, except for the removal of dead or fallen trees or actions taken for customary domestic	No	No	**Yes,** The Act mandates that any activities affecting the forest's	No

| | | |

	THE TAMIL NADU HILL AREAS (PRESERVATION OF TREES) ACT, 1955 (ACT No. XVII OF 1955)	.....	**Yes,** Permission from the committee is required to cut, uproot, or burn any tree.	**Yes,** The committee may impose conditions for effective regeneration of an equal number of trees when permission is granted.	**Yes,** Cutting or removing trees for specific purposes requires permission from the committee, and conditions apply.	No	No	**Yes,** The committee can impose conditions to ensure regeneration and protect the environment.	**Yes,** No person shall cut or damage the branches of any tree. However, this does not prevent the **pruning** of trees as required by ordinary agricultural or horticultural practices. Additionally, cutting or pruning branches is permitted if it is necessary for providing proper shade for coffee or tea plantations.

32.	Telangana	THE [TELANGANAI WATER, LAND AND TREES ACT, 2002	The Authority may direct Municipal Corporations or other Local Authorities to require compulsory plantation of a specified number of trees when approving building plans.	No felling of trees or branches is permitted without prior permission from the designated officer. If a tree is felled, at least two seedlings must be planted. The Authority may issue guidelines for protecting trees during infrastructure development.	The Authority prohibits cutting, uprooting, or burning trees without permission. When permission is granted, conditions will be imposed for effective regeneration.	No	No	**Yes,** Municipal Corporations or other Local Authorities will designate officers responsible for tree plantations and maintenance. They will oversee compliance with plantation guidelines.	No person shall damage or cut branches of any tree unless it is for ordinary agricultural or horticultural practices. This includes pruning for proper shade in coffee or tea plantations.
		The [Telangana] preservation of private Forest Rules, 1978	□ The Authority may direct compulsory plantation of a specified number of trees during the approval	Any person, institution, or organization providing utility services	□ No permission to fell "prohibited trees" shall be granted. □ Permissi	□ No person shall cut, uproot, or burn any tree without prior written permission from the designated officer. □ When a tree is to be felled, at least two seedlings must be	No	No	**yes**	No person shall damage or cause to be damaged the branches of any tree, except for pruning as required by

		of building plans. □ Tree plantations in urban public areas and road margins shall be owned by the Municipal Corporation or Local Authority.	must ensure the protection of trees while developing infrastructure.	on to cut "reserved trees" shall only be granted if the trees exceed 120 cm in girth at 1.3 meters height from the ground	planted, or the cost of raising seedlings will be recovered from the individual or organization.				ordinary agricultural or horticultural practices.
33.	Tripur	No	Landowners must register trees on non-forest land with the authorized officer to ensure proper management and	The Forest Department marks timber with a seizure hammer to protect resources during transportation. Records	For domestic use, landowners can obtain one-time permission to cut up to five trees from non-forest land not adjacent	For forest land allotted before October 25, 1980, specific guidelines must be followed for tree felling. Howeve	No	No	No
		Guidelines for aextraction of trees from non-forest areas						**Yes**	

			preservation of the ecosystem. This registration is valid for seven years and includes necessary details about the trees.	are maintained, and authorities are notified within 24 hours to ensure accountability and protection of forest resources.	to a forest.	r, for land allotted after this date, approval from the Central Government is required under the Forest (Conservation) Act, 1980.		

34.	Uttarakhand	THE U.P. PROTECTION OF TREES ACT, 1976	Tree growth is emphasized through the obligation to plant trees and the plantation of trees in blank areas. Furthermore, every person granted permission under this Act to fell, cut, remove, or dispose of any tree is required to plant and tend to two trees for every tree that has been removed from the area.	The protection of trees is enforced through restrictions on felling and removal, along with the procedure required to obtain permission for such actions. Additionally, there is a provision for representation against decisions made by the	The preservation of trees is supported by empowering the State Government to take necessary actions for their protection. The Act also includes provisions for the formulation of rules that aid in maintaining tree preservation efforts.	Cutting and felling are regulated through penalties for any felling or removal of trees that contravenes the Act. Offences committed by companies are also addressed, along with provisions for the forfeiture of timber obtained illegally. Furthermore, the Act specifies that trees may only be cut, removed, or disposed of if they are completely dead and have fallen without human assistance.	No	No	Yes, Tree management is enhanced by granting powers to arrest without warrant in cases of violations and the authority to seize illegally obtained timber or trees. This ensures effective enforcement of the Act's provisions	NO

				Competent Authority to ensure community involvement and transparency						
35.	Uttar Pradesh	THE U.P. PROTECTION OF TREES ACT, 1976	Tree growth is emphasized through the obligation to plant trees and the plantation of trees in blank areas. Furthermore, every person granted permission under this Act to fell, cut, remove, or	The protection of trees is enforced through restrictions on felling and removal, along with the procedure	The preservation of trees is supported by empowering the State Government to take necessary actions for their	Cutting and felling are regulated through penalties for any felling or removal of trees that contravenes the Act. Offences committed by companies are also addressed, along with provisions for the forfeiture of timber obtained illegally. Furthermore, the Act specifies that trees	NO	NO	Tree management is enhanced by granting powers to arrest without warrant in cases of violations and the authority to seize	NO

			dispose of any tree is required to plant and tend to two trees for every tree that has been removed from the area.	required to obtain permission for such actions. Additionally, there is a provision for representation against decisions made by the Competent Authority to ensure community involvement and transparency	protection. The Act also includes provisions for the formulation of rules that aid in maintaining tree preservation efforts.	may only be cut, removed, or disposed of if they are completely dead and have fallen without human assistance			illegally obtained timber or trees. This ensures effective enforcement of the Act's provisions	
		The Uttar Pradesh Transit of Timber And Other Forest	No	No	No	No	No	No	yes	no

		Produce Rules, 1978								
36.	West Bengal	West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006	No	To preserve tree populations, the Act requires that any person who fells a tree must undertake the plantation of an equivalent number of trees. This is aimed at maintaining ecological balance and ensuring sustaina	The Act emphasizes the protection of trees by prohibiting the felling of trees in non-forest areas without proper permissions. It also allows for the seizure of wood and equipment used in illegal felling by authorize	....	The Act outlines strict restrictions on felling trees, stating that no tree may be felled in a non-forest area without permission	No	NO	**Yes**	No

			ble manage ment of tree resource	d officers.					

** This above list needs to be confirmed/updated in consultation with States and UTs.

ANNEXURE-XIII-B

Annexure - XIII B

****Summary of the key features of the content analysis of Acts, Rules, Guidelines etc. with regard to protection and management of trees in non-forest area of the States and UTs**

S. No.	State/UTs	Analysis of Provisions for							
		Growth	protection	preservation	Cutting	Felling	Transplantation / Translocation	Management of trees	Pruning
1.	Andhra Pradesh	Yes			Yes	Yes		Yes	
2.	Andaman & Nicobar Islands								
3.	Arunachal Pradesh		Yes		Yes			Yes	
4.	Assam		Yes	Yes	Yes	Yes		Yes	
5.	Bihar		Yes	Yes	Yes	Yes		Yes	
6.	Chandigarh	Yes	Yes	Yes	Yes			Yes	Yes
7.	Chhatisgarh								
8.	DNH & DD	Yes	Yes	Yes	Yes	Yes		Yes	
9.	Delhi	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
10.	Goa	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

11.	Gujarat	Yes	Yes	Yes	Yes	Yes		Yes	Yes
12.	Haryana	Yes	Yes	Yes	Yes	Yes		Yes	
13.	Himachal Pradesh	Yes	Yes	Yes	Yes	Yes		Yes	
14.	Jammu & Kashmir	Yes	Yes	Yes	Yes	Yes		Yes	
15.	Jharkhand								
16.	Karnataka	Yes	Yes	Yes	Yes			Yes	
17.	Kerala	Yes			Yes	Yes		Yes	
18.	Ladakh	Yes	Yes	Yes	Yes	Yes		Yes	
19.	Lakshadweep								
20.	Madhya Pradesh		Yes	Yes	Yes	Yes		Yes	
21.	Maharashtra	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
22.	Manipur		Yes	Yes	Yes	Yes		Yes	
23.	Meghalaya	Yes	Yes	Yes	Yes	Yes		Yes	
24.	Mizoram	Yes	Yes	Yes	Yes	Yes		Yes	
25.	Nagaland	Yes	Yes	Yes	Yes	Yes		Yes	

26.	Odisha		Yes	Yes	Yes	Yes		Yes	
27.	Puducha ry								Yes
28.	Punjab	Yes	Yes	Yes	Yes	Yes		Yes	
29.	Rajastha n								
30.	Sikkim	Yes	Yes	Yes	Yes	Yes		Yes	
31.	Tamilna du		Yes	Yes	Yes	Yes		Yes	
32.	Telanga na	Yes	Yes	Yes	Yes	Yes		Yes	Yes
33.	Tripura		Yes	Yes	Yes	Yes		Yes	
34.	Uttarakh and	Yes	Yes	Yes	Yes	Yes		Yes	
35.	Uttar Pradesh	Yes	Yes	Yes	Yes	Yes		Yes	
36.	West Bengal		Yes	Yes	Yes	Yes		Yes	
Nos. of States/UTs having the provisions		21	28	27	30	27	3	30	6

**** This above list needs to be confirmed/updated in consultation with States and UTs.**

ANNEXURE-XIV

Annexure - XIV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO. 25047 OF 2018

In the matter of:

Association for Protection of Democratic Rights & Anr. ...Petitioner

v.s

State of West Bengal & Ors. ...Respondent

AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT FORESTS AND CLIMATE CHANGE IN COMPLIANCE WITH THE ORDER OF THIS HON'BLE COURT DATED 08.02.2023

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S.No	PARTICULARS	PAGE NO.
1.	Affidavit on behalf of the Ministry of Environment Forests And Climate Change	1-42
2.	A true copy of the list of the ESZs are annexed hereto as **ANNEXURE – I.**	43-63
3.	A true copy of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is annexed hereto as **ANNEXURE - II.**	64-67
4.	A true copy of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 are annexed hereto as **ANNEXURE-III.**	68 – 105
5.	A true copy of the earlier pre-revised NPV rates is annexed hereto as **ANNEXURE - IV.**	106 – 109
6.	A true copy of the revised NPV rates dated 06.01.2022 is annexed hereto as **ANNEXURE - V.**	110 – 113
7.	A true copy of the order of this Hon'ble Court dated 30.10.2002 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE -.VI.**	114 – 131
8.	A true copy of the order of this Hon'ble Court dated 26.09.2005 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE –VII.**	132 – 160
9.	A true copy of the order of this Hon'ble Court dated 28.03.2008 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE -VIII.**	161 – 165
10.	A true copy of the 'Land for Land' Consolidated Guidelines and Clarifications dated 29.12.2023 is annexed hereto as **ANNEXURE - IX.**	166 – 179
11.	The CEC notification dated 05th September, 2023 is hereto annexed as **Annexure-X.**	180 – 184

G.S. MAKKER
ADVOCATE ON RECORD
FOR
MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 25047 OF 2018

In the matter of:

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AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT FORESTS AND CLIMATE CHANGE IN COMPLIANCE WITH THE ORDER OF THIS HON'BLE COURT DATED 08.02.2023

I, **Dr. Shobhita Agarwal**, aged about 39 years D/o Late Sh. Krishna Kumar Agarwal, working as Assistant Inspector General of Forests , having address at Ministry of Environment , Forest & Climate Change , Indira Paryawaran Bhawan, Jorbagh Road, New Delhi-110003 do hereby solemnly swear and affirm as under:

1. That in terms of my above stated official capacity, I am aware of the facts and circumstances of the present case based on the official records, and as such I am competent to swear to the contents of the present affidavit.
2. That the present affidavit is filed in respectful compliance of the order of this Hon'ble Court dated 08.02.2023, vide which this Hon'ble Court was pleased to inter-alia direct as follows:

19. The special leave petition is, therefore, dismissed.

20. However, we are keeping the petition alive only for the consideration of the report of the Experts on the subject of compensatory conservation in

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India, submitted pursuant to this Court's directions in order dated 25.3.2021.

21. For the said purpose Mrs. Aishwaya Bhati, learned Additional Solicitor General of India, submits that the report is under active consideration of the Central Government. She submits that various stake holders including the various States will have to be consulted before accepting the Report. She, therefore, prays for a period of twelve weeks for consideration of the Report and placing the views of the Central Government before this Court.

22. We would appreciate, if the Central Government holds joint meeting with all the stake holders including the representatives of all the State Governments/Union Territories and come out with a unified proposal for consideration of this Court."

3. That, it is respectfully submitted that vide its Order dated 25th March 2021 in the Special Leave Petition (Civil) No. 25047 of 2018 constituted an Expert Committee under the chairmanship of Dr. M.K. Ranjitsinh Jhala, with the following a nine-point mandate: -

a. Develop a set of scientific and policy guidelines that shall govern decision making with respect to cutting of trees for developmental projects.
b. These guidelines may specify the species of trees in categories based upon their environmental values considering the age and girth of the trees etc.
c. The guidelines may provide special treatment for geographical areas or eco-sensitive area, they may identify areas which need to be regulated and even identify a minimum threshold beyond which the guidelines will apply.
d. The guidelines shall prescribe a mechanism for assessment of both intrinsic and instrumental value of the trees, based not only on the value of timber, but also the ecosystem services rendered by the trees and its special relevance, if any, to the habitat of other living organisms, soil, flowing and underground water.

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e. The guidelines shall also mandate rules regarding alternate routes/sites for roads/projects, and possibilities for using alternate modes of transport like railways or water-ways.

f. The guidelines shall also prescribe the mode of compensation financial and otherwise, the stage of depositing such compensation and the process that governs the computation and recovery. In this regard, the committee may consider the existing regulatory framework regarding calculation of Net Present Value (NPV) and may suggest necessary modification.

g. In addition, the guidelines shall also specify the manner and mechanism of compensatory afforestation to be carried out using the deposited compensation, consistent with the native ecosystem, habitat and species.

h. The Committee may consider the need for any permanent expert body and its proposed structural form.

i. Any other issue incidental to the aforesaid objectives.

4. That it is respectfully submitted that pursuant to the orders of this Hon'ble Court, the Expert Committee comprised of 7 members had submitted its Report to this Hon'ble Court on 05th January, 2022. The Report has been organised into seven chapters covering background, review of current policies and practices, gaps and shortcomings and chapter-wise recommendations.

5. It is respectfully submitted that the comments/ views and approach of the Ministry of Environment, Forest and Climate Change on the recommendations contained in the Report are as set out as follows in the subsequent paragraphs of the present affidavit.

I. CHAPTER 1: VALUING PUBLIC TREES ON NON-FOREST LAND:

RECOMMENDATIONS OF THE EXPERT COMMITTEE:

6. It is respectfully submitted that so far as the issue of valuing of Public Trees on Non-Forest land is concerned, the recommendations of the Expert Committee,

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contained in chapter 1, Section 1.8 of the report are reproduced for the convenience of this Hon'ble Court as follows:

"**1.8 Recommendations**

The following policy recommendations need to be given statutory backing by amending the relevant State Acts by respective state governments. The central government should expedite this process by sharing a model Act which the states can adopt, as per their context, by amending their respective Acts in a time-bound manner.

1.8.1 Institutional arrangements: Under institutional arrangements, the recommendations can be categorised in following four categories:

(i) A State Tree Conservation Authority (STCA) should be constituted in each state and union territory, charged with the explicit duty of protecting and acting as a custodian of Public trees on non-forest land (PTNFL) in urban and rural areas.

(ii) Also, a Local Tree Conservation Authority (LTCA) should be constituted in all urban and rural local bodies.

(iii) State governments need to appoint tree conservation officers to man their LTCA and the STCA, and provide them with sufficient staff and resources to perform their duties effectively.

(iv) At all sites where compensatory plantation or tree transplantation of 100 or more trees/saplings has taken place, Local Tree Committees (LTC) (at ward or assembly level) comprising citizen's groups, professionals and experts, shall be constituted by the concerned LTCA for carrying out regular monitoring of all projects in their local areas and to certify their survival rate at the end of one year.

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1.8.2 Mainstreaming compensatory tree conservation in development:

(i) In all instances where PTNFL are to be felled for development, compensatory plantation and tree transplantation need to be embedded in the development proposal itself and prior approval of the STCA needs to be taken by the user agency (as is the practice in the case of diversion of forest land) during the project planning stage itself.

(ii) If prior approval is not taken, a penal compensatory levy of five times the normal compensatory levy shall be charged before approval is granted. For a repeat offense, the user agency should be blacklisted for a period.

1.8.3 Guidelines to govern decision making

(i) While scrutinising proposals, the concerned Tree Conservation Authority (TCA) needs to adhere to the mitigation hierarchy of avoidance, reduction and offsetting. While accepting that there are limitations to offsetting trees, culturally significant trees, sacred groves, etc. should not be felled.

(ii) Decision about whether the transplantation of full-grown trees is feasible or not needs to be taken under the advice and guidance of an expert committee constituted by the government.

1.8.4 Valuing public trees

(i) The Committee recommends a large-scale national research project to conduct a species-specific tree ecosystem service valuation to arrive at their NPV, considering the same as functions of age, girth-at-breast height, etc.

(ii) While valuing public trees using the transplantation-cost method, a user agency would bear the cost of transplanting trees including pre-conditioning, hardening, rootstock consolidation, refuge site preparation, transportation, transplanting at a refuge site, and aftercare including implementation of the tree preservation plan, handing over and maintenance of transplanted trees with provision of a social audit.

(iii) While using the substitution-cost method, the appraisal method using the trunk formula can be used to assess the value of trees to be

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felled based on the four parameters of girth, species rating, condition rating and location rating, as indicated in the report of the Committee at Appendix 1.3 and shown below.

Tree Value = Trunk Area X Unit Price X Species Rating X Condition Rating X Location Rating

(iv) Regarding the value of government-owned land to be diverted for development on which the PTNFL is standing, existing state norms will be followed as land is a state subject.

(v) Guidance needs to be provided on compensatory tree plantations on plantation of ecologically suitability tree species and a Compensatory Tree Planting Scheme needs to be designed for this purpose.

1.8.5 Public participation and social audits

(i) A Local Tree Committee (LTC) comprising citizen groups, professionals and experts shall be constituted by the concerned Tree Conservation Authority (TCA) for carrying out regular monitoring of all projects involving compensatory plantation or tree transplantation of 100 or more trees/saplings in their local areas and to certify tree survival rates jointly with the concerned tree officer at the end of one year. Same as that of recommendation given in 1.8.1 (iv)]

1.8.6 Preventing abuse of trees

(i) Concerned authorities need to be vigilant and launch campaigns to prevent the abuse of trees and book offenders under relevant Acts.

1.8.7 Funding and reporting

(i) Tree Conservation Fund (TCF) to be constituted and is to be operated by the concerned Tree Conservation Authority (TCA), for collection of all revenue receipts and fines used for tree plantation works.

(ii) STCA shall prepare an annual report detailing the activities taken up by using TCF.

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1.8.8 Monitoring and time-bound follow up

(i) A Model Act that assimilates all the above recommendations needs to be framed within six months by an Expert Group composed of relevant experts and anchored by the MoEFCC.

(ii) The Permanent Body will follow up and pursue the matter to ensure that the Model Act is framed in a time-bound manner.

(iii) In order to encourage farmers to grow more trees and bamboo in their farms, felling and transit permission for many species are no longer needed. These guidelines will in no way impact this policy liberalisation underway with regard to trees planted on private lands such as agroforestry or farm trees."

VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 1:

7. It is respectfully submitted that the views of the Ministry of Environment, Forests and Climate Change on the above recommendations of the expert committee are as follows:

7.1 With reference to recommendation made by the Expert Committee regarding constitution of Local Tree Committees (LTC), State Tree Conservation Authority (STCA) and Local Tree Conservation Authority (LTCA) and their roles and responsibilities defined in Para 1.8.1, 1.8.2, 1.8.3, 1.8.5, 1.8.6, 1.8.7, 1.8.8 of the Expert Committee Report, it is submitted that the trees located outside forest area are on revenue lands. The land is a State Subject and the State Government /UT Administration have regulated felling of trees on non-forest land through various Acts and Rules. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating felling of trees on revenue lands and penal provisions for the violations.

7.2 The implementation of these rules is supervised by designated authorities whose permission is necessary for felling of reserved trees in Non- Forest

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Land. A list of the States/UT's having their own Tree Preservation Acts / Tree Felling Acts is as follows;

S.N	Name of States/UTs	Name of regulatory regimes regulating trees outside forests
1.	Assam	The Assam (Control of Felling and Removal of Trees from Non-Forest lands) Rules, 2002
2.	Arunachal Pradesh	The Arunachal Pradesh Forest (Removal of Timber) Regulation Act 1983
3.	Andhra Pradesh	The Andhra Pradesh Preservation of Private Forest Rules, 1978, The Andhra Pradesh (Protection of Trees and Timber in Public Premises) Rules 1989),Andhra Pradesh Forest Produce Transit Rules ,1970
4.	Bihar	The Bihar Timber and other Forest Produce (Regulation of Transit) , Rule 1973 and Amendment Rules 2017
5.	Chhattisgarh	The Chhattisgarh Transit (Forest Produce) Rules 2001
6.	Delhi	The Delhi Preservation of Tree Act, 1994
7.	Dadar and Nagar Haveli and Daman &Diu	The Goa, Daman and Diu Preservation of Trees Act, 1984 extends to Dadar & Nagar Haveli
8.	Goa	The Goa, Daman and Diu Preservation of Trees Act, 1984
9.	Gujarat	The Saurashtra Felling of Trees (Infliction of Punishment) Act 1951, Gujarat Private Forests (Acquisition) Act 1972
10.	Haryana	Punjab Land Preservation Act, 1900
11.	Punjab	Punjab Land Preservation Act, 1900
12.	Madhya Pradesh	The Madhya Pradesh Prohibition of Regulation of the cutting of Trees Rules, 2002

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13.	Maharashtra	The Maharashtra Felling of Trees (Regulation) Act 1964, Maharashtra (Urban Areas) Preservation of Tree Act, 1975, Maharashtra Land Revenue Code 1966
14.	Himachal Pradesh	The Himachal Pradesh Land Preservation Act, 1978, The Himachal Pradesh Timber Forest Produce Transit (Land Routes) Rules,2017
15.	Jharkhand	Jharkhand Timber and other Forest produce Transit and Regulation) Rules 2004
16.	Karnataka	The Karnataka Preservation of Trees Act, 1976
17.	Kerala	The Kerala Preservation of Trees Act, 1986, Kerala Forest Act,1961 and Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act 2003
18.	Meghalaya	Meghalaya Forest (Removal of Timber Regulation) Act 1981, Meghalaya Tree (Prevention) Act 1976.
19.	Mizoram	Government notification dated 26.09.2017 for felling and removal of trees
20.	Manipur	Guidelines for Felling of Trees From Non-Forests Areas,2002.
21.	Nagaland	Nagaland Tree Felling Regulation 2002
22.	Odisha	The Orissa Timber and other Forest Produce Transit Rules 1980, Orissa Timber and other forest Produce Transit (Amendment Rules) 2006
23.	Puducherry	Pondicherry Timber Transit Rules, 1983
24.	Rajasthan	Rajasthan Forest Produce (Transit) Rules 1957
25.	Tripura	The Tripura Forest Transit Rules,1952
26.	Uttar Pradesh	The Uttar Pradesh Transit of Timber and other

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		Forest Produce Transit Rules, 1978, The Uttar Pradesh Protection of Trees Act,1976
27.	West Bengal	The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act,2006
28.	Tamil Nadu	The Tamil Nadu Preservation of Private Forest Act 1949, The Tamil Nadu Hill Areas (Preservation of Trees) Act,1955 and The Tamil Nadu Hill Areas (Preservation of Trees)Rules ,1957
29.	Sikkim	The Sikkim Private & Other Non-Forest Lands ,Tree Felling Rules, 2006.
30.	Telangana	The Telangana Water , Land and Trees Act ,2002
31	Chandigarh	Tree Felling Committee order dated 22.07.2022
32	Uttarakhand	Uttar Pradesh Tree Preservation Act, 1976 is implemented in Uttarakhand.

However, for the remaining four State/ UTs, where no such act is in place as of now, an advisory may be issued to frame appropriate legislation for this purpose in line with the suggestion made by the committee.

7.3 In view of the above the Ministry is of the opinion that there is no requirement of constitution of Tree Conservation Authority or a separate National Level Model Act as there are enough statutory provisions to safeguard the Public Owned Trees on Non-Forest Land *(hereinafter referred as PTNFLs)*.

7.4 With regard to the suggested formulae in Para 1.8.4 of Report regarding the valuation of PTNFLs, it is submitted that currently the value of trees is calculated by respective States/UTs as per the local norms prescribed by the State Government/UT administration. However advisory may be issued to

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States /UTs to further revise their valuation criteria by considering the parameters suggested in the above formulae.

II. CHAPTER 2: GUIDELINES FOR THE SPECIAL TREATMENT OF GEOGRAPHICAL/ECO-SENSITIVE AREAS OF HIGH CONSERVATION SIGNIFICANCE

RECOMMENDATIONS OF THE EXPERT COMMITTEE:

8. It is respectfully submitted that so far as the recommendation regarding guidelines for the special treatment of geographical/eco-sensitive areas of high conservation significance are concerned, the views of the Expert Committee, contained in chapter 1, Section 2.2 of the report are reproduced for the convenience of this Hon'ble Court as follows:

" **2.2** The Committee decided to classify areas of high conservation significance into two categories-

(a) existing and future protected areas of the country, notified and established under legislation or rules,

(b) A large number of areas of crucial importance from the viewpoint of flora, fauna, geology, cultural and religious significance, as refuges of endangered and endemic species, as corridors of connectivity to overcome ecological and physical isolation, as well as others which still remain outside our current PA network and collectively these second categories called here Ecologically Critical Areas (ECAs).

(i) To identify Ecologically Critical Areas (ECAs) and provide a status similar to extant PAs. The Committee based on four criteria viz., Biologically Significant Areas (BSAs); Heritage sites or sites of special geological, cultural and religious significance (HS); Bio-corridors (BC) and Eco-sensitive Zones

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(ESZ) and Buffer Zones of PAs, have given a preliminary list of 294 ECAs (Appendix 2.1 of the report of the Committee) which is not an exhaustive and additional areas can be added in the future. The Committee recommends similar stats to ECAs as that of PAs.

Stringent regulations would apply to identified ECAs if diversion is required for ECAs for developmental projects

2.3 Guidelines for Special Treatment of Ecologically Critical Areas (ECA)

The Committee suggested to issue following guidelines:

2.3.1 All ECAs identified in Appendix 2.1 of the report of the Committee, should be demarcated on ground by State/UT Governments and to be notified appropriately as PAs under the WLPA 1972, or as Scheduled Areas under EPA 1986 in consultation with concerned stakeholders.

2.3.2 State Biodiversity Boards (SBBs) may notify and demarcate biological significance areas (BSAs) and site-specific conservation action plans for long-term monitoring.

2.3.3 Any ECA falling within private or community-owned land, SFDs should initiate a dialogue with the owner(s) of the site in order to develop appropriate mechanisms for joint protection of such sites.

2.3.4 State Biodiversity Boards (SBBs) may approach the Botanical Survey of India (BSI) and Zoological Survey of India (ZSI) to map and delineate the Type Localities of Point Endemic flora and fauna and habitats of Critically Endangered Plants and fauna.

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2.3.5 State Governments need to secure all bio-corridors of large mammals, especially for the seasonal movement of elephants and other large mammals, and critical habitats of other critically endangered endemic species. SFDs may submit proposals to the MoEFCC for financial assistance under existing schemes, as is also recommended in the National Wildlife Action Plan (2017–31).

2.3.6 The proposed Permanent Expert Body should be entrusted to make a detailed inventory in a GIS domain of all the ECA in order to prepare comprehensive landscape-level conservation plans.

2.3.7 SFDs may include protection and occasional management interventions to restore or maintain original biotic structure, in the management plans of concerned Divisions and carry out appropriate interventions on a regular basis under the ongoing scheme of MoEFCC's 'Integrated Development of Wildlife Habitats'.

2.3.8 All states in the country should identify critical watersheds such as identified in Appendix 2.1 of the report of the Committee and include them under the category of Important Geographical Area (IGAs) and manage them at par with ESZs.

2.3.9 Several sites of geological, cultural, religious and historical significance are also projected (often by tourism agencies) as important tourist destinations and all such heritage sites require minimal physical infrastructure and aesthetically designed visitor facilities.

2.3.10 Compensatory notification of PAs in lieu of areas diverted/de-notified: Whenever a part of a notified PA or identified bio-corridor is sought to be diverted/de-notified, that diversion/ de- notification shall only occur after an area at least twice the size of the area to be diverted/de-notified is added to

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the very same PA/area, by the same procedure by which the impugned PA/area has been set up, i.e., by notification under the concerned law/executive order, etc.

2.4 Minimum threshold beyond which the guidelines will apply: It is recommended that the following thresholds will apply as guidelines for the diversion of the land/habitat:

2.4.1 Zero threshold: All designated national parks and ECAs containing the nesting sites of highly threatened birds, sea turtles, highly endemic species of frogs, special geological structures that have been notified or identified, Type localities of narrow endemic plants which are Critically Endangered as per IUCN's Red List, will all fall under this category. Such sites cannot be substituted or created. No diversion of such sites can be accepted.

2.4.2: Up to 1 ha: Only one-time diversion of up to 1 (one) ha area will be permissible at sites that represent the natural vegetation or ecosystems akin to their geological past, characterized by the continuing presence of species of ancient lineages such as primitive vascular plants, living fossils, etc., Ramsar sites, coral reefs, and existing or potential natural heritage sites of natural (biological/geological) cultural significance such as sacred natural sites (e.g., sacred lakes, sacred groves) provided their geographical area is more than 30 ha. Such diversions would be permissible only in extremely imperative cases, subject to following the principles of mitigation hierarchy as set out in this report (section 4.6.1).

2.4.3 1-5 ha: ECAs representing bio-corridors (less than 5 kms wide), Eco-sensitive zones, unique or special habitats (provided their geographical areas are more than 100 ha) may allow diversion of land upto 5 ha, provided that such diversion is done at the fringe of the CEA and not within it.

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2.4.4 Minimum threshold of trees that can be cut: The following thresholds are recommended:

i. Zero threshold: All endemic and critically endangered species of trees that have extremely poor natural regeneration and a known population of less than 100, e.g., Amentotaxus assamica, Bauhinia foveolata, Elaeocarpus gaussenii, Hopea shingkeng, etc., and all Heritage Trees, which State Governments have notified or are in the process of being notified, will have total protection.

ii. Up to 5 mature trees: Up to five mature individual trees belonging to all other endemic species may be cut, provided that their total population in the wild is ascertained to be more than 500 and whose natural regeneration is relatively easy. Under this category, all keystone species which provide numerous ecosystem services such as the banyan, peepul, pilkhan, rudraksh, maulsari, evergreen oaks, junipers and 'state trees' may be included.

iii. Up to 20 trees: Up to 20 mature trees of gregarious species which can regenerate easily, e.g., sal, teak, shisham, khair, chir pine, blue pine, etc. may be allowed to be cut provided that project proponents ensure the availability of 10 times more saplings of the same species for plantation in an area adjacent to the impact zone, in a similar habitat and subject to strict observance of a clear mitigation hierarchy.

iv. No ceiling: All exotic, fast-growing trees which can easily be propagated and which are easily available at various nurseries, e.g.,Eucalyptus spp., silver oak, Ailanthus, Haplophragma, Australian acacias, Robinia pseudoacacia, etc. Project proponents may be allowed to cut any number of mature trees of these

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species provided that they undertake to plant the same number of native, multi-purpose species of the same eco-climatic region in the area designated for compensatory restoration."

VIEW AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 2:

9. With regard to creation of Ecologically Critical Areas (ECAs), guidelines for their treatments as contained in Para 2.2, 2.3 and 2.4 above, it is submitted that as on date, there are 1022 Protected Areas (PAs) which comprises 106 National Parks, 573 Wildlife Sanctuaries, 123 Conservation Reserve and 220 Community Reserves. The PA networks constitute 5.28% of the geographical areas of the country. The Ministry has been notifying Eco-sensitive Zone around Protected Areas. Eco-sensitive Areas are also being notified.

10. A significant progress has been made with regards to areas identified as Eco-Sensitive Zones and Areas, Elephant Corridor, Tiger Corridor, Conservation Reserves and Community Reserves. The same are notified under various statutory provisions from time to time.

11. Additionally, it is respectfully submitted that as per the guidelines formulated by the MoEFCC, the Ministry has notified Eco Sensitive Zone (ESZ) around the protected areas for sustainable development. In so far as the 13 States of Indian Himalayan Region are concerned, 2 ESAs and 92 ESZs have been already notified. A total of 476 ESZ has already been notified in the country. A list of the ESZs is attached herein as **ANNEXURE – I.**

12. It is further submitted that the Ministry of Environment, Forests and Climate Change has directed the States/UTs to consider declaration of the elephant corridors as eco-sensitive zones. Presently, the Ministry has constituted a Committee for ground- truthing of elephant corridors in India. Further, the enabling provisions for notification of such areas have been provided in the Biological Biodiversity Act, 2002, Wild Life (Protection) Act, 1972 and Environment (Protection) Act, 1980.

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13. The National Board under section 5B of the Wild Life Protection Act 1972 constituted a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board. The Proposals pertaining to developmental activities within National Parks, Sanctuaries, Tiger Reserves, Tiger Corridors, and those activities that require environmental clearance within Eco-sensitive Zones (ESZ) around National Parks and Sanctuaries, are considered by the Standing Committee of the National Board for Wild Life. The Ministry has issued Guidelines dated 06.05.2022 for seeking recommendations of Standing Committee of National Board for Wild Life for activities in protected areas. Such proposals are forwarded by State Governments to the Ministry of Environment, Forest and Climate Change for placing before the Standing Committee of the National Board for Wild Life after thorough scrutiny by the State/Union Territory Governments/Administrators and the State Boards for Wild Life.

14. It is therefore respectfully submitted that ample measures have been taken under existing Acts and Statutes to identify and accord protection to ecologically sensitive areas in the country. Further notification of ecologically critical areas (ECA) as mentioned in Para 2.3.1 of the Report will lead to declaration of surrounding areas as Eco- Sensitive Zone and this may result in double regulation. This is not practically feasible as it will result in excessive regulation and will affect the public at large, including the infrastructure projects and the projects of strategic and national importance. Moreover, most of PAs include community and private lands and such strict regulation may discourage further such notification of ecologically sensitive areas.

III. CHAPTER 3: LINEAR INFRASTRUCTURE INTRUSIONS AND ALTERNATIVES

RECOMMENDATIONS OF THE EXPERT COMMITTEE:

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15. It is respectfully submitted that with respect to linear infrastructure intrusions and alternatives, the recommendations of the Expert Committee, contained in

chapter 3, Section 3.3 of the report are reproduced for the convenience of this Hon'ble Court as follows:

" 3.3 Recommendations:

3.3.1 The Primacy of Prevention, through the realignment of linear infrastructure intrusions by skirting around PAs and other ecologically critical areas (ECA) including recognized wildlife corridors in accordance with the directive of the National Wildlife Action Plan. If realignment and avoidance of the PA/ECA/corridors is not feasible, the same would have to be certified by the project proponent/secretary of the concerned ministry/chief secretary of the concerned state, providing detailed reasoning why such realignment and avoidance is not feasible. The extra cost involved of making any such realignment and avoidance must not be a reason. The proposal would then be considered by the Permanent Expert Body envisaged under mandate (h) provided in the Order of the Hon'ble Supreme Court. The said expert body could then approve, reject or modify the proposal, or could return the same to the project proponents for reconsideration on specific issues.

3.3.2 Secondly, if a realignment avoiding the entire PA/ECA/wildlife corridor is not feasible, realignment to at least that extent be attempted so as to avoid the core area/the more crucial ecological portions of the PA or other ECA and to safeguard its ecological integrity and viability. The proposal would be similarly assessed and decided upon by the Expert Permanent Body envisaged in the S.C. order.

3.3.3 If a linear infrastructure intrusion has to be permitted to go through a PA or other ECA when there is no other alternative, they must go underground.

3.3.4 If roads or railways have to be permitted to traverse the areas in question overland and are permitted to do so by the Expert Permanent Body appointed by the Hon'ble Supreme Court, they would be required to observe the norms given in

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3.3.5 which are in accordance with the recommendations of the Sub-Committee on Guidelines for Roads in Protected areas, and approved by the Standing Committee of the National Board for Wildlife in its 30th meeting in September 2013.

3.3.5 Specific Recommendations

1. Existing roads in PAs/ECA/corridors will be maintained at the current level. There will be no widening of roads nor their upgradation.
2. Any new road permitted would be restricted to a 2-lane road.
3. Any new road to be made in such areas must avoid close proximity of crucial habitats and breeding grounds of animate wildlife and avoid close proximity of watercourses and other water sources.
4. Alignment of new roads should not be straight to facilitate speeding and to cause greater disturbance and mortality at night.
5. All existing and new roads should have speed limits, if necessary by the installation of speed breakers.
6. There will be no traffic movement on roads from dusk to dawn.
7. Checkposts would be provided at the entrance and exit gates of roads traversing PAs and vehicular traffic could be checked to prevent smuggling of wildlife and forest produce.
8. Vehicles will not be allowed to stop within PAs or blow their horns.
9. A labour force required to maintain roads will not be allowed to live inside a PA.
10. No tourist facilities, shops, food and beverage outlets and human habitation ancillary to the road, would be permitted

In the case of railways, (1) no stations would be permitted in PAs/ECA/corridors and railways would not be allowed to stop within their precincts; (2) Railways would only be permitted to traverse the areas in daylight; (3) Speed limits would have to be imposed when railways are passing through the Protected Area.

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VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 3:

16. It is respectfully submitted that with regards to the suggestions and recommendation made in Para 3.3.1 to 3.3.5 by the Expert Committee, the Union of India has issued specific guidelines and recommendation for linear infrastructure projects. The Union of India will revise its guidelines suitably to incorporate the suggestions of the Expert committee, where ever feasible.

17. It is however respectfully submitted that all modifications/review to the guidelines, will apply prospectively to new projects and would not be applied for undertaking repair and maintenance including blacktopping within the existing carriageway of existing roads, as this would affect the operations of existing infrastructure, and would also have several wide ranging consequences.

IV. CHAPTER 4: FOREST CLEARANCE AND COMPENSATORY PRINCIPLES

RECOMMENDATIONS OF THE EXPERT COMMITTEE;

18. It is respectfully submitted that with respect to the issue of forest clearance and compensatory principles, the recommendations of the Expert Committee are set out in Section 4.7 of Chapter 4 of the Report of the Expert Committee. The same are reproduced herein after for the convenience of this Hon'ble Court:

"4.7 Recommendations

4.7.1 Adoption of the mitigation hierarchy

A mandatory mitigation hierarchy is to be part of policy integration from the MoEFCC for all future projects involving the development of physical infrastructure within eco-sensitive zones of PAs and threatened habitats notified by the states, which involve infrastructure development leading to

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diversion of forest land and cutting of trees. The mitigation hierarchy requires a series of essential and sequential steps to be taken throughout the life cycle of development of projects. These steps include (a) avoidance of impacts, (b) minimization of inevitable impacts, (c) on-site restoration and (d) lastly biodiversity offsets to achieve no net loss or overall net gain in biodiversity.

ii. All states/UTs, in consultation with their respective Biodiversity Boards, may notify such ecologically sensitive sites, critical habitats and crucial bio-corridors where a mitigation hierarchy will be followed in the event of any forest diversion required in the future.

4.7.2 Operationalizing a mitigation hierarchy

A realistic planning, strict monitoring and institutional mechanisms to be ensured for implementing and operationalizing a mitigation hierarchy along with capacity building of the agency dealing with implementing the mitigation hierarchy as well as local stakeholders.

4.7.3 Compensating forest land by acquiring non-forest land

All development agencies will need to provide NFL in lieu of forest land acquired above the threshold value. No exemptions will be provided to CPSUs or any other public sector agencies. Only public utility projects up to 10 ha and those up to 20 ha in districts with forest area exceeding 50% of their total geographical area, will be exempted from this norm.

4.7.4 Prepare a land bank of accredited NFL in advance

Delay in granting forest clearance can be reduced if a shelf of suitable NFL is planned in advance jointly with the revenue and forest departments. This NFL needs to be notified as a RF/PF and this advance preparatory work will enable the smooth transition to a 'land for land' policy.

4.7.5 Incentivize accredited in-kind CA offsets

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The provision of in-kind CA by a user agency already exists in para 2.4 (ix) of the Comprehensive Guidelines of FC/CA. This option can be explored for scaling-up where a user agency not only identifies and acquires the NFL jointly with the revenue and forest department but also reforests/restores it in advance.

4.7.6 Penalize states for delays in notification of NFL as PF/RF

Final clearance to a project is not accorded until the land mutation and notification as RF/PF is completed which is the responsibility of the concerned state governments. Inordinate delays need to be penalized so that urgency is accorded to this matter by state governments.

4.7.7 Putting an end to splitting projects to evade central scrutiny

The approval process of forest diversion has been decentralized and at times user agencies take advantage of this to avoid higher-level scrutiny and approval by artificially splitting a project into smaller parts or staggering the approval in parts. There is need to end this practice and penalize the defaulters.

4.7.8 Immediate upward revision of NPV

NPV rates have not been revised since 2008, despite the Hon'ble Supreme Court's orders that they be revised every 3 years. While modifications to NPV have been described in Chapter 5, it is recommended that NPV rates be revised immediately so that the undervaluation of nature is stopped as it is creating a perverse incentive to prioritize forest land for diversion.

4.7.9 Stop the practice of reducing the approved outlay of CA projects

Often there is a mismatch in cost norms of CA projects which get actually implemented, with the ones that were originally approved at the Stage I clearance stage. This practice should be done away with and all the components planned for CA projects during the clearance stage need to be retained in the APO stage as well. Often in the APO stage the approved costing of CA projects is reduced by removing components such as fencing, duration of maintenance, whether there is

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timely fund flow, etc. All CA projects need to be maintained and monitored for at least 10 years.

4.7.10 Penalize delays in payment of compensatory levies by user agency There are instances where a user agency does not deposit the CL for many years after obtaining Stage I approval. By the time they do, rates for CA have become out dated and do not match with revised wage rates. Hence, it is proposed that after a period of two years, for every year's delay in depositing the CL, a penal interest of 10% per annum be charged on the CA amount to account for wage escalation and the penalty for delay in timely payment of levies.

4.7.11 Strengthening compliance by user agencies with final approval conditions: After final clearance is given to a user agency, there is very poor monitoring of the prescribed conditions. This needs to be strengthened very significantly with user agencies submitting compliance reports voluntarily, surprise inspections, periodic monitoring during key milestones, third party evaluation and future approvals linked to compliance with the conditions of earlier projects.

4.7.12 Compensatory funds need to create additionally in forestry funding: This Committee recommends that compensatory levies need to be routed directly to the state fund (state-level bank account) rather than the state treasury. This will avoid perverse cost-shifting as compensatory funds are being used to substitute regular state funding to the forestry sector, thereby negating their additionally. This is the standard procedure adopted by other national programmes as well for routing central grants to states. Most of the Centrally Sponsored Schemes (CSS) are operated from separate bank accounts at the state level to which central grants are directly routed. Also, accessing funds from the state treasury is impacting the regularity and ease of fund- flows, thereby adversely impacting forestry operations that are season- sensitive and often resulting in large afforestation investments turning infructuous."

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VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 4:

19. It is most respectfully submitted that the Union of India appreciates the suggestions made by the Expert Committee in Paras 4.7.1 to 4.7.11 of the Report. It is further submitted, that the Union of India has amended the Forest Conservation Act, 1980 named as Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and necessary provisions have been made in the Van (Sanrakshan Evam Samvardhan) Rules, 2023. These amendments aim to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development; increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities; provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality. A true copy of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are annexed hereto as **ANNEXURE - II**. Further the Union of India has framed the Van (Sanrakshan Evam Samvardhan) Rules, 2023 where in many of the recommendations made by the Expert Committee find place. A true copy of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 are annexed hereto as **ANNEXURE-III**.

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20. Additionally, it is respectfully submitted that with regard to the revision of Net Present Value rates, the same have been revised on 6th January 2022 by the Ministry of Environment, Forests and Climate Change. A true copy

of the earlier pre-revised NPV rates is annexed hereto as **ANNEXURE - IV.** A true copy of the revised NPV rates dated 06.01.2022 is annexed hereto as **ANNEXURE - V.**

21. That with reference to the observation/ recommendations of the Committee in Para 4.7.12 of its report, the Union of India respectfully submits as follows:

(i) That as per the Compensatory Afforestation Fund (CAF) Act, 2016, the State's share of CAMPA Funds (90% of the total compensatory levies) remains with the Public Fund of the respective State/ UT.

(ii) It is submitted however, that though the funds are though non-lapsable and interest bearing, it has been observed that most of the State Governments have not credited annual interest on the CAMPA funds.

(iii) It is submitted that as per the CAF Rules, 2018, the State CAMPA Funds are managed and utilised as per the State Financial Rules or any such rules applicable from time to time in the respective State. Accordingly, in many States, the funds are routed through State treasury and budgetary process.

(iv) It is further submitted that the State share of CAMPA funds were transferred to respective State Governments after the coming into force of the CAF Act, 2016.

(v) It is submitted that the CAMPA funds are earmarked for very specific purposes as set out in the CAF Act and Rules, and are intended to be supplemental to the State funds, and it is thus imperative that the said funds be used only for that purpose.

22. It is submitted that in respect of Centrally Sponsored Schemes (CSS), funds from Ministry are transferred to a dedicated Single Nodal Account (SNA) account for the particular scheme and the funds are utilised only after receiving the matching contribution from State Government. The

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current pattern of disbursal of State CAMPA funds cannot be made on the lines of the Centrally Sponsored Schemes and there is no provision of State contribution.

V. CHAPTER 5: ASSESSING THE NPV OF FORESTS: SUGGESTED MODIFICATIONS

RECOMMENDATIONS OF THE EXPERT COMMITTEE:

23. That, it is respectfully submitted that with respect to the suggested modifications to the process of assessing the net present value of forests, the views of the Expert Committee are set out in Section 5.9 of Chapter 5 of the Report. The same are reproduced hereinafter for the perusal of this Hon'ble Court.

> **"5.9 Recommendations**
>
> The NPV estimation proposed by this Committee suggests the following modifications
>
> i. Issues of double-counting should be avoided by removing 'supporting services' even if the measure is a conservative one
> ii. There should be ease of computation for updating values
> iii. It needs to be conceptually and methodologically robust
> iv. NPV should be site-specific so as to reflect the existing ecosystem governance mechanism. Both the choice of ecosystem services and the methods of valuation should be updated every five years on the basis of state-of-the-art knowledge.
>
> For all these reasons, this Committee recommends the following broad guidelines for NPV estimation:
>
> a. The following services and the corresponding methods of valuation are recommended and provide the data sources that may be used. The data sources provide an indicative idea and

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should not be taken as sacrosanct. New data sources emerge with better information from time to time. As and when better data sources emerge, they should be adopted.

b. There is a critical need to move away from the 20-year time horizon, as that is too short as a rotation period. The rotation period may instead be pegged at 60 years as that emerges as an indicative average considering the data for 14 FTGs (for which data was made available) as per Champion and Seth's classification, and with area as the weight. The rate of discount (premium) of 3.5% can still be taken as valid (as the existing savings bank rate of interest). However, the rate of discount needs to be updated from time to time through expert consultations.

c. A standardized template with fixed formulae should be created so that just placing the input data of some of the variables provides us with the present value or PV. In that case, only the necessary data needs to be fed from the various data sources as mentioned to arrive at the NPV. This data from the suggested data sources can be compiled by a nodal officer in a state forest department. An indicative template on the same is attached in Appendix 5.1 in which the yellow highlighted cells signify the input cells, i.e., the cells in which data needs to be entered. The green highlighted cells are the output cells where the results will immediately emerge as and when the input data are entered.

d. This excel template can be made into a computer programme and a mobile application for ready use by the forest department.

e. Every forest department in each state should have a nodal officer dedicated to enter the necessary input data in the excel sheet, that will then yield final PV values.

f. Training should be imparted to the nodal officer for regular updating of input data.

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g. While (a) to (e) provide broad contours of the guidelines to be followed for NPV estimation, this Committee recommends that a dedicated expert committee on NPV be formed with a ToR on the nuances of NPV in terms of expanding the above list, updating the list, updating of methods and datasets. This body should also set the formula and help in updating the template."

VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 5:

24. With regards to the suggestions and recommendation made in Para 5.9, it is respectfully submitted that the Union of India appreciates the recommendations made by the Expert Committee and endorses their views.

25. It is further submitted that the Expert Committee has given recommendations as to the method of valuation for NPV estimation. In this regard, it is submitted that the rates of NPV were fixed pursuant to the various orders passed by this Hon'ble Court in W.P. (C) 202/1995 '*T.N. Godavarman Thirumalpad v. Union of India*'. Specifically, this Hon'ble Supreme Court, vide orders dated 30.10.2002 and 26.09.2005, issued directions to charge NPV and also to identify the various parameters including scientific, biometric and social parameters to obtain actual numerical values for different forest types for each bio-geographical zone in the country. Subsequently, based on a scientific assessment of identified parameters, this Hon'ble Court vide order dated 28.03.2008 fixed the rates of NPV and also issued directions to revise the rates upwards every three years. Accordingly, the process of estimation of NPV rates had been evolved and rates of NPV, as fixed by this Hon'ble Court, are based on economic and scientific principles. A true copy of the order of this Hon'ble Court dated 30.10.2002 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE -.VI.** A true copy of the order of this Hon'ble Court dated 26.09.2005 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE – VII.** A true copy of the order of this Hon'ble Court dated 28.03.2008 passed in WP (C) 202/1995 is annexed hereto as **ANNEXURE -VIII.**

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26. It is further respectfully submitted that the discounting period of 20 years and discount rate of 4%, adopted for estimation of NPV of forests, was deemed acceptable by this Hon'ble Court its order dated 28.03.2008. It is submitted that the Union of India would naturally accept and be bound to enhance the discounting period from the existing 20 years to any higher value, should this Hon'ble Court so direct.

27. It is further respectfully brought to the attention of this Hon'ble Court that the NPV rates have been revised on 6th January 2022 by the Ministry of Environment, Forests and Climate Change and the said revision is annexed hereto as mentioned above. The revised NPV is based on six types of eco-classes and based on these classifications and categories of very dense, dense and open category, different rates are applicable. It is respectfully submitted that given that this exercise has recently been carried out, this Hon'ble Court may consider permitting the Ministry to examine any recommendations regarding NPV estimation in future revisions as an when the same fall due.

VI. CHAPTER 6. GRADUATING FROM AFFORESTATION TO AN ECOLOGICAL RESTORATION REGIME

RECOMMENDATIONS OF THE EXPERT COMMITTEE

28. That it is submitted that with regard to the issue of graduating from afforestation to an ecological restoration regime, the recommendations of the Expert Committee are contained in Section 6.7 of Chapter 6, and are set out hereinbelow for the convenience of this Hon'ble Court.

"6.7 **Recommendations**

The Committee makes the following recommendations to strengthen the policy and practice of ecological restoration in India:

6.7.1 **Graduating from afforestation to ecological restoration regime:** 'Compensatory Afforestation' needs to be replaced with 'Compensatory

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Restoration' both conceptually and in practice. Compensatory restoration of forest implies restoring it to its pristine form, and a degraded grassland to its original state and not into a woodland of fast-growing species. We need to shift from routine afforestation projects in relatively small pockets to ecological restoration using a 'landscape approach' so as to enhance the net gain to biodiversity, ecosystem services and local community needs. This proposal received enthusiastic support from state forest departments during our consultations. Scientific institutes, research organizations, experts and civil society need to pilot restoration projects jointly with forest departments. Every state/UT needs to then prepare an operations manual that specifies the 'how to' part of restoration. Intensive training and capacity building of foresters is needed so that they are able to deliver on this front. Various research institutes under the MoEFCC including the ICFRE and expertise of science-based NGOs and experts needs to be roped in to contribute technical expertise in ecological restoration. The National Working Plan Code 2014 should be modified to replace its afforestation bias with an ecological restoration approach. There are 19 integrated regional offices (IRO) of the Ministry whose services can be used for capacity building, knowledge dissemination, and in mainstreaming restoration principles in practice.

6.7.2 From a uniform reconstructive to a diverse restoration strategy:

The Committee recommends that the entire gamut of ecological restoration strategies (natural, assisted and reconstructive) need to be made permissible in national policy and national guidelines, which need to be urgently revised and adequate CA funds need to be made available for ending the drivers of degradation before initiating restoration and for providing for the maintenance of restored areas as has been done in Chhattisgarh.

6.7.3 Improving the performance of CA/NPV-funded afforestation projects:

The committee identified seven steps to address the issues of improving the performance of CA/NPV-funded afforestation projects, as detailed below:

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i. **Root cause of forest degradation needs to be addressed before reforestation**

Take local communities into confidence and make them equal partners in the revival process as they tend to be fully aware about the causes of degradation and remedial measures thereof.

ii. **Enforce criteria for selection of sites for ecological restoration.** The Committee proposes the following criteria for selection of sites for CA/NPV-funded restoration: Efforts must be made to get non-forest land contiguous to existing forest land so that it can be protected from encroachment and degradation and is ecologically viable. It is equally important that it should be the same forest type/biome as that which has been lost. Restoring small pockets of isolated land is not of much use at all. The main cause(s) of degradation in proposed restoration sites need to be ascertained and only when these factors have been effectively addressed should actual restoration work begin. Reference or benchmark sites with good vegetation cover should be used as models for species selection and treatments to be considered. Open natural areas such as grasslands, sholas, meadows, wetlands, etc. must be excluded from attempts to plant them up with trees which will change their fundamental character. The restoration approach, i.e., natural, assisted or reconstructive, needs to be assessed based on the principles of restoration science elucidated above. The consent and participation of Gram Sabha(s), who customarily use these forests, in restoration projects is desirable. They particularly need to be involved and consulted in site identification, species selection, and subsequent execution and protection leading to restoration, so that they develop a stake and a sense of ownership in the project. Restoration site needs to be free from all encumbrances and not be part of any future diversion proposals in the pipeline. A 'site suitability' certificate furnished by the

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DCF needs to provide an undertaking on the above aspects along with pre-existing conditions.

iii. **Taking up multi-species plantations of native species on highly degraded sites**

Monocultures should to be avoided, plantations must be multi-species, and commercial, fast growing species and invasive alien species should be prohibited and replaced with native species.

iv. **Fix accountability for failure of restoration projects.**

Accountability needs to be fixed at the level of the RFO, ACF, DCF and CF as they are the key decision-makers for plantation failure. However, this difficult task of making a transformational change is an imperative and is possible only when stringent accountability measures are embedded at every stage of the project cycle and strictly implemented. This should be a mandatory item to be commented upon in all performance appraisal reports of the concerned officers and personnel, written annually by their supervisor officers. Also, exemplary restoration work needs to be recognized and rewarded. Innovations, best practices and effective approaches need to be documented and disseminated.

v. **Strengthen monitoring and evaluation**

The Monitoring Group in the MoEFCC constituted under the CAF Act needs to undertake independent evaluation of all plantation/ecological restoration projects at 5, 10, 15 and 20 year stages. Considering the sheer number of projects that will need to be monitored, the Monitoring Group may consider engaging independent national level monitors (NLMs), national institutes and others to assist in this task. Objective criteria for

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assessing restoration projects need to be developed. Parivesh and e-Greenwatch portals can be linked with a mobile app so that data can be directly entered from the field using hand-held devices. Monitoring by state forest departments also needs to be strengthened. Wherever the quality of restoration work is found to be below a certain minimum threshold, accountability needs to be fixed and responsible functionaries suitably penalized.

vi. **Mandatory proactive public disclosure and transparency measures** Strengthening public disclosure and transparency measures are needed to assess the performance of all projects sanctioned from national and state funds, by putting in place a stringent monitoring and evaluation framework that is transparent and publicly visible. Every project should be provided with a unique ID and Quick Response code at the national level and all project-level information such as estimates, sanction details, work orders, geo-referenced polygons, plantation journals, expenditure details, completion reports, etc. need to be provided online as public disclosure on a public website. All wage payments need to be released in direct benefit transfer (DBT) mode in the accounts of wage seekers. Annual monitoring reports along with geotagged photos, duly attested by the officers responsible, also need to be also uploaded to this website.

6.7.4 **Imperative to adequately compensate forest-dependent communities affected by forest diversion and in a timely manner:** The Committee recommends that half of the NPV should be utilized to strengthen the protection status and restore residual forests, adjacent forests and also the village commons. This will enable forest-dependent communities to have continued access to usufruct benefits from these restored forests. Also, in CA budgets, 10 percent should be earmarked for entry point activities (EPA) as an additional component, as a confidence-building measure to develop the trust of the local community. Also funds and functions related to maintenance needs to

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be transferred to the local community so as to build their stake right from inception to establishment. The forest department should also play a nodal role in coordinating various social assistance and developmental schemes in the villages by liaising with concerned government departments at the district and block levels. This will ensure all-round development of the impacted villages, while also strengthening their food and livelihood security which is often the root cause behind forest degradation.

6.7.5 These recommendations detailed above need to be adequately reflected in the guidelines for restoration to be revised and issued by the MoEFCC. To conclude, the Committee is of the opinion that the graduation from routine afforestation to ecological restoration if achieved in both letter and spirit has the potential to be a game- changer in the transformation of the country's degraded ecosystems-a transformation That will be inclusive, lasting, ecologically sound and cost effective."

VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 6:

29. It is respectfully submitted that with regards to moving towards an 'ecological restoration regime' as recommended in this chapter it is submitted that restoring forests and forest landscape restoration *(hereinafter referred as "FLR")* is an important step for enhancing the quality of forest and overall functioning of ecosystems. Further, it is submitted that promoting various eco-restoration activities and interventions on the forest and the non-forest areas for the qualitative and quantitative improvement of the forest and tree cover towards enabling the re-establishment of keystone species and the enhancement and enrichment of biodiversity on the micro- ecosystem basis is the priority area of the Ministry of Environment, Forests and Climate Change.

30. In this regard, it is submitted that the Ministry of Environment, Forests and Climate Change has over the years formulated various policies, laws, programs and initiatives to support FLR. These steps include the National

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Mission for a Green India and Compensatory Afforestation Fund Act (CAMPA), which empower forest-dwelling communities. The National Mission for Green India and the CAMPA lay emphasis on 'Reclamation/ Restoration Forestry' to treat Open Forest and Non-Forest areas. This has been done through focus on Soil and Moisture Conservation activities, micro-ecosystems approach with prioritized intervention areas under the landscape, through adoption of regionally conducive best practice models. They are intended to operate in synergy with the other afforestation schemes of the Central and the State Governments.

31. Additionally, India has renewed Bonn Challenge commitment for restoration of 26 million hectares of degraded land by 2030 and has already achieved restoration of approximately 18.94 million hectares and is on right track to achieve these commitments.

32. Further, the New National Working Plan Code 2023 has been released by the Ministry of Environment, Forests and Climate Change on 17th June 2023 which will replace Working Plan Code 2004. The new code deals in detail with the essentials of forest management planning, incorporating the principles of sustainable management of forests. This includes extent and condition of forest and tree cover; maintenance, conservation and enhancement of biodiversity including wildlife, forest health and vitality, conservation and management of soil and water resources, enhancement of forest resource productivity, maintenance and enhancement of social, economic, cultural and spiritual benefits, and providing the appropriate policy, legal and institutional framework.

33. The "Indian Forest Management Standard" which is a part of this code, takes into account the diverse forest ecosystem in our country, while trying to bring in uniformity in management. The Standards for Sustainable Forest Management have been codified in the Indian Forest Management Standard, based on long term experiences of scientific forest management in India and in sync with international criteria and indicators. Indian Forest Management Standard would facilitate the State Forest Departments to measure

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effectiveness of the management practices against prescriptions of Working Plans.

34. Additionally, it is submitted that the convergence of compensatory afforestation with other afforestation initiatives and landscape approach can be followed for shifting the traditional afforestation approach to an ecological restoration. The recommendations made by the Expert Committee in this regard are already being adopted in various afforestation program and schemes accordingly.

35. Further with regards to the 'Land for Land' policy, it is submitted that the Union of India has issued Consolidated Guidelines and Clarifications dated 29.12. 2023. A true copy of the 'Land for Land' Consolidated Guidelines and Clarifications dated 29.12.2023 are annexed hereto as **ANNEXURE - IX.** With regard to training of foresters as suggested in Para 6.7.1, it is submitted that ICFRE and other research institutes under MoEFCC carry out and undertake the biodiversity and ecological assessments for development of site specific conservation strategies, restoration and rehabilitation of degraded and fragile eco-systems. They provide trainings on these topics on regular basis. Ministry may further suggest the research and training institutes to conduct more courses on ecological restoration.

36. It is submitted that with regard to the recommendations made by the Expert Committee regarding public disclosure and transparency measures in Para 6.7.3, it is stated that Ministry processes the green clearance proposal through PARIVESH portal. Further, Minutes of Meetings, Agenda and other related document are already uploaded at PARIVESH portal and are in public domain in providing disclosure of information to all concerned.

VII. CHAPTER 7: NEED FOR A PERMANENT EXPERT REGULATORY BODY:

RECOMMENDATIONS OF THE EXPERT COMMITTEE:

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37. It is respectfully submitted that with regard to the question of the need for a permanent expert regulatory body, the recommendations of the Expert Committee as contained in Section 7.5 of Chapter 7 of report of the Expert Committee are reproduced hereinafter for the convenience of this Hon'ble Court:

"**7.5 Role and Responsibility of the Permanent Expert Body (National Forest Conservation Authority)** The key functions, role and responsibilities of the permanent expert body, i.e., the National Forest Conservation Authority (NFCA) will be, inter alia:

1. To periodically monitor the status of forest and wildlife habitats of the country, especially the most crucial habitats and areas identified in this Report, and to add any new areas to this list and give directions for their safety and management, if so required. It will also ensure implementation of the recommendations of this Committee with regard to the diversion of land or usage of these areas, for the purposes of developmental projects.
2. The NFCA shall regulate the diversion of land, usage of forests and the destruction of trees above the minimum thresholds prescribed in this Report, and may issue guidelines in this regard.
3. The NFCA will exercise a regulatory function in the approval of certain proposals under the Forest (Conservation) Act, 1980, as per the procedure described in paragraph 7.4 of the Report, keeping in view impacts on ecology, biodiversity and on affected communities.
4. Project proposals approved by respective State Boards for Wildlife and requiring the approval of the National Board for Wildlife under provisions of the Wildlife (Protection) Act, 1972, or in accordance with the directives of the Hon'ble Supreme Court pertaining to areas adjoining Protected Areas, shall first be

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placed in the public domain and then seek the opinion of the NFCA in accordance with the procedure recommend in paragraph 7.4 of the Report, and the NFCA may, for reasons to be recorded in writing, endorse, suggest modifications or reject the proposal, keeping in view the long-term conservation interests of the area concerned.

5. Diversion of land and usage of any other ecologically critical areas (ECA) listed under this Report as well as those areas that may be added hereafter, shall follow the procedure prescribed for Protected Areas in item 4 above.
6. To elicit and analyse public opinion on specific diversion projects for which public hearings have been prescribed in this Report, and give its own observations in this regard.
7. Where NPV is to be deployed, the NFCA shall review the methodology and instruments used for valuing forests and trees and ensure their regular review and revision.
8. It shall ensure that the current inappropriate policies and practices of afforestation are not deployed and that ecological restoration as envisaged under this Report is implemented.
9. The NFCA will ensure that forest lands and natural ecosystems are diverted or damaged only as a last and imperative resort and not as an easy option for the needs of developmental projects. This will be particularly applicable in the case of areas of special significance identified in this Report and which may be added to subsequently.
10. Where the modus operandi of 'land for land' is applicable as advocated in this Report, the NFCA shall ensure that the land to be restored is suitable and ecologically equivalent to the land to be diverted, and is notified as 'forest' or as a 'Protected Area' as the case may be, and be handed to the concerned forest department prior to diversion of the concerned forest land or

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before its usage is allowed for a development project and the mitigation requirements have been provided for.

11. In the case of an attempt to present a fait accompli in order to obtain forest clearance, such as construction of a linear intrusion to the very edge of a forest or Protected Area in anticipation of a sanction, not only must permission be refused/rescinded, but penal provisions as suggested in this Report should be enforced and responsibilities fixed for the misdemeanor.
12. The NFCA will carefully oversee the implementation of the recommendations pertaining to linear infrastructure intrusions, including avoidance, going underground and of the primacy of the conservation interests of the area in question over the norms of construction prescribed for the intrusion in question.
13. The NFCA will ensure safeguarding of the interests of forest-dependent communities affected by forest diversion for development projects, in order to ensure that they are adequately compensated and that they are actively involved as managers and stakeholders in eco-restoration efforts.
14. In cases of any gross violation of law or policy with serious ecological consequences, the NFCA would determine responsibility and suggest punitive action against the violator.
15. NFCA would draft a model law for the conservation of trees on non-forest public lands, pursue its adoption and implementation by central and state governments and the creation of institutional support required for the purpose.

VIEWS AND APPROACH OF THE UNION OF INDIA WITH RESPECT TO CHAPTER 7:

38. With regard to the suggestions for constitution of the Permanent Expert Body, NFCA (National Forest Conservation Authority), it is submitted that the Ministry has already constituted the Forest Advisory Committee (which

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is a statutory expert body) under the provisions of the Forest (Conservation) Act, 1980, read with the Forest (Conservation) Rules, 2003. Additionally, there are Regional Empowered Committee for monitoring forest clearances also constituted under the Forest (Conservation) Rules, 2003 and as such therefore, it is respectfully submitted that the Forest Advisory Committee and the Regional Empowered Committees have been in place and discharging their functions for over twenty years. Additionally, the Standing Committee of National Board (SC-NBWL) for Wild Life, which is also a statutory body constituted under the provisions of the Wildlife Protection Act, 1972 is in place for Wildlife Clearances under Wildlife (Protection) Act, 1972. It is submitted that the SC-NBWL is headed by the Hon'ble Minister for Environment, Forests and Climate Change and comprises various environmental experts as well as functionaries of the Central and State Governments. Additionally, the Coastal Regulation Zone Management Committee is in place for coastal regions under the Environment Protection Act, 1986. It is also submitted that the entire environmental clearance process is carried out under the provisions of the Environmental Impact Assessment Notification, 2006, and projects are scrutinized either by an Expert Appraisal Committee at the central level or by the State Level Environment Impact Assessment Authorities (SEIAAs) who consult the State Level Expert Appraisal Committee as required. It is further submitted that the National Green Tribunal established under the National Green Tribunal Act, 2010 has an adjudicatory role with further judicial review through the Constitutional Courts. In these circumstances it is respectfully submitted that the entire environmental clearance process is carried out by a variety of domain and subject matter experts, whose views are then overseen by further judicial review by the National Green Tribunal and the Constitutional Courts.

39. With regards to the recommendations at Para 7.5 (1) for diversion of wildlife habitats, it is stated that the function is assigned to the National Board for Wild Life or its Standing Committee as per the Wild Life

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(Protection) Act, 1972. It is submitted that the National Board for Wildlife was first constituted in 22nd September,2003, and the Standing Committee was first constituted on 04th November,2003. The last reconstitution of the Standing Committee took place on 11th September, 2014.

40. The recommendations at Para 7.5 (4) regarding consideration of projects recommended by the State Boards for Wild Life by the envisaged permanent body, before it is considered by the National Board for Wild Life, it is submitted that this process may delay the project proposal/activity. The National Board for Wild Life or its Standing Committee already have the mandate to assess the impacts of the various projects and activities on wild life or its habitat as per the functions assigned under the Wild Life (Protection) Act, 1972.

41. Further, with respect to the recommendation at Para 7.5 (6) it is stated that the proposals are uploaded on the PARIVESH website and are available in public domain.

42. It is to mention that similar recommendations, made in the TSR Subramanian Report in 2014, were considered and turned down by the Select Committee of Parliament.

43. Similarly, in pursuance of Honourable Supreme Court Order dated 18th August, 2023 in I. A. NOS. 196062 AND 174896/2019 in Writ Petitions (Civil) No. 202/95 the Central Government has constituted 'Central Empowered Committee' (CEC). The CEC will serve as a permanent body for the purposes of monitoring and ensuring compliance of the orders of the Hon'ble Supreme Court, covering the subject matter of Environment, Forest and Wildlife, and related issues arising out of the said orders and to suggest measures and recommendations to the State, as well as Central Government, for their effective implementation. The CEC notification dated 05th September, 2023 is annexed as **Annexure-X.**

44. In view of above, Ministry is of view that the current regime is sufficiently robust to address the concerns raised by the Expert Committee while granting forest, environment and wildlife clearances. There is no need of

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creating a permanent body i.e. the National Forest Conservation Authority as this will lead to double regulation and unnecessary delay in project clearance without any advantage to the cause of environmental protection.

45. Thus, in light of the above submissions, it is most humbly prayed that the present affidavit may kindly be taken on record and into consideration and this Hon'ble Court may pass such just and equitable order (s) as deemed fit and proper in the facts and circumstances of the case.

46. That, the Answering Respondent reserves the right to file additional information before the Hon'ble Court, if required till Pendente-lite.

DEPONENT

डा. शोभिता अग्रवाल/Dr. Shobhita Agarwal
सहायक वन महानिरीक्षक
Assistant Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min.of Environment,Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

I Identify the deponent who has Signed/Put T.I. in my presence

VERIFICATION:

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at New Delhi on this __ Day of February, 2024.

0 8 FEB 2024

Certified that the above Named Deponent identify by Shri/Smt. ROHIT GUPTA Adv.
Solemenly affarmed before me at Delhi
S No.....
The contents of the affidavit which have been read & explained to me are true and correct

Notary

DEPONENT

डा. शोभिता अग्रवाल/Dr. Shobhita Agarwal
सहायक वन महानिरीक्षक
Assistant Inspector General of Forest
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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ATTESTED
A.N. Singh, Adv.
Notary Public
Govt. of India, New Delhi
0 8 FEB 2024

Annexure-I

LIST OF FINAL ESZ NOTIFICATIONS				
S.No.	**No. of Protected Areas covered**	**Name of Protected Area**	**State**	**Date of Publication**
1.	1	Mahatma Gandhi Marine National Park	Andaman Nicobar	29.04.2022
2.	97	Protected areas of Andaman &Nicobar island	Andaman Nicobar	28.10. 2016
3.	1	Saddle Peak National Park	Andaman Nicobar	10 .05.2018
4.	1	Cuthbert Bay Sanctuary	Andaman Nicobar	27.02.2019
5.	1	Mount Harriet National Park	Andaman Nicobar	01.02.2019
6.	1	Campbell Bay National Park	Andaman Nicobar	12.03.2021
7.	1	Galathea National Park	Andaman Nicobar	12.03.2021
8.	1	Krishna Wildlife Sanctuary	Andhra Pradesh	05.08.2020
9.	1	Sri Penusila Narasimha Wildlife Sanctuary	Andhra Pradesh	28.08. 2020
10.	2	Sri Venkateswara Wildlife Sanctuary & Sri Venkateswara National Park	Andhra Pradesh	18.06. 2021
11.	1	Coringa Wildlife Sanctuary	Andhra Pradesh	21.09.2021
12.	2	Nagarjunasagar Srisailam Tiger Reserve	Andhra Pradesh	18.10.2021
13.	1	Pulicat lake Bird sanctuary	Andhra Pradesh	26.06.2015
14.	1	Lankamalleshwra Wildlife Sanctuary	Andhra Pradesh	07.04.2017

15.	1	Kambalakonda Wildlife Sanctuary	Andhra Pradesh	28.04.2017
16.	1	Rajiv Gandhi National Park	Andhra Pradesh	15.05.2017
17.	1	Great Indian Bustard Rollapadau Wildlife Sanctuary	Andhra Pradesh	15.05.2017
18.	1	Nelapattu Wildlife Sanctuary	Andhra Pradesh	08.06.2017
19.	1	Mouling National Park	Arunachal Pradesh	03.06.2019
20.	1	Eagle Nest WildlifeSanctuary	Arunachal Pradesh	28.08.2020
21.	1	Dibang Wildlife Sanctuary	Arunachal Pradesh	24.12.2020
22.	1	Kane Wildlife Sanctuary	Arunachal Pradesh	08. 04.2021
23.	1	Amchang Wildlife Sanctuary	Assam	07.05.2017
24.	1	Hollongapar-Gibbon Sanctuary	Assam	23.09.2019
25.	1	Dibru-Saikhowa National Park	Assam	28.01.2020
26.	2	Nameri National Park and Sonai-Rupai Wildlife Sanctuary	Assam	27.10.2020
27.	1	Chakrashila Wildlife Sanctuary	Assam	08 .04.2021
28.	1	Barail Wildlife Sanctuary	Assam	25.04.2022
29.	1	Panidehing Bird Sanctuary	Assam	25.04.2022
30.	1	Kaimur Wildlife Sanctuary	Bihar	30 .12.2015
31.	1	Baraila Lake Salim Ali Jubba Sahni Wildlife Sanctuary	Bihar	15.11.2016

32.	1	Bhimbandh Wildlife Sanctuary	Bihar	09 .01.2017
33.	1	Pant (Rajgir) Wildlife Sanctuary	Bihar	09.01.2017
34.	1	Udaipur Wildlife Sanctuary	Bihar	28.06.2017
35.	1	Gautam Budha Wildlife Sanctuary	Bihar	12.07.2017
36.	1	Kusheshwar Asthan Bird Sanctuary	Bihar	22.08.2017
37.	3	Valmiki WLS, Valmiki National Park and Tiger Reserve	Bihar	13.09.2017
38.	1	City Bird Wildlife Sanctuary	Chandigarh	04 .01.2017
39.	1	Sukhna Wildlife Sanctuary	Chandigarh	18.01.2017
40.	1	Barnawapara Wildlife Sanctuary	Chhattisgarh	12 .07.2017
41.	1	Pamed Wildlife Sanctuary	Chhattisgarh	19.07.2017
42.	1	Kanger Valley National Park	Chhattisgarh	10 .10.2019
43.	1	Achanakmar Tiger Reserve	Chhattisgarh	10 .10.2019
44.	1	Dadra and Nagar Haveli Wildlife Sanctuary	Dadra and Nagar Haveli	04.09.2015
45.	1	Asola bhattie Wildlife Sanctuary	Delhi	11.09.2017
46.	1	Dr. Salim Ali Wildlife Sanctuary	Goa	24.02.2015
47.	1	Cotigoan Wildlife Sanctuary	Goa	24 .02.2015
48.	1	Netravali Wildlife Sanctuary	Goa	17 .02.2015

49.	1	Madei Wildlife Sanctuary	Goa	25 .02.2015
50.	2	Bhagwan Mahavir National Park	Goa	23 .01.2015
51.	1	Bondla Wildlife Sanctuary	Goa	25 .02.2015
52.	2	Marine National Park and Marine Wildlife Sanctuary	Gujarat	22.08.2013
53.	1	Girnar Wildlife Sanctuary	Gujarat	31.05.2012
54.	1	Narayan Sarovar Wildlife Sanctuary	Gujarat	31.05.2012
55.	1	Purna Wildlife Sanctuary	Gujarat	31.05.2012
56.	1	Vansda National Park	Gujarat	31.05. 2012
57.	1	Thol Wildlife Sanctuary	Gujarat	09 .02.2015
58.	1	Hingolgadh Nature Reserve Wildlife Sanctuary	Gujarat	20.06.2017
59.	1	Barda Wildlife Sanctuary	Gujarat	28.04.2017
60.	1	Porbandar Wildlife Sanctuary	Gujarat	07.05.2018
61.	1	Khijadiya Wildlife Sanctuary	Gujarat	18 .06.2018
62.	1	Velavadar Black Buck National Park	Gujarat	06.07.2017
63.	1	Gaga Great Indian Bustard Wildlife Sanctuary	Gujarat	07 .06.2017
64.	1	Nalsarovar Wildlife Sanctuary	Gujarat	07.06.2017
65.	1	Shoolpaneshwar Wildlife Sanctuary	Gujarat	05.05.2016

66.	1	Rampara Wildlife Sanctuary	Gujarat	28.12.2017
67.	1	Jessore Wildlife Sanctuary	Gujarat	12.10.2017
68.	1	Wild Ass Wildlife Sanctuary	Gujarat	01.10.2018
69.	1	Kachchh Bustard Wildlife Sanctuary	Gujarat	10.12.2018
70.	1	Ratanmahal Wildlife Sanctuary	Gujarat	29 .01. 2019
71.	1	Jambughoda Wildlife Sanctuary	Gujarat	08.03.2019
72.	1	Kachchh Desert Wildlife Sanctuary	Gujarat	29.08.2019
73.	1	Balaram Ambaji Wildlife Sanctuary	Gujarat	08.11.2021
74.	1	Sultanpur National Park	Haryana	27 .01.2010
75.	1	Bir Shikargarh Wildlife Sanctuary	Haryana	23.11.2016
76.	1	Khol Hi Raitan Wildlife Sanctuary	Haryana	24.10. 2016
77.	2	Kalesar and Kalesar Wildlife Sanctuary	Haryana	22.04. 2016
78.	1	Bhindawas Wildlife Sanctuary	Haryana	28.09.2016
79.	1	Khaparwas Wildlife Sanctuary	Haryana	09.01.2017
80.	1	Chhilchhila Wildlife Sanctuary	Haryana	13.02.2017
81.	1	Asola Bhatti Wildlife Sanctuary	Haryana	31.05.2019
82.	1	Nahar Wildlife Sanctuary	Haryana	16 .08.2021

83.	1	Daranghati Wildlife Sanctuary	Himachal Pradesh	16 .03.2017
84.	1	Majathal Wildlife Sanctuary	Himachal Pradesh	07.06.2017
85.	1	Shimla Water Catchment Wildlife Sanctuary	Himachal Pradesh	07.06.2017
86.	1	Sangla Valley (Rakchham-Chitkul) Wildlife Sanctuary	Himachal Pradesh	26.07. 2017
87.	1	Talra Wildlife Sanctuary	Himachal Pradesh	21.11. 2017
88.	1	Sech Tuan Nala Wildlife Sanctuary	Himachal Pradesh	28 .09. 2017
89.	1	Inderkila National park Wildlife Sanctuary	Himachal Pradesh	17.01. 2018
90.	1	Manali Wildlife Sanctuary	Himachal Pradesh	12.10. 2020
91.	1	Kalatop-Khajjiar Wildlife Sanctuary	Himachal Pradesh	27.10. 2020
92.	1	Kugti Wildlife Sanctuary	Himachal Pradesh	12.07. 2021
93.	1	Sri Renuka Ji Wildlife Sanctuary	Himachal Pradesh	10 .09. 2021
94.	1	Kanawar Wildlife Sanctuary	Himachal Pradesh	08 .11. 2021
95.	1	Kais Wildlife Sanctuary	Himachal Pradesh	22.11. 2021
96.	1	Chail Wildlife Sanctuary	Himachal Pradesh	05.01.2022
97.	1	Dhauladhar Wildlife Sanctuary	Himachal Pradesh	05.01.2022
98.	1	Shikari Devi Wildlife Sanctuary	Himachal Pradesh	05.01.2022
99.	2	Col Sherjung National Park	Himachal Pradesh	13.01.2022

100.	1	Khokhan Wildlife Sanctuary	Himachal Pradesh	12.01.2022
101.	1	Gamgul Siyabehi Wildlife Sanctuary	Himachal Pradesh	01.02.2022
102.	1	Tundah Wildlife Sanctuary	Himachal Pradesh	01.02.2022
103.	1	Nargu Wildlife Sanctuary	Himachal Pradesh	25.03.2022
104.	1	Kibber Wildlife Sanctuary	Himachal Pradesh	06.05.2022
105.	1	Rajparian Wildlife Sanctuary	Jammu & Kashmir	18 .06. 2020
106.	1	Hirpora Wildlife Sanctuary	Jammu & Kashmir	18 .06. 2021
107.	3	Kazi Nag NP (Kazinag National Park, Limber Sanctuary and Lachipora Sanctuary)	Jammu & Kashmir	25.03.2022
108.	1	Jasrota Wildlife Sanctuary	Jammu and Kashmir	28 .10. 2019
109.	1	Ramnagar Wildlife Sanctuary	Jammu and Kashmir	01.06. 2021
110.	1	Kishtewar High Altitude National Park	Jammu and Kashmir	13.10. 2021
111.	1	Surinsar- Mansar Wildife Sanctuary	Jammu and Kashmir	17.01.2022
112.	1	Gulmarg Wildlife Sanctuary	Jammu and Kashmir	09.05.2022
113.	1	Dalma Wildlife Sanctuary	Jharkhand	29 .03. 2012
114.	1	Gautam Buddha Wildlife Sanctuary	Jharkhand	02.08. 2019
115.	2	Parasnath and Topchanchi Wildlife Sanctuaries	Jharkhand	02.08. 2019

116.	1	Lawalong Wildlife Sanctuary	Jharkhand	09.08. 2019
117.	1	Hazaribag Wildlife Sanctuary	Jharkhand	01.08. 2019
118.	3	Palamau Wildlife Sanctuary, Betla National Park and Mahuadanr Wolf Sanctuary	Jharkhand	09 .08. 2019
119.	1	Udhwa Lake Bird Sanctuary	Jharkhand	01.08. 2019
120.	1	Palkot Wildlife Sanctuary	Jharkhand	09.08. 2019
121.	1	Koderma Wildlife Sanctuary	Jharkhand	09.08. 2019
122.	1	Bandipur National Park	Karnataka	04.10.2012
123.	1	Mookambika Wildlife Sanctuary	Karnataka	13.04. 2017
124.	1	Talacauvery Wildlife Sanctuary	Karnataka	15.05. 2017
125.	1	Brahmagiri Wildlife Sanctuary	Karnataka	26.05. 2017
126.	1	Attiveri Wildlife Sanctuary	Karnataka	06 .06. 2017
127.	1	Rangayyandurga 4 horned Antelope Wildlife Sanctuary	Karnataka	07.06. 2017
128.	1	Arabithittu Wildlife Sanctuary	Karnataka	06 .06. 2017
129.	1	Pushpagiri Wildlife Sanctuary	Karnataka	28 .06. 2017
130.	1	Ghataprabha Wildlife Sanctuary	Karnataka	27 .06. 2017
131.	1	Gudekote Sloth Bear Wildlife Sanctuary	Karnataka	06.07. 2017

132.	1	Gudavi Wildlife Sanctuary	Karnataka	06 .07. 2017
133.	1	Ranebennur Blackbuck Wildlife Sanctuary	Karnataka	06.07. 2017
134.	1	Cauvery Wildlife Sanctuary	Karnataka	22.08. 2017
135.	1	Ramadevarabetla Vulture Wildlife Sanctuary	Karnataka	11.09. 2017
136.	1	Malai Mahadeshwara Wildlife Sanctuary	Karnataka	13.09. 2017
137.	1	Melukote Wildlife Sanctuary	Karnataka	19.09. 2017
138.	1	Nugu Wildlife Sanctuary	Karnataka	26.09. 2017
139.	1	Ranganathittu Wildlife Sanctuary	Karnataka	09 .11. 2017
140.	1	Sharavati Valley Wildlife Sanctuary	Karnataka	02.08. 2019
141.	1	Chincholi Wildlife Sanctuary	Karnataka	09.08.2019
142.	1	Daroji Bear Wildlife Sanctuary	Karnataka	25.09. 2019
143.	1	Biligirirangaswamy Temple Tiger Reserve	Karnataka	19 .11. 2019
144.	1	Bannerghatta National Park	Karnataka	11 .03. 2020
145.	1	Kudremukh National Park	Karnataka	02.07. 2020
146.	1	Adichunchanagiri Peacock Sanctuary	Karnataka	07.09. 2020
147.	1	Someshwara Wildlife Sanctuary	Karnataka	28 .08. 2020
148.	1	Thimlapura Wildlife Sanctuary	Karnataka	08.10.2020

149.	1	Yadahalli Chinkara Wildlife Sanctuary	Karnataka	19 .02. 2021
150.	1	Jogimatti Wildlife Sanctuary	Karnataka	17.12. 2021
151.	1	Mathikettan Shola National Park	Kerala	28.12. 2020
152.	1	Ghatigoan Hukna Wildlife Sanctuary	Madhya Pradesh	13 .12. 2016
153.	2	Bandhavgarh Tiger Reserve	Madhya Pradesh	13 .12. 2016
154.	1	Gandhi Sagar Wildlife Sanctuary	Madhya Pradesh	05.12. 2016
155.	1	Son Gharial Wildlife Sanctuary	Madhya Pradesh	13 .12. 2016
156.	3	Satpura Tiger Reserve, Satpura National Park, Panchmari Wildlife Sanctuary and Bori Wildlife Sanctuary	Madhya Pradesh	09 .08. 2017
157.	2	Ratapani Wildlife Sanctuary and Singhori Wildlife Sanctuary	Madhya Pradesh	11 .08. 2017
158.	1	Dinosaur National Park	Madhya Pradesh	17 .08. 2017
159.	2	Sanjay Dubri and Sanjay National Park	Madhya Pradesh	28 .08. 2017
160.	1	Madhav National Park	Madhya Pradesh	13 .09. 2017
161.	1	Bagdara Wildlife Sanctuary	Madhya Pradesh	13 .09. 2017
162.	1	Ghuga Fossil National Park	Madhya Pradesh	14 .10. 2017
163.	1	Karera Wildlife Sanctuary	Madhya Pradesh	15 .09. 2017
164.	1	Ken Ghariyal Wildlife Sanctuary	Madhya Pradesh	19 .09. 2017

165.	1	Nauradehi Wildlife Sanctuary	Madhya Pradesh	26 .09. 2017
166.	1	Van Vihar National Park	Madhya Pradesh	29 .11. 2017
167.	1	Orchha Wildlife Sanctuary	Madhya Pradesh	02 .01. 2018
168.	1	Kheoni Wildlife Sanctuary	Madhya Pradesh	11 .05. 2018
169.	1	Narsinghgarh Wildlife Sanctuary	Madhya Pradesh	27 .07. 2018
170.	1	Pench Tiger Reserve (Indira Priyadarsini Pench National Park and Mowgali Pench Sanctuary)	Madhya Pradesh	06 .11. 2019
171.	1	National Chambal Sanctuary	Madhya Pradesh	20 .02. 2020
172.	1	Kharmor Wildlife Sanctuary	Madhya Pradesh	28 .08. 2020
173.	1	Sailana Wildlife Sanctuary	Madhya Pradesh	08 .10.2020
174.	2	Kanha Tiger Reserve (Kanha National Park & Phen Wildlife Sanctuary)	Madhya Pradesh	12 .03. 2021
175.	1	Veerangana Durgawati Wildlife Sanctuary	Madhya Pradesh	08.11.2021
176.	1	Kalsubai Harishchandragad Wildlife Sanctuary	Maharashtra	28 .04. 2017
177.	1	Gangewadi Great Indian Bustard Wildlife Sanctuary	Maharashtra	31 .05. 2017
178.	1	Umrer karhandla Wildlife Sanctuary	Maharashtra	16 .03. 2017
179.	1	Phansad Wildlife Sanctuary	Maharashtra	17 .05. 2017
180.	1	Bhamragarh Wildlife Sanctuary	Maharashtra	12 .04. 2017

181.	5	Melghat Tiger Reserve	Maharashtra	27 .12. 2016
182.	1	Karnala Wildlife Sanctuary	Maharashtra	22 .01. 2016
183.	1	Yedshi Ramling Ghat Wildlife Sanctuary	Maharashtra	31 .05. 2017
184.	5	Nagzira Wildlife Sanctuary, New Nagzira Wildlife Sanctuary, Koka Wildlife Sanctuary, Navegaon Wildlife Sanctuary and Navegaon National Park	Maharashtra	25 .02. 2016
185.	1	Gautala Autramghat Wildlife Sanctuary	Maharashtra	09 .12. 2016
186.	1	Dyanganga Wildlife Sanctuary	Maharashtra	17 .05. 2017
187.	1	Painganga Wildlife Sanctuary	Maharashtra	30 .11. 2016
188.	1	Jaikawadi Wildlife Sanctuary	Maharashtra	12 .07. 2017
189.	1	Lonar Wildlife Sanctuary	Maharashtra	21 .02. 2017
190.	1	Sagareshwar Wildlife Sanctuary	Maharashtra	15 .05. 2017
191.	2	Pench National Park	Maharashtra	13 .09. 2017
192.	1	Sanjay Gandhi National Park	Maharashtra	05 .12. 2016
193.	1	Tipeshwar Wildlife Sanctuary	Maharashtra	18 .09. 2018
194.	1	Aner Dam Wildlife Sanctuary	Maharashtra	02 .01. 2019
195.	1	Yawal Wildlife Sanctuary, Maharashtra	Maharashtra	08 .03. 2019

196.	2	Tadoba - Andhari Tiger Reserve	Maharashtra	11 .09. 2019
197.	1	Tungareshwar Wildlife Sanctuary	Maharashtra	11 .09. 2019
198.	2	Great Indian Bustard Wildlife Sanctuary	Maharashtra	11 .02. 2020
199.	1	Bhimashankar Wildlife Sanctuary	Maharashtra	05 .08. 2020
200.	1	Mayureshwar Supe Wildlife Sanctuary	Maharashtra	28 .08. 2020
201.	1	Pranhita Wildlife Sanctuary	Maharashtra	07.09. 2020
202.	1	Naygaon Peacock Sanctuary	Maharashtra	07.09. 2020
203.	1	Radhanagari Wildlife Sanctuary	Maharashtra	15 .10. 2020
204.	1	Chaprala Wildlife Sanctuary	Maharashtra	27 .10. 2020
205.	1	Tamhini Wildlife Sanctuary	Maharashtra	25 .02. 2021
206.	1	Katepurna Wildlife Sanctuary	Maharashtra	12 .03. 2021
207.	1	Karanja Sohal Blackbuck Wildlife Sanctuary	Maharashtra	18 .06. 2021
208.	1	Thane Creek Flamingo Sanctuary	Maharashtra	14.10. 2021
209.	3	Bor Tiger Reserve	Maharashtra	17.01.2022
210.	1	Zeilad Wildlife Sanctuary	Manipur	20 .10. 2016
211.	1	Kailam Wildlife Sanctuary	Manipur	20 .10. 2016
212.	1	Yangoupokpi Lakch Wildlife Sanctuary	Manipur	24 .10. 2016

213.	1	Bunning Wildlife Sanctuary	Manipur	05 .12. 2016
214.	1	Keibul Lamjao National Park	Manipur	25 .04. 2017
215.	1	Jiri-Makru Wildlife Sanctuary	Manipur	06 .07. 2017
216.	1	Nongkhyllem Wildlife Sanctuary	Meghalaya	07.05.2017
217.	1	Narpuh, East Jantia Hills Wildlife Sanctuary	Meghalaya	06 .09. 2017
218.	1	Tawi Wildlife Sanctuary	Mizoram	12 .06. 2019
219.	1	Pualreng Wildlife Sanctuary	Mizoram	12 .06. 2019
220.	1	Murlen National Park	Mizoram	02 .07. 2019
221.	1	Thorangtlang Wildlife Sanctuary	Mizoram	25 .06. 2019
222.	1	Lengteng Wildlife Sanctuary	Mizoram	02 .07. 2019
223.	1	Dampa Tiger Reserve	Mizoram	12 .07. 2019
224.	1	Khawnglung Wildlife Sanctuary	Mizoram	06 .12. 2019
225.	1	Kapilash Wildlife Sanctuary	Odisha	17 .06. 2015
226.	1	Chandaka Dampara Wildlife Sanctuary	Odisha	09.09. 2016
227.	1	Balukhanda-Konark Wildlife Sanctuary	Odisha	19 .05. 2017
228.	1	Debrigarh Wildlife Sanctuary	Odisha	07.06. 2017
229.	1	Kuldiha Wildlife Sanctuary	Odisha	09 .08. 2017

230.	1	Sunabeda Wildlife Sanctuary	Odisha	08 .03. 2019
231.	2	Badrama and Khalasuni Wildlife Sanctuaries	Odisha	29 .08. 2019
232.	1	Nandankanan Wildlife Sanctuary	Odisha	10 .12. 2019
233.	1	Lakhary Valley Wildlife Sanctuary	Odisha	07 .09. 2020
234.	1	Bir Motibagh Wildlife Sanctuary	Punjab	11 .03. 2016
235.	1	Bir Bhadason Wildlife Sanctuary	Punjab	21 .07. 2016
236.	1	Bir Gurdialpur Wildlife Sanctuary	Punjab	01.07. 2016
237.	1	Bir Bhunerheri Wildlife Sanctuary	Punjab	01.07. 2016
238.	1	kathlaur Kushalia Wildlife Sanctuary	Punjab	27 .12. 2016
239.	1	Bir Aishwan Wildlife Sanctuary	Punjab	24 .10. 2016
240.	1	Abohar Wildlife Sanctuary	Punjab	25 .07. 2016
241.	1	Bir Dosanjh Wildlife Sanctuary	Punjab	21 .07. 2016
242.	1	Takhni Rehmpur Wildlife Sanctuary	Punjab	29 .11. 2016
243.	1	Nangal Wildlife Sanctuary	Punjab	16 .03. 2017
244.	1	Jhajjar bachauali Wildlife Sanctuary	Punjab	14 .03. 2017
245.	1	Bir mehas Wildlife Sanctuary	Punjab	06.02. 2017
246.	1	Harika Lake Wildlife Sanctuary	Punjab	12.05. 2017

247.	1	Sitamata Wildlife Sanctuary	Rajashan	17.04. 2017
248.	1	Sajjangarh Wildlife Sanctuary	Rajasthan	13 .02. 2017
249.	1	Van Vihar Wildlife Sanctuary	Rajasthan	23 .03. 2017
250.	1	Todgarh Raoli Wildlife Sanctuary	Rajasthan	12.04. 2017
251.	1	Nahargarh Wildlife Sanctuary	Rajasthan	08.03. 2019
252.	1	Jaisamand Wildlife Sanctuary	Rajasthan	06.08. 2020
253.	1	Kesharbagh Wildlife Sanctuary	Rajasthan	28 .08. 2020
254.	1	Mount Abu Wildlife Sanctuary	Rajasthan	11.11.2020
255.	3	Mukundara Hills Tiger Reserve (MHTR)	Rajasthan	25 .11. 2020
256.	1	Jamwaramgarh Wildlife Sanctuary	Rajasthan	14 .12. 2018
257.	1	Bandh Baretha Wildlife Sanctuary	Rajasthan	26 .12. 2018
258.	1	Keoladeo National Park	Rajasthan	19 .07. 2019
259.	1	Ramsagar Wildlife Sanctuary	Rajasthan	15 .10. 2020
260.	1	Bassi Wildlife Sanctuary	Rajasthan	08 .04. 2021
261.	1	Bhainsrodgarh Wildlife Sanctuary	Rajasthan	10.09. 2021
262.	1	Khangchendzonga National Park	Sikkim	27.08. 2014
263.	1	Fambonglho Wildlife Sanctuary	Sikkim	27.08. 2014

264.	1	Kyongnosla Alpine Wildlife Sanctuary	Sikkim	27.08. 2014
265.	1	Pangolakha Wildlife Sanctuary	Sikkim	27.08. 2014
266.	1	Maenam Wildlife Sanctuary	Sikkim	27 .08. 2014
267.	1	Barsey Wildlife Sanctuary	Sikkim	27 .08. 2014
268.	1	Kitam Bird Sanctuary Wildlife Sanctuary	Sikkim	27 .08. 2014
269.	1	Shingba Wildlife Sanctuary	Sikkim	27 .08. 2014
270.	1	Chitrangudi Bird Sanctuary	Tamil Nadu	07 .06. 2019
271.	1	Karaivetti Bird Sanctuary	Tamil Nadu	31 .05. 2019
272.	1	Koonthankulam Bird Sanctuary	Tamil Nadu	07 .06. 2019
273.	1	Udhayamarthandapuram Birds Sanctuary	Tamil Nadu	07 .06. 2019
274.	1	Gangaikondan Spotted Deer Sanctuary	Tamil Nadu	31 .07. 2019
275.	1	Nellai Wildlife Sanctuary	Tamil Nadu	02.08. 2019
276.	1	Vaduvoor Bird Sanctuary	Tamil Nadu	13 .09. 2019
277.	1	Melaselvanoor - Keelaselvanoor Bird Sanctuary	Tamil Nadu	09 .10. 2019
278.	1	Megamalai Wildlife Sanctuary	Tamil Nadu	10 .10. 2019
279.	1	Srivilliputhur Grizzled Squirrel Wildlife Sanctuary	Tamil Nadu	30 .10. 2019
280.	1	Kanjirankulam Birds Sanctuary	Tamil Nadu	01 .11. 2019

281.	1	Vallanadu Blackbuck Sanctuary	Tamil Nadu	08 .11. 2019
282.	2	Mudumalai Tiger Reserve	Tamil Nadu	13 .12. 2019
283.	1	Therthangal Bird Sanctuary	Tamil Nadu	17 .12. 2019
284.	1	Sakkarakottai Bird Sanctuary	Tamil Nadu	10 .12. 2019
285.	1	Vettangudi Birds Sanctuary	Tamil Nadu	13 .12. 2019
286.	1	Gulf of Mannar Marine National Park	Tamil Nadu	01 .01. 2020
287.	1	Cauvery North Wildlife Sanctuary (CNWLS)	Tamil Nadu	01 .01. 2020
288.	1	Point Calimere (Block B) Wildlife Sanctuary	Tamil Nadu	23 .01. 2020
289.	1	Kodaikanal Wildlife Sanctuary	Tamil Nadu	23 .01. 2020
290.	1	Oussudu Lake Bird Sanctuary	Tamil Nadu	20 .02. 2020
291.	1	Point Calimere (Block A) Wildlife Sanctuary	Tamil Nadu	23 .01. 2020
292.	1	Vellode Bird Sanctuary	Tamil Nadu	22.05. 2020
293.	1	Kanniyakumari Wildlife Sanctuary	Tamil Nadu	22.09. 2020
294.	1	Sathyamangalam Tiger Reserve	Tamil Nadu	19 .02. 2021
295.	1	Pakhal Wildlife Sanctuary	Telangana	30.11. 2016
296.	1	Manjeera Crocodile Wildlife Sanctuary	Telangana	05 .05. 2017
297.	1	Pocharam Wildlife Sanctuary	Telangana	26 .05. 2017

298.	1	Mahavir Harina Vanasthali National Park	Telangana	26 .05. 2017
299.	1	Kinnersani Sanctuary Wildlife Sanctuary	Telangana	30 .08. 2017
300.	1	Kasu Brahmanda Reddy (KBR) National Park	Telangana	27 .10. 2020
301.	1	Rowa Wildlife Sanctuary	Tripura	08 .05. 2017
302.	1	Gumti Wildlife Sanctuary	Tripura	08 .11. 2019
303.	2	Trishna Wildlife Sanctuary	Tripura	08 .11. 2019
304.	2	Sepahijala Wildlife Sanctuary and Clouded Leopard National Park	Tripura	19 .02. 2021
305.	1	Kaimur Wildlife Sanctuary	Uttar Pradesh	20 .03. 2017
306.	1	Okhla Bird Sanctuary Wildlife Sanctuary	Uttar Pradesh	19 .08. 2015
307.	1	Parwati Arga Wildlife Sanctuary	Uttar Pradesh	29 .11. 2017
308.	1	Saman Bird Sanctuary	Uttar Pradesh	21 .11. 2017
309.	1	Sohagi Barwa Wildlife Sanctuary	Uttar Pradesh	29 .11. , 2017
310.	1	Ranipur Wildlife Sanctuary	Uttar Pradesh	09 .11. 2017
311.	1	Patna Bird Sanctuary	Uttar Pradesh	10 .10. 2018
312.	1	Hastinapur Wildlife Sanctuary	Uttar Pradesh	18 .10. 2018
313.	1	Bakhira Bird Sanctuary	Uttar Pradesh	31.12.2018
314.	1	Chandraprabha Wildlife Sanctuary	Uttar Pradesh	07.01. 2019

315.	1	Jai Prakash Narayan (Surahatal) Bird Sanctuary, Uttar Pradesh	Uttar Pradesh	08 .03. 2019
316.	1	Sandi Bird Sanctuary	Uttar Pradesh	30 .07. 2019
317.	1	Lakh Bahosi Bird Sanctuary	Uttar Pradesh	29 .08. 2019
318.	1	Shaheed Chandra Shekhar Azad (Nawabganj) Bird Sanctuary	Uttar Pradesh	29 .08. 2019
319.	1	Samaspur Bird Sanctuary	Uttar Pradesh	26.09. 2019
320.	1	Vijay Sagar Bird Sanctuary	Uttar Pradesh	10 .10. 2019
321.	1	Soor Sarovar Bird Sanctuary	Uttar Pradesh	10 .10. 2019
322.	1	National Chambal Wildlife Sanctuary	Uttar Pradesh	10 .06. 2020
323.	1	Mahavir Swami Wildlife Sanctuary	Uttar Pradesh	27.10. 2020
324.	1	Gangotri National Park	Uttarakhand	07 .06. 2019
325.	1	Nandhaur Wildlife Sanctuary	Uttarakhand	24.12. 2020
326.	1	Binsar Wildlife Sanctuary	Uttarakhand	21.09. 2021
327.	1	Askot Sanctuary	Uttarakhand	02.12. 2021
328.	1	Nanda Devi National Park	Uttarkhand	01 .10. 2018
329.	1	Jaldapara National Park	West Bengal	22.08. 2017
330.	1	Neora Valley National Park	West Bengal	11.09. 2017
331.	1	Singalila National Park	West Bengal	16.11. 2017

332.	1	Raiganj Wildlife Sanctuary	West Bengal	22.11. 2018
333.	1	Chintamoni Kar Bird Sanctuary	West Bengal	14 .01. 2019
334.	1	Senchal Wildlife Sanctuary	West Bengal	14 .01. 2019
335.	1	Chapramari Wildlife Sanctuary	West Bengal	07.06. 2019
336.	1	Ramnabagan Wildlife Sanctuary	West Bengal	29 .08. 2019
337.	1	Bibhutibhusan Wildlife Sanctuary	West Bengal	10 .10. 2019
338.	1	Ballavpur Wildlife Sanctuary	West Bengal	28 .08. 2020
339.	2	Buxa Tiger Reserve	West Bengal	07.09. 2020
340.	1	Mahananda Wildlife Sanctuary	West Bengal	22.09. 2020
Total	**476**			

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Annexure-II

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—23 REGISTERED NO. DL—(N)04/0007/2003—23

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-05082023-247866
CG-DL-E-05082023-247866

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, शुक्रवार, अगस्त 4, 2023/ श्रावण 13, 1945 (शक)
No. 18] NEW DELHI, FRIDAY, AUGUST 4, 2023/SRAVANA 13, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 4th August, 2023/*Sravana* 13, 1945 (*Saka*)

The following Act of Parliament received the assent of the President on the 4th August, 2023 and is hereby published for general information:—

THE FOREST (CONSERVATION) AMENDMENT ACT, 2023

(No. 15 OF 2023)

[*4th August*, 2023]

An Act further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Forest (Conservation) Amendment Act, 2023.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of preamble.

69 of 1980.

2. In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after the long title and before the enacting formula, the following preamble shall be inserted, namely:—

"WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO_2 equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS, it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality.".

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words and brackets "Forest (Conservation) Act", the words and brackets "*Van* (*Sanrakshan Evam Samvardhan*) *Adhiniyam*" shall be substituted.

Insertion of new section 1A.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Act to cover certain land.

'1A. (*1*) The following land shall be covered under the provisions of this Act, namely:—

(*a*) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force; 16 of 1927.

(*b*) the land that is not covered under clause (*a*), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(*2*) The following categories of land shall not be covered under the provisions of this Act, namely:—

(*a*) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(*b*) such tree, tree plantation or reafforestation raised on lands that are not specified in clause (*a*) or clause (*b*) of sub-section (*1*); and

(*c*) such forest land,—

(*i*) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the

case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(*ii*) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(*iii*) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(*3*) The exemption provided under sub-section (*2*) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.'.

Amendment of section 2.

5. In the principal Act, section 2 shall be renumbered as sub-section (*1*) thereof and—

(*a*) in sub-section (*1*) as so renumbered,—

(*I*) in clause (*iii*), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(*II*) in the *Explanation,* for the long line occurring after clause (*b*), the following shall be substituted, namely:—

"but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(*i*) silvicultural operations including regeneration operations;

(*ii*) establishment of check-posts and infrastructure for the front line forest staff;

(*iii*) establishment and maintenance of fire lines;

(*iv*) wireless communications;

(*v*) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

(*vi*) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

53 of 1972.

(*vii*) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(*viii*) any other like purposes, which the Central Government may, by order, specify.";

(*b*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.".

Insertion of new section 3C.

6. In the principal Act, after section 3B, the following section shall be inserted, namely:—

Power of Central Government to issue directions.

"3C. The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory Administration, or to any organisation, entity or body recognised by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation of this Act.".

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—236GI(S3)—04-08-2023.

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Annexure-III

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-30112023-250333
CG-DL-E-30112023-250333

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 686] नई दिल्ली, बुधवार, नवम्बर 29, 2023/अग्रहायण 8, 1945
No. 686] NEW DELHI, WEDNESDAY, NOVEMBER 29, 2023/AGRAHAYANA 8, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 नवम्बर, 2023

सा.का.नि.869(अ)—केन्द्रीय सरकार, वन (संरक्षण एवं संवर्धन) अधिनियम 1980 (1980 का 69) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और वन (संरक्षण) नियम, 2022, को, उन बातों के सिवाय जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, अधिक्रांत करते हुए, निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम, विस्तार और प्रारंभ (1) इन नियमों का संक्षिप्त नाम वन (संरक्षण एवं संवर्धन) नियम, 2023 है।

(2) ये 1 दिसम्बर, 2023 से प्रवृत्त होंगे।

2. परिभाषाएं- (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हों,-

(क) "प्रत्यायित प्रतिपूरक वनीकरण" से अधिनियम की धारा 2 की उप-धारा (1) के अधीन पूर्व अनुमोदन प्राप्त करने के लिए प्रयोग की जाने वाली सक्रिय वनीकरण की एक प्रणाली अभिप्रेत है;

(ख) "अधिनियम" से वन (संरक्षण एवं संवर्धन) अधिनियम,1980 (1980 का 69) अभिप्रेत है;

(ग) "परामर्शदात्री समिति" से अधिनियम की धारा 3 के अधीन गठित परामर्शदात्री समिति अभिप्रेत है;

(घ) "प्रतिपूरक वनीकरण" से अधिनियम के अधीन वनेतर प्रयोजन के लिए वन भूमि के अपवर्तन की एवज में किया गया वनीकरण अभिप्रेत है;

(ङ) "प्रतिपूरक उद्ग्रहण" में प्रतिपूरक वनीकरण निधि अधिनियम, 2016 (2016 का 38) की धारा 4 की उप-धारा 3 के खंड (iii) और खंड (iv) में विनिर्दिष्ट सभी धनराशियां और निधियां सम्मिलित हैं;

(च) "वन संरक्षक" से वन संरक्षक, मुख्य वन संरक्षक, क्षेत्रीय मुख्य वन संरक्षक या वन भूमि पर अधिकारिकता, जिसके लिए केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, रखने वाले अधिकारी द्वारा वन सर्कल का कार्यभार ग्रहण करने के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रक्षाशन द्वारा नियुक्त वन संरक्षक के समकक्ष अधिकारी अभिप्रेत है;

(छ) "उप-वन महानिदेशक (केन्द्रीय)" से केन्द्रीय सरकार द्वारा नियुक्त क्षेत्रीय कार्यालय का प्रमुख अभिप्रेत है।

(ज) "अनारक्षण" से वन के रूप में कानूनी रूप से या अन्यथा मान्यताप्राप्त की गई भूमि की विधिक प्रास्थिति को भूमि के किसी अन्य प्रवर्ग में परिवर्तित करने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और उसके किसी प्राधिकरण द्वारा जारी किया गया कोई आदेश अभिप्रेत है;

(झ) "अपयोजन" से किसी वन भूमि के उपयोग को वनेतर प्रयोजन या किसी वन भूमि के पट्टे को वनेतर प्रयोजन हेतु समनुदेशन के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या उसके किसी भी प्राधिकरण द्वारा जारी किया गया कोई आदेश अभिप्रेत है;

(ञ) "जिला कलेक्टर" उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर अधिकारिकता रखने वाले राजस्व जिले के प्रशासन का प्रभार धारण करने के लिए उप-आयुक्त सम्मिलित हैं।

(ट) "प्रभागीय वन अधिकारी" से राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा नियुक्त प्रभागीय वन अधिकारी, उप-वन संरक्षक या प्रभागीय वन अधिकारी या उप-वन संरक्षक के समकक्ष कोई अधिकारी अभिप्रेत है, जिसे उस वन भूमि, जिसके लिए अधिनियम के अधीन केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, पर अधिकारिकता रखने वाले वन प्रभाग का प्रभार धारण करने के लिए नियुक्त किया गया है;

(ठ) "भूमि बैंक" से अधिनियम के अधीन अपयोजन के लिए प्रस्तावित या अपयोजित वन भूमि की एवज में प्रतिपूरक वनीकरण किए जाने के लिए राज्य सरकार और संघ राज्यक्षेत्र प्रशासन द्वारा यथास्थिति भूमि को अभिज्ञात या चिन्हित करना अभिप्रेत है;

(ड) "संरेखीय परियोजना" से ऐसी परियोजनाएं अभिप्रेत हैं जिनमें सड़कों, पाइप लाइनों, रेलवे, पारेषण लाइनों, गारे की पाइपलाइन, प्रहवणी बेल्ट आदि के प्रयोजन के लिए वन भूमि का संरेखीय अपयोजन सम्मिलित है;

(ढ) "राष्ट्रीय कार्य-योजना कोड" से कार्य योजनाएं तैयार करने के लिए केन्द्रीय सरकार द्वारा तैयार किया गया कोड अभिप्रेत है;

(ण) "नोडल अधिकारी" से इस अधिनियम और उसके अधीन बनाए गए नियमों को क्रियान्वित करने और वन संरक्षण के मामलों पर कार्रवाई करने वाला और केन्द्रीय सरकार से इस मामले में पत्राचार करने के प्रयोजन के लिए, यदि विभाग में मुख्य वन संरक्षक या उससे ऊपर का पद नहीं हो यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्राधिकृत ऐसा अधिकारी अभिप्रेत है, जो मुख्य वन संरक्षक से नीचे के पद का न हो, या संबंधित संघ राज्यक्षेत्र के वन विभाग में ज्येष्ठतम अधिकारी हो;

(त) "परियोजना जांच समिति" से नियम 8 के अधीन गठित परियोजना जांच समिति अभिप्रेत है;

'क्षेत्रीय सशक्त समिति" से नियम 6 के उप नियम (1) के अधीन गठित की गई क्षेत्रीय सशक्त समिति अभिप्रेत है;

(थ) "क्षेत्रीय कार्यालय" से केन्द्रीय सरकार द्वारा स्थापित, और नियंत्रित क्षेत्रीय कार्यालय अभिप्रेत है;

(द) "सर्वेक्षण" से किसी परियोजना के आरंभ से पूर्व किया गया कोई कार्यकालाप या वन भूमि में वास्तविक खनन कार्य करने से पूर्व खनिज भंडारों कि खोज, अवस्थिति या भंडार जिसके अंतर्गत कोयला, पेट्रोलियम तथा प्राकृतिक गैस भी है को साबित करने के संयोजन के लिए किये गए कार्यकालाप जिसके अंतर्गत सर्वेक्षण, अन्वेषण, पूर्वेक्षण सहित ड्रिल करना भी शामिल है, अभिप्रेत है;

(ध) "प्रौद्योगिक उपकरण" से अधिनियम के अधीन पूर्व स्वीकृति की आवश्यकता वाले प्रस्ताव के संबंध में निर्णय लेने को सुगम बनाने के लिए 'निर्णय समर्थन तंत्र' (डीएसएस) जैसे भगौलीक सूचना प्रणाली आधारित डिजिटल उपकरणों से अभिप्रेत है।

(न) "प्रयोक्ता अधिकरण" से अभिप्राय अधिनियम की धारा 1 के अधीन प्रस्ताव प्रस्तुत करने वाले किसी व्यक्ति, संगठन या कानूनी इकाई या कंपनी या केन्द्रीय या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के विभाग है;

(प) "कार्य की अनुमति" से ब्लैक टॉपिंग, कंक्रीट बिछाने, रेलवे ट्रैक बिछाने, ट्रांसमिशन लाइनों को चार्ज करने आदि के अतिरिक्त प्रारंभिक परियोजना कार्य आरंभ करने के लिए संसाधन जुटाने हेतु अंतिम अनुमोदन देने के पूर्व रैखिक परियोजनाओं को दी गई या 'सैधांतिक' अनुमोदन में यथा-निर्दिष्ट अनुमति से अभिप्रेत है;

(फ) "कार्य योजना" से समय-समय पर केन्द्रीय सरकार द्वारा प्रकाशित की गई राष्ट्रीय कार्य योजना कोड के उपबंधों के अनुसार तैयार किया गया दस्तावेज और जिसमें किसी विनिर्दिष्ट अवधि के लिए विशिष्ट वन प्रभाग के वनों के वैज्ञानिक प्रबंधन करने के लिए निर्धारित निर्देश सम्मिलित हैं, अभिप्रेत है।

(2) इसमें प्रयुक्त शब्दों और अभिव्यक्तियों और जिन्हें इन नियमों में परिभाषित नहीं किया गया है किंतु अधिनियम में परिभाषित किया गया है, का वही अर्थ होगा जैसा कि अधिनियम में क्रमश: उन्हें दिया गया है।

3. परामर्शदात्री समिति का गठन—(1) केन्द्रीय सरकार, आदेश द्वारा, नियम 10 के उपनियम (5) के उप खंड (ख) के अधीन निर्दिष्ट प्रस्तावों के संबंध में धारा 2 की उप-धारा (1) के अधीन अनुमोदन प्रदान करने के लिए और वनों के संरक्षण से संबंधित कोई मामला जिसे केन्द्रीय सरकार द्वारा परामर्शदात्री समिति को निर्दिष्ट किया गया है, के संबंध में केन्द्रीय सरकार को परामर्श देने के लिए एक परामर्शदात्री समिति का गठन कर सकती है:-

(2) परामर्शदात्री समिति में निम्नलिखित सदस्य सम्मिलित होंगे, अर्थात :-

(क) वन महानिदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - अध्यक्ष;

(ख) अपर वन महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन संरक्षण से संबंधित कार्य देख रहे हैं - सदस्य;

(ग) अपर वन महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन्यजीव से संबंधित कार्य देख रहे हैं - सदस्य;

(घ) अपर आयुक्त (मृदा संरक्षण), कृषि एवं किसान कल्याण मंत्रालय - सदस्य;

(ङ) पारिस्थितिकी, इंजीनियरिंग और आर्थिक विकास अर्थशास्त्र क्षेत्रों से प्रत्येक का प्रतिनिधित्व करने वाले केन्द्रीय सरकार द्वारा नामनिर्दिष्ट किए जाने वाले तीन गैर शासकीय विशेषज्ञ - गैर-सरकारी सदस्य;

(च) वन संरक्षण और उसके अधिनियम के संबंध में कार्रवाई कर रहे वन महानिरीक्षक - सदस्य-सचिव

(3) अध्यक्ष, परामर्शदात्री समिति की बैठक में किसी भी डोमेन विशेषज्ञ को विशेष आमंत्रित व्यक्ति के रूप में सहयोजित कर सकते हैं।

(4) अध्यक्ष, परामर्शदात्री समिति की बैठक की अध्यक्षता करेंगे और उनकी अनुपस्थिति में अपर वन महानिदेशक, जो पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में वन संरक्षण से संबंधित कार्य देख रहे बैठक की अध्यक्षता करेंगे।

4. परामर्शदात्री समिति के गैर शासकीय सदस्यों के लिए निबंधन और शर्तें :—

(1) गैर-शासकीय सदस्य के अपने कार्यकाल की अवधि अपने नामनिर्देशन की तारीख से दो वर्ष तक होगी या जैसी केन्द्रीय सरकार द्वारा निर्दिष्ट की गई है;

(2) एक गैर- शासकीय सदस्य का यदि विकृत चित्त या दिवालिया या किसी अपराध, जिसमें नैतिक अधमता अन्तर्वलित है, में दोष सिद्ध होने की दशा में उसकी सदस्यता समाप्त हो जाएगी;

(3) यदि कोई गैर-शासकीय सदस्य बिना पर्याप्त कारणों से परामर्शदात्री समिति की लगातार तीन बैठकों में उपस्थित होने में असफल राहत है ता तो उसकी सदस्यता समाप्त हो जाएगी;

(4) खंड (2) और (3) में बताए गए कारणों के द्वारा यदि कोई रिक्ति होती है तो उसे केन्द्रीय सरकार द्वारा दो वर्ष की शेष अवधि के लिए भर लिया जाएगा;

(5) परामर्शदात्री समिति के गैर-शासकीय सदस्य उस यात्रा भत्ता और दैनिक भत्ता के हकदार होगा जो समूह 'क' के पद धारण करने वाले भारत सरकार के किसी अधिकारी को ग्राहय होगा ;

(6) परंतु जहां संसद के सदस्य या राज्य विधान सभा के सदस्य को परामर्शदात्री समिति के सदस्य के रूप में नियुक्त किया गया है, वहां वह यथास्थिति संसद सदस्यों के वेतन, भत्ते और पेंशन अधिनियम 1954 (1954 का 30) या संबंधित राज्य विधान सभा के सदस्यों से संबंधित विधि के संबंधित उपबंधों के अनुसार, यात्रा भत्ता और दैनिक भत्तों के लिए हकदार होगा।

5. परामर्शदात्री समिति के कार्यों का संचालन:—

(1) परामर्शदात्री समिति का अध्यक्ष जब कभी आवश्यक समझे, परामर्शदात्री समिति की बैठक माह में कम से कम एक बार बुला सकता है।

(2) परामर्शदात्री समिति की बैठक सामान्यता नई दिल्ली में होगी सिवाय इसके कि जब अध्यक्ष प्रस्तावित भूमि का निरीक्षण करना आवश्यक समझे तो वह उस स्थान पर बैठक आयोजित करने का निदेश दे सकता है जहां से प्रस्ताव का निरीक्षण किया जा सकता है।

(3) परामर्शदात्री समिति की बैठक की गणपूर्ति (कोरम) अध्यक्ष सहित पांच होगी।

(4) सदस्य सचिव बैठक की कार्य-सूची तैयार करेंगे और केन्द्रीय सरकार द्वारा परामर्शदात्री समिति को निर्दिष्ट प्रस्तावों और विषयों को प्रस्तुत करेंगे।

(5) परामर्शदात्री समिति अपनी बैठक में प्रस्ताव या विषयों की जांच करेगी और, तत्काल मामलों में, अध्यक्ष उस प्रस्ताव या विषय को सदस्यों को उनके विचारार्थ प्रेषित करने का निदेश दे सकता है, जो निर्धारित समय के भीतर समिति को उपलब्ध कराया जाएगा।

(6) प्रयोक्ता अधिकरण को ऐसी अवधि के लिए परामर्शदात्री समिति की बैठक में उपस्थित होने के लिए अनुज्ञात किया जा सकता है जो उनसे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे को स्पष्ट करने के लिए आवश्यक हो।

(7) प्रस्ताव या विषयों की जांच के पश्चात्, परामर्शदात्री समिति केन्द्रीय सरकार को अपनी सिफारिश/परामर्श देगी।

6. क्षेत्रीय सशक्त समिति का गठन - (1) केन्द्रीय सरकार, नियम 10 के उपनियम (3) के खंड (ख) के अधीन निर्दिष्ट प्रस्तावों की जांच करने तथा धारा 2 की उप-धारा (1) के अधीन प्रस्तावों को अनुमोदन प्रदान करनें या अस्वीकार करने के लिए प्रत्येक क्षेत्रीय कार्यालय में आदेश द्वारा एक क्षेत्रीय सशक्त समिति का गठन कर सकेगी।

(2) प्रत्येक क्षेत्रीय कार्यालय में क्षेत्रीय सशक्त समिति में निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात् :-

(क) उप वन महानिदेशक (केन्द्रीय) या केन्द्रीय सरकार द्वारा नामनिर्दिष्ट कोई अधिकारी - अध्यक्ष;

(ख) ख्याति प्राप्त व्यक्तियों में से, जो वानिकी और सहायक विषयों के क्षेत्र में विशेषज्ञ है, तीन गैर- शासकीय सदस्य - सदस्य;

(ग) क्षेत्रीय कार्यालय में वन संरक्षक और उप वन संरक्षक रैंक के अधिकारियों में से ज्येष्ठतम अधिकारी - सदस्य सचिव

(3) क्षेत्रीय सशक्त समिति का अध्यक्ष बैठक के लिए विशेष आमंत्रितों के रूप में डोमेन विशेषज्ञों को सहयोजित कर सकता है

(4) राज्य या संघ राज्यक्षेत्र प्रशासन के वन विभाग और राजस्व विभाग से एक-एक प्रतिनिधि, जो भारत सरकार के निदेशक के पद से नीचे का न हो, को क्षेत्रीय सशक्त समिति द्वारा प्रस्तावों की जांच के लिए विशेष आमंत्रित के रूप में बैठक में भाग लेने के लिए आमंत्रित किया जाएगा।

(5) क्षेत्रीय सशक्त समिति के गैर-शासकीय सदस्यों के निबंधन और शर्तें :—

(1) एक गैर-शासकीय सदस्य उसके नामनिर्देशन की तारीख से दो वर्ष की अवधि के लिए पद धारण करेगा;

(2) एक गैर-शासकीय सदस्य को यदि विकृत चित्त, दिवालिया या एक ऐसे अपराध के लिए दोषी पाया गया हो, जिसमें नैतिक अधमता अंतर्विलित है, की स्थिति में उसकी सदस्यता समाप्त हो जाएगी;

(3) यदि कोई गैर- शासकीय सदस्य बिना पर्याप्त कारणों से समिति की लगातार तीन बैठकों में उपस्थित होने में असफल राहत है तो उसकी सदस्यता समाप्त हो जाएगी;

(4) उप नियम (2) और (3) में वर्णित किसी कारण के फलस्वरूप यदि क्षेत्रीय सशक्त समिति में सदस्य की कोई रिक्ति होती है तो उसे केंद्रीय सरकार उस सदस्य की शेष अवधि के लिए भर लिया जाएगा, जिसके स्थान पर रिक्ति हुई है;

(5) क्षेत्रीय सशक्त समिति के गैर-सरकारी सदस्य यात्रा भत्ता और दैनिक भत्ते के हकदार होंगे जो समान वेतनमान वाले समूह 'क' पद धारण करने वाले भारत सरकार के एक अधिकारी के लिए ग्राह्य है ;

(6) परंतु जहां संसद के सदस्य या राज्य विधान सभा के सदस्य क्षेत्रीय सशक्त समिति के सदस्य के रूप में नियुक्त किया गया है, वहां वह यथास्थिति संसद सदस्यों के वेतन, भत्ते और पेंशन अधिनियम 1954 (1954 का 30) या संबंधित राज्य विधान सभा के सदस्यों से संबंधित विधि के संबंधित उपबंधों के अनुसार, यात्रा भत्ता और दैनिक भत्तों के लिए हकदार होगा।

7. क्षेत्रीय सशक्त समिति के कार्यों का संचालन:—सलाहकार समिति अपना कार्य निम्नानुसार संचालित करेगी, अर्थात्:-

(1) क्षेत्रीय सशक्त समिति का अध्यक्ष जब कभी आवश्यक समझे, समिति की बैठक आयोजित कर सकता हैं, जो माह में एक बार से कम नहीं हो;

(2) क्षेत्रीय सशक्त समिति की बैठक क्षेत्रीय कार्यालय के मुख्यालय में आयोजित की जाएगी:

परंतु क्षेत्रीय सशक्त समिति के अध्यक्ष जहां इस बात से संतुष्ट हो कि ऐसी वन भूमि के स्थान का जिनका वनेत्तर प्रयोजनों के लिए प्रयोग किया प्रस्तावित है, का निरीक्षण आवश्यक या निर्दिष्ट प्रस्ताव के संबंध में विचार शीघ्रता से किया जाना आवश्यक या समीचीन है तो स्थल के ऐसे निरीक्षण के लिए यह क्षेत्रीय सशक्त समिति की बैठक क्षेत्रीय कार्यालय के मुख्यालय में न करके अन्य स्थान पर करने के निदेश दे सकते हैं;

(3) अध्यक्ष क्षेत्रीय सशक्त समिति की बैठक की अध्यक्षता करेगा और उसकी अनुपस्थिति में, अन्य क्षेत्रीय कार्यालय का प्रभार संभालने वाला उप वन महानिदेशक या अधिनियम से संबंधित मामलों पर कार्य करने वाला वन महानिरीक्षक, जैसा कि केन्द्रीय सरकार द्वारा प्राधिकृत किया जाए, क्षेत्रीय सशक्त समिति की बैठक की अध्यक्षता कर सकता है।

(4) क्षेत्रीय सशक्त समिति को सलाह या विनिश्चय के लिए निर्दिष्ट प्रत्येक प्रस्ताव पर क्षेत्रीय सशक्त समिति की बैठक में विचार किया जाएगा।

परंतु शीघ्रता वाले मामलों में, क्षेत्रीय सशक्त समिति का अध्यक्ष निदेश दे सकेगा कि दस्तावेजों को परिचालित किया जाए और क्षेत्रीय सशक्त समिति के सदस्यों को अनुबद्ध समय के भीतर उनकी राय के लिए भेजा जाए।

(5) क्षेत्रीय सशक्त समिति की बैठक में गणपूर्ति (कोरम) तीन होगी;

(6) प्रयोक्ता अभिकरण को बैठक के दौरान ऐसी अवधि के लिए उपस्थित रहने के लिए अनुज्ञात किया जा सकेगा जो इससे संबंधित किसी सूचना को प्रदान करने या किसी मुद्दे को स्पष्ट करने के लिए आवश्यक हो।

(7) सदस्य सचिव बैठक की कार्यसूची तैयार करेंगे और अधिनियम से जुड़े प्रस्तावों और विषयों को समिति के समक्ष प्रस्तुत करेंगे तत्पश्चात उचित सिफारिशें तथा निर्णय लिए जा सकें।

8. परियोजना जांच समिति का गठन:—(1) राज्य सरकार और संघ राज्यक्षेत्र प्रशासन, एक आदेश द्वारा, अधिनियम की धारा 2 की उप-धारा (1) के खंड (i), खंड (ii) या खंड (iii) के अधीन प्रस्तुत प्रस्ताव की पूर्णता की जांच करने के लिए एक परियोजना जांच समिति का गठन कर सकते हैं।

(2) परियोजना जांच समिति में निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात्: -

(क) नोडल अधिकारी- अध्यक्ष;

(ख) संबंधित मुख्य वन संरक्षक/वनसंरक्षक - सदस्य;

(ग) संबंधित प्रभागीय वन अधिकारी - सदस्य;

(घ) संबंधित जिला क्लेक्टर और उनके प्रतिनिधि, (डिप्टी कलेक्टर के पद से नीचे का नहीं) - सदस्य;

(ङ) नोडल अधिकारी के कार्यालय में प्रभागीय वन अधिकारी - सदस्य - सचिव

(3) परियोजना जांच समिति की बैठक प्रत्येक मास में कम से कम दो बार होगी, और परियोजना जांच समिति की बैठक की गणपूर्ति तीन होगी।

(4) परियोजना जांच समिति, प्रस्तावों की जांच के पश्चात, यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगी।

9. केन्द्रीय सरकार के पूर्व अनुमोदन के लिये प्रस्ताव:—(1) केन्द्रीय सरकार अपना अनुमोदन दो चरणों में दिया करेगी, अर्थात (i) 'सैद्धांतिक' अनुमोदन; और (ii) 'अंतिम' अनुमोदन।

(2) प्रयोक्ता अभिकरण राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को अधिनियम की धारा 2 की उपधारा (1) के अधीन वन भूमि के अनारक्षण, वनेतर प्रयोजनों के लिए वन भूमि के उपयोग या पट्टे के लिए केन्द्रीय सरकार के वेब पोर्टल के माध्यम से ऑनलाइन समनुदेशन केन्द्रीय सरकार के अनुमोदन हेतु आवेदन प्रस्तुत करेगी।

(3) प्रयोक्ता अभिकरण द्वारा प्रस्तुत किये जाने वाले प्रस्ताव के लिए एक प्रस्ताव पहचान संख्या को ऑनलाइन 'जेनरेट' किया जाएगा और उक्त पहचान संख्या का उपयोग भविष्य के सभी संदर्भों के लिए किया जाएगा।

(4) प्रस्ताव की एक प्रति, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के संबंधित वनमंडल अधिकारी, जिला कलेक्टर, वन संरक्षक, मुख्य वन संरक्षक और नोडल अधिकारी को भी साथ-साथ अग्रेषित की जाएगी और उनमें से प्रत्येक प्रस्ताव के प्रलेखन की पूर्णता की प्रारंभिक जांच स्वतंत्र रूप से करेगा।

(5) परियोजना जांच समिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से प्राप्त पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों के सिवाय, जांच करेगी कि प्रस्ताव सभी तरह से पूर्ण है और प्रस्तावित कार्यकलाप किसी प्रतिबंधित क्षेत्र या प्रवर्ग में नहीं है।

(6) परियोजना जांच समिति, स्पष्टीकरण या अतिरिक्त दस्तावेज, यदि कोई हो, के लिए प्रयोक्ता अभिकरण को बुला सकती है।

(7) परियोजना जांच समिति प्रस्ताव की पूर्णता और शुद्धता के लिए जांच करेगी और यह सुनिश्चित करेगी कि प्रस्ताव में कमियां, यदि कोई हों, तो उसकी पहचान की जाए और सदस्य-सचिव इस संबंध में प्रयोक्ता अभिकरण को सूचित करेगा।

(8) प्रयोक्ता अभिकरण को लौटाए गए प्रस्तावों को नब्बे दिनों की अवधि के भीतर उपरोक्त उप नियम (7) के अधीन अभिज्ञात कमी को दूर करने के पश्चात फिर से प्रस्तुत किया जा सकेगा, ऐसा न हो पाने पर प्रस्ताव को सूची से हटा दिया जाएगा।

(9) यदि प्रयोक्ता अभिकरण दिए गए समय के भीतर जानकारी प्रस्तुत करती है, तो परियोजना जांच समिति द्वारा प्रस्ताव की फिर से जांच की जाएगी और यदि प्रस्ताव सभी दृष्टि से पूरा नहीं पाया जाता है, तो कारणो को लेखबद्ध कर उसे सूची से हटा दिया जाएगा:

परंतु यह कि परियोजना जांच समिति द्वारा प्रस्ताव को सूची से हटाने के पश्चात, प्रयोक्ता अभिकरण, कमियों को संबोधित करने के बाद, उपरोक्त उपनियम (2) के अधीन उत्पन्न उसी प्रस्ताव पहचान संख्या का उपयोग करके केवल एक बार प्रस्ताव को फिर से सूचीबद्ध कर सकती है, जो फिर उपरोक्त उपनियम (5) से (2) में दी गई प्रक्रिया के अनुसार परियोजना जांच समिति द्वारा जांच की जाएगी और यदि प्रस्ताव अभी भी अपूर्ण पाया जाता है, तो इसे अस्वीकार किया जाएगा और इसका पोर्टल से स्थायी रूप से लोप किया जाएगा।

(10) परियोजना पहचान संख्या के साथ पूर्ण प्रस्ताव संबंधित प्रभागीय वन अधिकारियों, जिला कलेक्टरों, वन संरक्षक या मुख्य वन संरक्षक को क्षेत्र सत्यापन के लिए अग्रेषित किया जाएगा।

(11) जहां प्रस्ताव में सम्मिलित वन भूमि या उसका कोई भाग वन विभाग के प्रबंधन नियंत्रण के अधीन नहीं है, वहां जिला कलेक्टर राजस्व विभाग और वन विभाग के अधिकारियों द्वारा संयुक्त सत्यापन के माध्यम से ऑनलाइन प्रमाणीकृत प्रस्ताव में प्रमाणित सम्मिलित वन भूमि की भूमि अनुसूची और नक्शा प्राप्त करेंगे।

(12) इसके अतिरिक्त, संबंधित प्रभागीय वन अधिकारी द्वारा क्षेत्र में सत्यापित प्रत्येक प्रस्ताव, जिसमें 40 हेक्टेयर से अधिक वन भूमि सम्मिलित है तो उसे संबंधित वन संरक्षक द्वारा और यदि प्रस्ताव में सौ हेक्टेयर से अधिक वन भूमि; सम्मिलित है तो नोडल अधिकारी द्वारा क्षेत्रीय निरीक्षण किया जाएगा।

(13) पांच हेक्टेयर या उससे कम की वन भूमि वाले प्रस्तावों के सिवाय, उप नियम (8) या (9) के अधीन पूर्ण प्रस्ताव प्रस्तुत करने से, इन नियमों से संलग्न अनुसूची-1 में विनिर्दिष्ट अवधि के भीतर परियोजना जांच समिति के विचार के लिए प्रस्तुत किया जाएगा और परियोजना जांच समिति प्रयोक्ता अभिकरण द्वारा अंगीकृत किए जाने वाले उपशमन उपायों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश करने के प्रयोजन से प्रस्ताव की व्यवहार्यता की जांच करेगी:

परंतु, परियोजना जांच समिति, वन भूमि की आवश्यकता को कम करने या वन और वन्यजीवों, पर प्रतिकूल प्रभाव को कम करने, प्रस्तावित प्रतिपूरक वनीकरण भूमि में परिवर्तन या परियोजना के प्रतिकूल प्रभाव को कम करने के लिए प्रयोक्ता अभिकरण द्वारा अंगीकार किए गए जाने वाले प्रस्तावित उपायों में परिवर्तन, जैसे कारणों से अपयोजन के लिए प्रस्तावित वन भूमि में परिवर्तन के संदर्भ में प्रयोक्ता अभिकरण से कोई स्पष्टीकरण, अतिरिक्त विवरण या उपांतरण की मांग कर सकती है, और इस प्रयोजन लिए यह प्रयोक्ता अभिकरण को एक प्रस्तुति देने के लिए कह सकती है:

परंतु यह और कि प्रयोक्ता अभिकरण द्वारा समय पर पूरी जानकारी और स्पष्टीकरण तथा अतिरिक्त विवरण ऑनलाइन प्रस्तुत करने की स्थिति में परियोजना संचालन समिति द्वारा प्रस्ताव पर पुनर्विचार किया जाएगा और यदि प्रयोक्ता अभिकरण मूल प्रस्ताव को पर्याप्त रूप से संशोधित करती है और वन भूमि या भूमि उपयोग योजना में परिवर्तन जैसे बड़े बदलाव करती है, तो परियोजना संचालन समिति उप नियम (7) से उपनियम (11) में दिए गए चरणों को पूरा करने के लिए प्रस्ताव को वापस कर सकती है और इसलिए ऐसे मामलों में इस उप नियम के चरणों को भी दोहराया जाएगा।

(14) जहां प्रयोक्ता अभिकरण यथानिर्दिष्ट अवधि के भीतर सही सूचना, अतिरिक्त विवरण या उपांतरित प्रस्ताव प्रस्तुत करने में असफल रहती है, प्रस्ताव अस्वीकृत माना जाएगा:

परंतु यदि प्रयोक्ता अभिकरण परियोजना जांच समिति को संतुष्ट करती है कि देरी का कारण उसके नियंत्रण से बाहर था, तो परियोजना जांच समिति लेखबद्ध कारणों के पश्चात उस प्रस्ताव पर पुनः विचार कर सकती है और यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को इसकी सिफारिश कर सकती है;

(15) पांच हेक्टेयर तक की वन भूमि वाले प्रस्ताव को प्रभागीय वन अधिकारी के स्तर पर उसकी जांच के पश्चात उसके द्वारा सीधे नोडल अधिकारी को अग्रेषित किया जाएगा और नोडल अधिकारी ऐसे प्रस्तावों को अपनी सिफारिशों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को अग्रेषित करेगा:

बशर्ते कि प्रभागीय वन अधिकारी, प्रयोक्ता अभिकरण से प्रस्ताव प्राप्त करने के पश्चात, उनकी पूर्णता का आकलन करेगा और अपूर्ण प्रस्तावों को पूर्ण रूप से पुनः प्रस्तुत करने के लिए प्रयोक्ता अभिकरण को वापिस किया जाएगा।

(16) पांच हेक्टेयर या उससे अधिक की वन भूमि वाले प्रस्ताव को नोडल अधिकारी द्वारा प्रधान मुख्य वन संरक्षक के अनुमोदन से राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को परियोजना जांच समिति की सिफारिश के साथ अग्रेषित किया जाएगा और उसकी एक प्रति क्षेत्रीय कार्यालय को भेजी जाएगी;

(17) जहां यथास्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन गैर-वन उद्देश्यों के लिए वन भूमि को अनारक्षित, अपयोजन या प्रस्ताव में उपदर्शित अनुसार वन भूमि को पट्टे पर न देने का निर्णय लेते हैं, तो इसकी सूचना प्रयोक्ता अभिकरण को नोडल अधिकारी द्वारा दी जाएगी ।

(18) जहां राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, वन भूमि को अनारक्षित करने के लिए, गैर-वन प्रयोजनों के लिए अपयोजन या पट्टे पर वन भूमि आवंटित करने के लिए जैसा कि प्रस्ताव में उपदर्शित है, सैद्धांतिक रूप से सहमत होने पर अपनी सिफारिश केन्द्रीय सरकार को अग्रेषित करेगी।

(10) प्रस्ताव का सैद्धांतिक रूप अनुमोदन:—

(1) उप नियम (2) में निर्दिष्ट प्रस्तावों के सिवाय, निम्नलिखित से संबंधित अन्य सभी प्रस्तावों:-

(i) रैखिक परियोजनाएं;

(ii) चालीस हेक्टेयर तक वन भूमि; और

(iii) 25 मेगावाट से तक क्षमता की जलविद्युत परियोजनाएं, चाहे उनकी नदी बेसिन में प्रस्तावित स्थापित क्षमता कुछ भी हो, जहां नदी बेसिन की वहन क्षमता का निर्धारण करने के लिए संचयी प्रभाव मूल्यांकन अध्ययन किया गया है;

(iii) 0.7 तक वितान घनत्व वाली वन भूमि का उपयोग, चाहे सर्वेक्षण की दृष्टि से इसका विस्तार कुछ भी हो, और जिन्हें अधिनियम की धारा 2 की उपधारा (1) के खंड (iii) और इसके तदधीन जारी दिशानिर्देशों के अधीन छुट नहीं दी गई हो,

के बारे में क्षेत्रीय कार्यालय में जांच पड़ताल की जाएगी और इनका उपनियम (3) में विनिर्दिष्ट रीति से निपटारा किया जाएगा;

(2) उप-नियम (1) में निर्दिष्ट से भिन्न, सभी प्रस्ताव और निम्नलिखित प्रस्तावों, अर्थात् :-

(i) अनारक्षण;

(ii) खनन;

(iii) 25 मेगावाट से अधिक क्षमता की जलविद्युत परियोजनाएं, चाहे उनकी नदी बेसिन में प्रस्तावित स्थापित क्षमता कुछ भी हो, जहां नदी बेसिन की वहन क्षमता का आकलन करने के लिए संचयी प्रभाव मूल्यांकन अध्ययन नहीं किया गया है या किसी नदी बेसिन में परियोजनाओं की अनुमति देने पर केंद्रीय सरकार द्वारा नीतिगत निर्णय नहीं लिया गया है;

(iv) अतिक्रमण का नियमितीकरण;

(v) अधिनियम के उपबंधों के उल्लंघन से संबंधित कार्योत्तर अनुमोदन,

की जांच और निपटारा इन नियमों के अधीन विनिर्दिष्ट रीति से केंद्रीय सरकार द्वारा किया जाएगा।

परंतु पेट्रोलियम अन्वेषण अनुज्ञप्ति या पेट्रोलियम खनन पट्टे, जिसमें वन भूमि पर भौतिक कब्जा और उसे खंडित करना अंतर्वलित नहीं है, समुनदेशित करने के लिए कोई अनुमोदन अपेक्षित नहीं है।

(3) उप नियम (1)के अधीन प्राप्त प्रस्तावों की क्षेत्रीय कार्यालय द्वारा निम्नलिखित रीति में जांच की जाएगी, अर्थात्:

(i) 5 हेक्टेयर तक की वन भूमि वाले सभी प्रस्तावों की क्षेत्रीय कार्यालय द्वारा इसकी पूर्णता के संबंध में जांच की जाएगी, और जांच या निरीक्षण रिपोर्ट, जो भी आवश्यक समझी जाए, के पश्चात और उप नियम (5) के खंड (ii) के अधीन सूचीबद्ध पक्षों पर सम्यक ध्यान देते हुए, क्षेत्रीय कार्यालय द्वारा कारणों को लेखबद्ध करते हुए 'सैद्धांतिक' अनुमोदन प्रदान किया जाएगा।

(ii) 5 हेक्टेयर से अधिक वन भूमि वाले सभी रेखीय प्रस्तावों, 'सर्वेक्षण' के प्रयोजन के लिए 0.7 तक कैनोपी घनत्व वाली वन भूमि के उपयोग के लिए सभी प्रस्ताव, चाहे उनकी सीमा कुछ भी हो और पाँच हेक्टेयर से अधिक और चालीस हेक्टेयर तक वन भूमि के उपयोग वाले अन्य सभी प्रस्तावों की क्षेत्रीय कार्यालय द्वारा उनकी पूर्णता की जांच के पश्चात क्षेत्रीय सशक्त समिति को निर्दिष्ट किया जाएगा।

(iii) क्षेत्रीय सशक्त समिति, खण्ड (ii) के अधीन इसे निर्दिष्ट सभी प्रस्तावों की जांच करेगी और आगे की जांच या स्थल का निरीक्षण, जो भी आवश्यक समझी जाए, के पश्चात और नियम (5) के खण्ड (ii) के अधीन सूचीबद्ध पक्षों पर सम्यक ध्यान देते हुए, पूर्व अनुमोदन प्रदान करेगी या कारण लेखबद्ध करके उसे निरस्त करेगी।

(iv) इस नियम के अधीन प्रत्यायोजित शक्ति के अनुसार क्षेत्रीय सशक्त समिति या वन उप महानिदेशक द्वारा किसी प्रस्ताव को 'सैद्धांतिक' मंजूरी देने या अस्वीकार करने के लिए लिए गए विनिश्चयों का, जब भी आवश्यक हो या अपेक्षित हो, का पुनर्विलोकन किया जा सकता है, ऐसे विषयों में केंद्रीय सरकार द्वारा लिया गया निर्णय अंतिम होगा।

(4) क्षेत्रीय कार्यालय द्वारा उप-नियम (2) में विनिर्दिष्ट प्रस्तावों के संबंध में एक स्थल निरीक्षण रिपोर्ट तैयार की जाएगी और उसे केन्द्रीय सरकार को परामर्शदात्री समिति द्वारा विचार करने के लिए प्रस्तुत किया जाएगा।

(5) केन्द्रीय सरकार द्वारा प्राप्त प्रस्तावों की निम्नलिखित रीति में जांच की जाएगी अर्थात्:-

(i) उपनियम (2) के अधीन सभी प्रस्तावों, को इनकी पूर्णता की जांच के पश्चात, उप नियम (5) के अधीन अपेक्षित स्थल निरीक्षण रिपोर्ट के साथ या/यथा केंद्रीय सरकार द्वारा पूछे जाने पर, परामर्शदात्री समिति को निर्दिष्ट किया जाएगा।

(ii) परामर्शदात्री समिति, खंड (i) में निर्दिष्ट सभी प्रस्तावों को, निम्नलिखित बिन्दुओं पर अपेक्षित ध्यान देते हुए परंतु उन्हीं तक सीमित न रहते हुए, जांच करेगी और आगे की जांच, जो भी आवश्यक समझी जाए, के पश्चात केन्द्रीय सरकार को उनके द्वारा अनुमोदन पर विचार करने के लिए सिफारिशें करेगी:-

(क) वन भूमि का प्रस्तावित उपयोग, किसी गैर-स्थल विनिर्दिष्ट प्रयोजन जैसे कि कृषीय प्रयोजनों, कार्यालय या आवासीय प्रयोजनों से या अपने आवासों से विस्थापित हुए व्यक्तियों के पुनर्वास के लिए नहीं है।

(ख) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, यथास्थिति, ने प्रमाणित कर दिया है कि उसने सभी विकल्पों पर विचार किया है और इन परिस्थितियों में कोई अन्य विकल्प साध्य नहीं है और यह कि अपेक्षित क्षेत्र की न्यूनतम आवश्यकता है।

(ग) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, यथास्थिति, ने अपनी सिफारिश करने से पूर्व, वन भूमि के अपयोजन के कारण वन, वन्यजीव और पर्यावरण पर पड़ने वाले प्रत्यक्ष और अप्रत्यक्ष प्रभाव वाले सभी मुद्दों पर विचार किया है।

(घ) राष्ट्रीय वन नीति के अधीन संबंधित अधिदेश;

(ड.) यदि वनेत्तर प्रयोजन के लिए उपयोग किए जाने वाली प्रस्तावित वन भूमि, किसी राष्ट्रीय उद्यान, वन्यजीव अभयारण्य, बाघ रिजर्व का एक हिस्सा है या अभिहित या अभिज्ञात बाघ या वन्यजीव गलियारा है या वनस्पति-जात और प्राणी-जात की किसी विलुप्तप्राय: या संकटग्रस्त प्रजाति का पर्यावास या गंभीर रूप से अपक्षरित जलग्रहण क्षेत्र में आने वाले क्षेत्र का हिस्सा है तो क्या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, यथास्थिति, द्वारा पर्याप्त औचित्य दिया गया है और समुचित उपशमन उपाय प्रस्तावित किए गए हैं; और

(च) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, यथास्थिति, प्रतिपूरक वनीकरण करने के प्रयोजन से नियम 13 के अनुसार अपनी लागत या प्रयोक्ता अभिकरण की लागत पर समुचित भूमि के अपेक्षित विस्तार करने का उपबंध करता है।

(6) उप नियम (5) के अनुसार, सिफारिश करते समय समिति, शर्तों या निर्बधनों और ऐसे उपशमन उपायों, जो उसके विचार से प्रस्ताव के अधीन वन भूमि के अपयोजन के प्रतिकूल पर्यावरणीय प्रभाव को कम करेंगे, को भी लागू कर सकती है।

(7) केंद्रीय सरकार, परामर्शदात्री समिति की सिफारिश पर विचार करने के पश्चात निर्धारित शर्तों को पूरा करने के अध्यधीन, यथास्थिति सैद्धांतिक अनुमोदन प्रदान करेगी या अस्वीकृत करेगी और इस बारे में राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता अभिकरण को संसूचित करेगी।

(8) यदि इसकी जांच करने के पश्चात प्रस्ताव अपूर्ण या उपलब्ध कराई गई सूचना असत्य पाई जाती है तो केन्द्रीय सरकार राज्य सरकार/संघ राज्य क्षेत्र प्रशासन और प्रयोक्ता अभिकरण को एक विनिर्दिष्ट अवधि के भीतर अपेक्षित सूचना प्रस्तुत करने के लिए सूचित करेगी;

(9) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपनियम 8 के अधीन संसूचना प्राप्त होने पर पूरी सूचना प्रस्तुत कर सकती है, जिसके पश्चात इन नियमों के अधीन 'सैद्धांतिक' अनुमोदन के लिए प्रस्ताव पर विचार किया जाएगा :

परंतु, यदि वांछित सूचना, प्रयोक्ता अभिकरण से संबंधित है तो प्रयोक्ता अभिकरण , केन्द्रीय सरकार को अपेक्षित सूचना प्रत्यक्ष रूप से प्रस्तुत करेगी जिसकी एक प्रति राज्य सरकार/संघ राज्य क्षेत्र प्रशासन को भेजी जाएगी और प्रयोक्ता अभिकरण से ऐसी सूचना की प्राप्ति पर, केन्द्रीय सरकार, यदि आवश्यक समझे, तो प्रयोक्ता अभिकरण द्वारा प्रस्तुत की गई सूचना पर 'सैद्धांतिक' अनुमोदन की मंजूरी प्रदान करने पर विचार करने के लिए यथा स्थिति संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन की टिप्पणियां की मांग कर सकती है।

(10) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, यदि ऐसा चाहे, रेखीय प्रस्ताव का 'सिद्धांतत:' अनुमोदन प्राप्त करने और प्रतिपूरक वनीकरण एवं शुद्ध वर्तमान मूल्य जैसे प्रतिपूरक उपग्रहणों तथा वन्यजीवन प्रबंधन योजना एवं मृदा और आर्द्रता संरक्षण योजना जैसी उपशमन योजना की लागत, यथा लागू, अधीन, भारतीय वन अधिनियम,

1927 (1927 का 16) या स्थानीय वन अधिनियम के तहत संरक्षित वन के रूप में प्रतिपूरक वनीकरण करने हेतु अभिज्ञात भूमि की अधिसूचना तथा अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) के अनुपालन में 'अंतिम' अनुमोदन प्रदान करने से पूर्व परियोजना कार्य प्रारम्भ करने हेतु 'कार्य अनुमति' प्रदान कर सकता है।

11. प्रस्ताव का अंतिम अनुमोदन :—

(1) नोडल अधिकारी, केंद्रीय सरकार से 'सैद्धांतिक' अनुमोदन प्राप्त करने के पश्चात, संबंधित प्रभागीय वन अधिकारियों, जिला कलेक्टरों और वन संरक्षक को इसकी सूचना दे सकता है;

(2) 'सैद्धांतिक' अनुमोदन की एक प्रति प्राप्त होने पर प्रभागीय वन अधिकारी एक मांग-पत्र तैयार करेगा जिसमें प्रतिपूरक उदग्रहण की मद-वार रकम, जैसा लागू हो,प्रयोक्ता अभिकरण द्वारा भुगतान किया जाएगा और साथ ही 'सैद्धांतिक' अनुमोदन में नियत शर्तों के अनुपालन में उनके द्वारा प्रस्तुत किए जाने वाले दस्तावेजों, प्रमाणपत्रों और वचनबंधों की एक सूची के साथ प्रयोक्ता अभिकरण को सूचित करेगा;

(3) प्रयोक्ता अभिकरण सूचना की प्राप्ति के पश्चात, प्रतिपूरक उदग्रहण का भुगतान करेगा और प्रतिपूरक वनीकरण के लिए चिन्हित भूमि को सौंप देगा, प्रतिपूरक उदग्रहण के भुगतान के संबंध में वचनबंध और प्रमाण-पत्र सहित दस्तावेजी साक्ष्य की प्रतियों के साथ एक अनुपालन रिपोर्ट और प्रतिपूरक वनीकरण भूमि प्रभागीय वन अधिकारी को सौंप देगा;

(4) प्रभागीय वन अधिकारी, उप नियम (3) में निर्दिष्ट अनुसार अनुपालनरिपोर्ट प्राप्त करने के पश्चात् और इसकी पूर्णता की जांच करेगा और अनुपालन रिपोर्ट पर अपनी सिफारिश करेगा और इसे नोडल अधिकारी को अग्रेषित करेगा;

(5) नोडल अधिकारी अनुपालन रिपोर्ट प्राप्त करने के पश्चात, इसकी पूर्णता सुनिश्चित करने और राज्य सरकार के प्रधान मुख्य वन संरक्षक या संघ राज्यक्षेत्र प्रशासन के मामले में विभाग के प्रमुख का अनुमोदन प्राप्त करने के पश्चात, यथास्थिति ऐसी रिपोर्ट को अपनी सिफारिशों के साथ राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को, अग्रेषित करेगा।

(6) केन्द्रीय सरकार, अनुपालन रिपोर्ट प्राप्त कर लेने और इसकी पूर्णता सुनिश्चित करने के पश्चात, अधिनियम की धारा 2 की उप-धारा (1) के अधीन 'अंतिम' अनुमोदन प्रदान करेगी और ऐसे विनिश्चय के बारे में राज्य सरकार या संघ राज्य क्षेत्र प्रशासन और प्रयोक्ता अभिकरण को सूचित करेगी।

(7) यथास्थिति राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, अधिनियम की धारा 2 की उप-धारा (1) के अधीन केन्द्रीय सरकार का अंतिम अनुमोदन प्राप्त करने के पश्चात और अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) के अधीन अधिकारों के बंदोबस्त को सुनिश्चित करने सहित यथा लागू, अन्य सभी अधिनियमों और उसके अधीन बनाए गए नियमों के उपबंधों की पूर्ति और अनुपालना करने के पश्चात, यथास्थिति अपयोजन, पट्टा समनुदेशित करने या अनारक्षण करने के आदेश जारी करेंगे।

(8) अधिनियम की धारा 2 की उपधारा (1) के खंड (i) के अधीन अनारक्षण का अंतिम आदेश, जहां भी दिया गया है, वन भूमि के अनारक्षण की सूचना यथा स्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा, राजपत्र में प्रकाशित की जाएगी ।

(9) अनुमोदन प्राप्त करने की पूरी प्रक्रिया इस प्रयोजन के लिए विकसित ऑनलाइन पोर्टल में की जाएगी।

(10) जहां सैद्धांतिक अनुमोदन में अधिरोपित की गई शर्त का अनुपालन यथा स्थिति राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, से दो वर्षों से अधिक समय से प्रतीक्षित है, उसमें सैद्धांतिक अनुमोदन को अकृत और शून्य समझा जाएगा;

परंतु, केन्द्रीय सरकार लेखबद्ध किए जाने वाले कारणों के लिए, ऐसे प्रस्ताव जिनमें एक हजार हेक्टेयर से अधिक की वन भूमि अंतर्वलित है, जिनमें सैद्धांतिक रूप से अनुमोदन प्राप्त कर लिया गया है, सक्षम प्राधिकारी द्वारा चरणवार (अंतिम) अनुमोदन निम्न अनुपालना के अध्यधीन प्रदान कर सकता है :

(क) प्रतिपूरक उदग्रहण का संदाय और प्रतिपूरक वनीकरण करने के लिए चिन्हित और स्वीकृत भूमि की अधिसूचना क्षेत्र के भाग के अनुपात में अनुपालन के लिए प्रस्तुत की गई; और

(ख) अन्यकोई विनिर्दिष्ट शर्त जिसे अनुपालन के लिए केन्द्रीय सरकार उचित समझे के संबंध में अनुपालन की गई।

(11) उप नियम (7) के अधीन अंतिम अनुमोदन जारी करने और उप नियम (8) के अधीन राजपत्र में अधिसूचना जारी होने के पश्चात, यथास्थिति संबंधित वन भूमि को राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा प्रयोक्ता अभिकरण को सौंपा या समनिदेशित किया जा सकता है;

(12) क्षेत्रीय कार्यालय,'सैद्धांतिक' अनुमोदन प्रदान करते समय लागू की गई सभी शर्तों के अनुपालन की मॉनीटरी करेगा और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन और प्रयोक्ता अभिकरण वर्ष में कम से कम एक बार, सैद्धांतिक अनुमोदन के दौरान अधिरोपित की गई शर्तों के अनुपालन को मॉनीटर करेगी और मॉनीटरी रिपोर्ट को ऑनलाइन पोर्टल पर अपलोड करेगा।

(13) प्रस्तावों पर कार्रवाई करने की संपूर्ण प्रक्रिया राज्य के विभिन्न प्राधिकरणों द्वारा इन नियमों से संलग्न **अनुसूची** -I में विनिर्दिष्ट समय सीमा के भीतर पूरी की जाएगी।

12. कार्य योजना के लिए केन्द्रीय सरकार का पूर्व अनुमोदन प्राप्त करने हेतु प्रस्ताव—

(1) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का नोडल अधिकारी केन्द्रीय सरकार के पूर्व अनुमोदन के लिए ऑनलाइन पोर्टल पर राज्य परामर्शदात्री समिति की सिफारिश के साथ-साथ राष्ट्रीय कार्य योजना कोड के उपबंधों के अनुसार सम्यक रूप से तैयार किए गए वन प्रभाग की प्रारूप कार्य योजना प्रस्तुत करेगा;

(2) प्रारूप कार्ययोजना में अन्य बातों के साथ-साथ अपयोजित वन भूमि तत्स्थानी प्रतिपूरक वनीकरण भूमियां और उस पर वनीकरण की प्रास्थिति के विवरण सम्मिलित होंगे;

(3) केन्द्रीय सरकार को प्रस्तुत की गई प्रारूप कार्य योजना की राष्ट्रीय कार्य योजना कोड, राष्ट्रीय वन नीति, के साथ और वनों के संरक्षण तथा संवर्धन के लिए अधिनियम की प्रस्तावना के साथ इसकी अनुरूपता की जांच संबंधित क्षेत्रीय कार्यालय द्वारा की जाएगी। क्षेत्रीय कार्यालय प्रारूप कार्य योजना को शर्तों के साथ-साथ या बिना किसी शर्तों के पूर्व अनुमोदन दे सकता है या प्रारूप कार्य योजना में अंतर्विष्ट उपबंधों में उपांतरण के साथ उस अवधि के लिए, जैसा कि उचित समझा जाए, अनुमोदन दे सकता है या कारण बताते हुए उसे अस्वीकार कर सकता है;

(4) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या इसके अभिहित अधिकारी कार्य योजना के सभी या विनिर्दिष्ट उपबंध और उस अवधि जिसके लिए कार्य योजना अनुमोदित की गई है, के संबंध में क्षेत्रीय कार्यालय द्वारा प्रदान किए गए अनुमोदन में कार्य योजना के निर्देशों का कार्यान्वयन करेंगे;

(5) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन अनुमोदित कार्यकारी योजना की मध्य-अवधि पुनर्विलोकन करेगा और अपनी सिफारिशों के साथ समीक्षा रिपोर्ट क्षेत्रीय कार्यालय को प्रस्तुत करेगा और क्षेत्रीय कार्यालय जांच करने के पश्चात अनुमोदन की शर्त में उपांतरण कर सकता है, या शेष अवधि के लिए पूर्व अनुमोदित कार्य योजना के उपबंधों में उपांतरण करते हुए एक नया पूर्व अनुमोदन जारी करेगा या इसके कारण लेखबद्ध करके मध्य-अवधि पुनर्विलोकन की सिफारिशों को अस्वीकार करेगा; और

(6) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा प्रस्तुत पात्र वार्षिक कार्य योजना की दशा में क्षेत्रीय कार्यालय द्वारा भी विचार एवं अनुमोदन किया जा सकता है।

(7) धारा 2 की उप-धारा (1) के खंड (iv) के अधीन आने वाले सभी प्रस्तावों को चाहे उनका विस्तार कितना भी हो, संबंधित एकीकृत क्षेत्रीय कार्यालय को राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा ऑनलाइन प्रस्तुत किए जाएंगे;

(8) उप-नियम (1) के अधीन प्राप्त प्रस्तावों की जांच क्षेत्रीय कार्यालय द्वारा की जाएगी जो जांच के पश्चात, अनुमोदन दे सकता है या कारण लेखबद्ध करके उसे अस्वीकार कर सकता है;

(9) ऐसे प्रस्ताव जिनमें वन भूमि के संपूर्ण या कुछ भाग, जिनमें वितान सघनता 0.4 या अधिक हैं या मैदानों में बीस हेक्टेयर और पहाड़ों पर दस हेक्टेयर से अधिक आकार की अच्छी तरह से कटाई वाली वन भूमि के प्रस्ताव, जिनकी वितान सघनता कुछ भी हो, सम्मिलित हैं, क्षेत्रीय सशक्त समिति को अग्रेषित किए जाएंगे और क्षेत्रीय सशक्त समिति इन नियमों के अधीन विनिर्दिष्ट रीति में इनसे निपटेगी और जबकि प्रस्ताव की जांच करते समय,

क्षेत्रीय कार्यालय यह सुनिश्चित करेगी कि अंतिम निर्णय राष्ट्रीय कार्य योजना कोड, राष्ट्रीय वन नीतिऔर वनों के संरक्षण और संवर्द्धन संबंधी अधिनियम की प्रस्तावना के अनुरूप है;

(10) इन नियमों के प्रयोजन के लिए "वन भूमि से वनस्पति की समूचित कटाई" का आशय आकार में एक हेक्टेयर या उससे अधिक की वन भूमि से सभी प्राकृतिक वनस्पति को चाहे वह किसी भी रूप में हो उन्हें काटकर, उखाड़कर या जलाकर हटाना है लेकिन विनिर्दिष्ट आकार या प्रजातियों के वृक्षों को गिराने के अन्य प्रकारों को जिसमें उनका चयन द्वारा गिराना या ठूंठों को गिराना सम्मिलित है, पर "वन भूमि से वनस्पति की समूचित कटाई" के रूप में विचार नहीं किया जाएगा।

13. प्रतिपूरक वनीकरण का सृजन—(1) प्रयोक्ता अभिकरण ऐसी भूमि उपलब्ध कराएगा जो न तो भारतीय वन अधिनियम 1927 (1927 का 16) या किसी अन्य विधि के अधीन वन के रूप में अधिसूचित हो, न ही वन विभाग द्वारा वन के रूप में प्रबंधित भूमि हो और वह ऐसी भूमि पर प्रतिपूरक वनीकरण (सीए) करने की लागत भी वहन करेगा और प्रतिपूरक वनीकरण भूमि की आवश्यकता इन नियमों के साथ उपाबद्ध अनुसूची-II के अनुसार होगी :

परंतु यह कि यदि प्रयोक्ता अभिकरण द्वारा प्रदान की गई गैर-वन भूमि या उसका कोई हिस्सा विनिर्दिष्ट सघनता के प्रतिपूरक वनीकरण के लिए उपयुक्त नहीं है, तो वन विभाग के प्रबंधन नियंत्रण के अधीन ऐसी अवक्रमित अधिसूचित या अवर्गित वन भूमि पर अतिरिक्त प्रतिपूरक वनीकरण किया जाएगा जो दी गई प्रतिपूरक वनीकरण भूमि में ऐसी कमी के आकार से दोगुना हो, और प्रयोक्ता अभिकरण ऐसे लेखों पर आई अतिरिक्त लागत को भी वहन करेगी:

परंतु यह भी कि यदि प्रतिपूरकवनीकरण के लिए उपलब्ध कराई जा रही गैर-वन भूमि में पहले से ही 0.4 वितान सघनता या उससे अधिक की वनस्पतिपैदा हो रही है, तो ऐसी भूमि पर पेड़ लगाने की अतिरिक्त आवश्यकता नहीं होगी, लेकिन समयबद्ध रीति से वन विभाग द्वारा वन फसल के सुधार के लिए एक कार्यक्रम कार्यान्वित किया जाएगा:

परंतु यह भी कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध नहीं है और, यथास्थिति इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्य क्षेत्र, द्वारा दिया जाता है,तो अवक्रमितवन भूमि पर प्रतिपूरक वनीकरण हेतु विचार किया जा सकता है जो मामला-दर-मामला के आधार पर केन्द्रीय सरकार की एजेंसियों या केंद्रीय सार्वजनिक उपक्रमों के मामले में अपयोजित किए जाने वाले प्रस्तावित क्षेत्र से दोगुना होगा:

परंतु यह भी कि आपवादिक परिस्थितियों में जब इस खंड के अधीन प्रतिपूरक वनीकरण के लिए अपेक्षित उपयुक्त भूमि उपलब्ध न हो, और यथास्थिति इस आशय का प्रमाण पत्र राज्य सरकार या संघ राज्यक्षेत्र, द्वारा दिया गया हो, तो अवक्रमितवन भूमि पर प्रतिपूरक वनीकरण पर विचार किया जा सकता है जो मामला-दर-मामला आधार पर कैप्टिव कोयला ब्लॉकों के लिए राज्य सार्वजनिक के उपक्रमों के मामले में अपयोजित किए जाने के लिए प्रस्तावित क्षेत्र से दोगुना होगा:

परंतु यह और कि यदि प्रयोक्ता अभिकरण परियोजना के निष्पादन के लिए कोई गैर-वन भूमि अधिग्रहण करता है, तो केन्द्रीय सरकार के अभिकरणों, केंद्रीय सार्वजनिक उपक्रमों और राज्य सार्वजनिक उपक्रमों मामले में उपरोक्त अपवाद लागू नहीं होंगे।

(2) इस उप-नियम के अधीन प्रतिपूरक वनीकरण को बढ़ाने के विनिर्दिष्ट सघनता ऐसी होगा कि, प्रतिपूरक वनीकरण ऑपरेशन के शुरू होने के पांचवें वर्ष में 0.4 या उससे अधिक के न्यूनतम वितान सघनता का वन विकसित हो, और इस क्षेत्र में पर्याप्त वनस्पति सामग्री है जो इसे परिपक्व कर न्यूनतम 0.7 वितान सघनता वाली भूमि बनाने में सक्षम बनाता है;

(3) वनेतर भूमि के उपलब्ध न होने की दशा में प्रतिपूरक वनीकरण निम्नलिखित भूमियों पर भी किया जा सकता है, यथास्थिति जो कि ऐसे अपयोजित भू-क्षेत्र के कम से कम दो गुना या जो वन भूमि अपयोजन की जा रही हो और उपलब्ध वनेतर भूमि के बीच के अंतर के बराबर, उपलब्ध कराई जाएगी और इनको भारतीय वन अधिनियम, 1927 या स्थानीय अधिनियमों के अधीन 'अंतिम' अनुमोदन से पूर्व संरक्षित वन (पीएफ) के रूप में अधिसूचित किया गया है:

(क) राजस्व वन भूमि अर्थात जो सरकारी अभिलेख में वन के रूप में दर्ज भूमि है लेकिन किसी भी कानून के तहत वन के रूप में अधिसूचित नहीं है और वन विभाग द्वारा प्रबंधित नहीं है जैसे राजस्व भूमि या जुड़पी जंगल या छोटे या बड़े झाड़ का जंगल याजंगल-झाड़ी भूमि यासिविल-सोयम याओरेन्ज वन भूमि और वन भूमि की अन्य सभी श्रेणियां, परंतु यह है की इन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल -खारिज किया जाय;

(ख) अरुणाचल प्रदेश के अवक्रमित अवर्गीकृत वनों का प्रतिपूरक वनीकरण के लिए प्रयोग किये जाने हेतु विचार किया जाएगा परंतु यह कि उन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल-खारिज किया जाए;

(ग) हिमाचल प्रदेश राज्य की बंजर भूमि, जो संरक्षित वनों की श्रेणी में आती है, लेकिन न तो ऐसी जमीन पर सीमांकन किया गया है और न ही राजस्व अभिलेख में वन विभाग के नाम पर हस्तांतरित या दाखिल-खारिज किया गया है, परंतु उन्हें राज्य वन विभाग के नाम पर हस्तांतरित और दाखिल - खारिज किया जाए;

(घ) पंजाब, भूमि संरक्षण अधिनियम, 1900 की धारा (4) और धारा(5) के अधीन हरियाणा, पंजाब और हिमाचल प्रदेश राज्यों में, आने वाली भूमि, जो राज्य वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण में नहीं हैं:

परंतु यह कि ऐसी भूमि तब तक राज्य वन विभाग के नाम पर अंतरित तथा दाखिल खारिज की जाएगी, जब तक कि मामले दर मामले के आधार पर उसे राज्य वन विभाग को अंतरित किए बिना, भारतीय वन अधिनियम, 1927 (1927 का 16) के अधीन उन्हें केंद्रीय सरकार द्वारा उन्हें अधिसूचित करने क लिए यथाविनिर्दिष्ट और सहमति न दी जाए;

(4) निम्नलिखित प्रस्तावों के संबंध में अवक्रमित वन भूमि पर न्यूनतम दोगुनी सीमा तक प्रतिपूरक वनीकरण बढ़ाने के लिए विशेष व्यवस्था पर विचार किया जा सकेगा, अर्थात.-

(क) जिन राज्यों/संघ राज्य क्षेत्र प्रशासनों के पास कुल भौगोलिक क्षेत्र का 33% से अधिक वन क्षेत्र है और प्रतिपूरक वनीकरण के लिए उपयुक्त वनेतर भूमि की अनुपलब्धता का प्रमाण-पत्र राज्य सरकार/संघ राज्य क्षेत्र प्रशासन द्वारा (**अनुसूची-III**)के अधीन विनिर्दिष्ट प्रारूप में प्रस्तुत किया गया है, इन नियमों से संलग्न है।

(ख) पारेषण लाइन परियोजनाएं, जिसमें वनेतर भूमि का अधिग्रहण नहीं किया गया है। वन भूमि के अपवर्तन के लिए आवेदन करते समय उपयोगकर्ता एजेंसी द्वारा पारेषण लाइन परियोजना में आने वाली वनेतर भूमि का कोई अधिग्रहण नहीं करने का अंडरटेकिंग प्रस्तुत किया जाएगा;

(ग) टेलीफोन/ऑप्टिकल फाइबर लाइनें बिछाना;

(घ) रेशम कीट पालन के लिए शहतूत का वृक्षारोपण किया जाना ;

(ड) नदी के तल से गौण सामग्री का निष्कर्षण,

(च) संपर्क मार्गों, लघु जल कार्यों, लघु सिंचाई कार्यों, स्कूल भवन, औषधालयों, अस्पताल, सरकार के छोटे ग्रामीण औद्योगिक शेडों का निर्माण या खनन और अतिक्रमण के मामलों को छोड़कर इसी तरह के किसी अन्य कार्य, जो पहाड़ी जिलों में क्षेत्र के लोगों को सीधे लाभान्वित करते हैं और अन्य जिलों में जहां वन क्षेत्र कुल भौगोलिक क्षेत्र का 50% से अधिक है, परंतु वन क्षेत्र का अपयोजन 5 हेक्टेयर से अधिक न हो।

(छ) फील्ड फायरिंग रेंज (एफएफआर) के वास्तविक प्रभाव क्षेत्र को अधिनियम के अधीन अपयोजन के लिए विचार किया जाता है या कुल वन क्षेत्र का 10% अपयोजित किया जाता है यदि फील्ड फायरिंग रेंज के पूरे क्षेत्र को अपवर्तित करने के लिए प्रस्तावित किया जाता है।

(ज) इस उप-नियम के अधीन, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा प्रतिपूरक वनीकरण के प्रयोजन से चयनित किसी अवक्रमित वन भूमि को केन्द्र सरकार द्वारा स्वीकार किया जाएगा, जब ऐसे अवक्रमित वन का वितान घनत्व 40 प्रतिशत से कम है और एसे क्षेत्र वन्यजीवों के प्रबंधन और, संरक्षण के लिए प्रयोग की जा रही प्राकृतिक या प्रबंधित घास भूमि नही है।

(5) निम्नलिखित श्रेणियों के प्रस्तावों के मामले में प्रयोक्ता अभिकरण से काटे जाने वाले संभावित पेड़ों की संख्या के दस गुना अधिक वृक्षारोपण पर आने वाले खर्च या वनभूमि के अपयोजन के लिए आए आदेश में विनिर्दिष्ट संख्या

(न्यूनतम 100 पौधों की संख्या के अधीन) के रोपण पर आने वाले खर्च को प्रतिपूरक वनरोपण के शुल्क के रूप में प्रयोक्ता अभिकरण से वसूला जाएगा:

(क) पुनर्वनरोपण के लिए उपयोग करने के उद्देश्य से वन भूमि या उसके हिस्से में प्राकृतिक रूप से उगे पेड़ों को साफ़ करना;

(ख) एक हेक्टेयर तक वन भूमि का अपयोजन;

(ग) भू-तल पर अधिकार के बिना वन भूमि में भूमिगत खनन;

(6) वन क्षेत्र के लिए खनन पट्टे के नवीकरण के संबंध में कोई प्रतिपूरक वनीकरण शुल्क नहीं लिया जाएगा, जिसके लिए प्रतिपूरक वनीकरण के लिए भूमि और वृक्षारोपण की लागत का संदाय पहले ही किया जा चुका है;

(7) खान की आंतरिक सीमा के साथ सुरक्षा क्षेत्र के अनुरक्षण के लिए नियतवन भूमि के अपयोजन के संबंध में, प्रतिपूरक वनीकरण बढ़ाने के उपबंध, जैसा कि अपयोजन के लिए प्रस्तावित संपूर्ण वन क्षेत्र में लागू है, सुरक्षा क्षेत्र में स्थित वन भूमि के बदले में भी लागू होंगे।

(8) इन नियमों से संलग्न अनुसूची-II में उपबंधित उपबंधो के अनुसार वन्यजीव गलियारों और संरक्षित क्षेत्रों में अवस्थित वन भूमि के समीप प्रतिपूरक वनीकरण हेतु अभिज्ञात वनेतर भूमि को प्रोत्साहन दिया जाएगा।

14. प्रतिपूरक वनीकरण का प्रबंधन—

(1) नियम 13 के उप-नियम 1 के के अधीन विनिर्दिष्ट की गई भूमि को उपयुक्त आकार के कंक्रीट के खंभों द्वारा सीमांकित किया जाएगा और सभी विल्लंगमों से मुक्त करके, राज्यवन विभाग या संघ राज्य क्षेत्र वन विभाग को सौंप दिया जाएगा, और संबंधित वन भूमि को अधिनियम के अधीन अंतिम अनुमोदन से पहले भारतीय वन अधिनियम, 1927 (1927 की अधिनियम संख्या 16) की धारा 29 के अधीनया तत्समय प्रवृत्त किसी अन्य विधि के अधीन, संरक्षित वन के रूप में अधिसूचित किया जाएगा;

(2) उक्त वन अपयोजन प्रस्ताव के भाग के रूप में अनुमोदित प्रतिपूरक वनीकरण योजना के अनुसार राज्य सरकार या संघ राज्यक्षेत्र प्रशासन या प्रयोक्ता अभिकरण द्वारा प्रतिपूरक वनीकरण के लिए चिन्हित और निश्चित की गई भूमि का रखरखाव और वनीकरण किया जाएगा और तत्स्थानी वन भूमि के अपयोजन का आदेश जारी होने के 1 वर्ष के भीतर प्रतिपूरकवनीकरण का कार्य प्रारंभ हो जाएगा और केन्द्रीय सरकार प्रतिपूरकवनीकरण के तौर तरीकों पर मागदर्शक सिद्धांत जारी कर सकती है, जिसमें वे अभिकरण भी सम्मिलित होंगे जो प्रतिपूरकवनीकरण कर सकते हैं;

(3) यदि वन भूमि, जिसका अपयोजन किया जाना है, ऐसे किसी पहाड़ी या पर्वतीय राज्य/संघ राज्य क्षेत्र में है जिसके भौगोलिक क्षेत्र का दो तिहाई से अधिक वन क्षेत्र हैया वह ऐसे किसी दूसरे राज्य/संघ राज्य क्षेत्र में स्थित है जिसका भौगोलिक क्षेत्र का एक तिहाई से अधिक वन क्षेत्र है तो संबंधित राज्य सरकार या संघ राज्य क्षेत्र की सरकार की सहमति के अधीन रहते हुए उस दूसरे राज्य या संघ राज्य क्षेत्र में प्रतिपूरक वनीकरण, मान्यता प्राप्त प्रतिपूरक वनीकरण और भूमि बैकों का सृजन किया जा सकता है।

परंतु, ऐसे मामलों में प्रतिपूरकवनीकरण के लिए धनराशि उस राज्य/संघ राज्यक्षेत्र के राज्यप्रतिपूरकवनीकरणनिधि में स्थानांतरित की जाएगी जिसमें प्रतिपूरकवनीकरण हेतु भूमि की पहचान की गई है, और प्रतिपूरक उदग्रहण की गई बची हुई धनराशि उस राज्य सरकार यासंघ राज्यक्षेत्र के प्रतिपूरकवनीकरण निधि प्रबंधन और योजना प्राधिकरण में जमा की जाएंगी जिनमें वन भूमि को अपयोजितकरने का प्रस्ताव रखा गया है।

परन्तु यह और कि ऐसे मामलों में, जहां उप-नियम में विनिर्दिष्ट शर्तों जैसे कि भौगोलिक क्षेत्र की वन भूमि की प्रतिशत्ता को पूरा न किए जाने के कारण उसी राज्य/संघ राज्य क्षेत्र में प्रतिपूरक वनीकरण करना संभव नहीं है, जहां वन भूमि का अपयोजन प्रस्तावित है या अन्य राज्य/संघ राज्य क्षेत्र में, केंद्रीय सरकार जनहित में मामला-दर-मामला आधार पर अन्य राज्यों/संघ राज्य क्षेत्रों में प्रतिपूरक वनीकरण की अनुमति दे सकता है;

(4) (क) कोई राज्य सरकार या संघ राज्यक्षेत्र प्रशासनयथास्थिति,प्रतिपूरक वनीकरण के प्रयोजन के लिए वन विभाग के प्रशासनिक नियंत्रण के अधीन एक भूमि बैंक बना सकता है;

(ख) भूमि बैंक का न्यूनतम आकार 25 हेक्टेयर का एकल ब्लॉक होगा:

परंतु, भारतीय वन अधिनियम, 1927 (1927 का 16) या तत्समय प्रवृत्तकिसी अन्य विधि के अधीनवन के रूप में घोषित या अधिसूचित भूमि में निरंतर भूमि बैंक होने की दशा में,संरक्षित क्षेत्र, टाइगर रिजर्व या अभिहित या अभिज्ञात बाघ या वन्यजीव कॉरिडोर के भीतर जमीन के आकार पर कोई प्रतिबंध नहीं होगा।

(ग) उप नियम (5) के अधीन अर्जित प्रत्यायित प्रतिपूरक वनीकरण के अधीन आने वाली भूमि को भूमि बैंक में सम्मिलित किया जा सकता है।

(5) (क) केंद्रीय सरकार, धारा 2 के उप-धारा(1) अधीन पूर्व अनुमोदन अभिप्राप्त करने के लिए उपयोग किए जाने वाले एक प्रत्यायित प्रतिपूरक वनीकरण तंत्र का निर्माण कर सकती है;

(ख) किसी व्यक्ति द्वारा प्रत्यायितप्रतिपूरक वनीकरण अर्जित किया जा सकता है यदि उसने ऐसी भूमि पर वनीकरण किया हो जिसपर अधिनियम लागू नहीं होता है और वह भूमि सभी विल्लंगमों से मुक्त हो;

(ग) कोई वनीकरण प्रत्यायित प्रतिपूरक वनीकरण में गिना जाएगा यदि ऐसी भूमि में मुख्य रूप से 0.4 या उससे अधिक के वितान सघनता वाले पेड़ों से बना वनस्पति क्षेत्र हैं और पेड़ कम से कम पांच वर्ष पुराने हैं;

(घ) एक प्रत्यायित प्रतिपूरक वनीकरण 0.4 या अधिक वितान सघनता के साथ एक हेक्टेयर क्षेत्र के वनीकरण को विकसित करके अर्जित किया जाएगा। 0.4 वितान सघनता से कम या एक हेक्टेयर भूमि से कम के क्षेत्र के विकास के लिए कोई प्रत्यायित प्रतिपूरक वनीकरण नहीं होगा;

(ङ.) उप-नियम (13) के अधीन प्रतिपूरक वनीकरण की प्रत्यायित प्रतिपूरक वनीकरण से अदला-बदली की जा सकती है,

परंतु प्रत्यायित प्रतिपूरक वनीकरण न्यूनतम दस हेक्टेयर के ब्लॉक को कवर करे और उस क्षेत्र में प्रतिपूरक वनीकरण के लिए विनिर्दिष्ट सन्नियमों के अनुसार बाड़ लगाई गई हो।

परंतु यह और कि किसी विधि के अधीन वन के रूप में घोषित या अधिसूचित भूमि में स्थित किसी भी आकार के प्रत्यायित प्रतिपूरक वनीकरण, संरक्षित क्षेत्र, बाघ रिजर्व या अभिहित अभिज्ञात बाघ या वन्यजीव कॉरिडोर के साथ प्रतिपूरक वनीकरण के लिए बदला जा सकता है।

(च) राष्ट्रीय उद्यान, वन्यजीव अभयारण्य या बाघ रिजर्व और अभिहित या अभिज्ञात बाघ या वन्यजीव कॉरिडोर से किसी गांव को स्वैच्छिक रूप से पुन:स्थापन करने के कारण वनेत्तर भूमि खाली करने से अर्जित प्रत्यायित प्रतिपूरक वनीकरण इन नियमों से उपाबद्ध अनुसूची-II के अनुसार प्रतिपूरक वनीकरण के लिए अर्हता प्राप्त करेगा और प्रयोक्ता द्वारा अभिकरण नियम (13) के अधीन प्रतिपूरक वनीकरण के बदले उसका इस्तेमाल भी किया जा सकता है;

(छ) इस नियम के अधीन चिन्हित किए गए प्रत्यायित प्रतिपूरक वनीकरण का सीमांकन उपयुक्त आकार के ठोस स्तंभों द्वारा किया जाएगा और उस भूमि को सभी विल्लंगमों से मुक्त करते हुए, राज्य सरकार वन विभाग या संघ राज्य क्षेत्र प्रशासन के वन विभाग को सौंप दिया जाएगा और इसे इस अधिनियम के अधीन अंतिम अनुमोदन प्रदान करने से पहले भारतीय वन अधिनियम, 1927 (1927 का 16) यातत्समय प्रवृत्त किसी अन्य विधि के अधीन संरक्षित वन के रूप में अधिसूचित किया जाएगा।

(ज) केन्द्रीय सरकार समय-समय पर प्रत्यायित प्रतिपूरक वनीकरण के सृजन और प्रतिपूरक वनीकरण भूमि के लिए इसकी अदला-बदली के प्रयोजन से उसके स्टॉक रजिस्ट्री तथा प्रबंधन और केन्द्रीय सरकार द्वारा विनिर्दिष्ट अवधि तक उसके रखरखाव की लागत के बारे में एक विस्तृत मार्गदर्शक सिद्धांत जारी कर सकती है।

(झ) प्रत्यायित प्रतिपूरक वनीकरण हेतु पंजीकृत सभी अस्तित्व ग्रीन क्रेडिट नीति कार्यान्वयन नियम, 2023 के अधीन ग्रीन क्रेडिट रजिस्ट्री का रजिस्ट्रीकरण करेंगे और वन भूमि के अपयोजन के बदले में प्रतिपूरक वनीकरण की उनकी पात्रता के अतिरिक्त ग्रीन क्रेडिट नीति कार्यान्वयन नियम, 2023के अधीन प्रत्यायित प्रतिपूर्ति वनीकरण के लिए भी ग्रीन क्रेडिटों का आवंटन किया जा सकेगा।

15. इस अधिनियम के अधीन अपराध के दोषी व्यक्तियों के विरुद्ध कार्यवाही—

(1) केंद्रीय सरकार, अधिसूचना जारी करके संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के प्रभागीय वन-अधिकारी उप-वन-संरक्षक के दर्जे के या उससे ऊपर के किसी ऐसे अधिकारी को जिसके अधिकारकारिता में वह

वन भूमि आती है जिसके संबंध में इस अधिनियम के अंतर्गत कोई अपराध किया गया है या इस अधिनियम के किसी भी उपबंध का उल्लंघन हुआ है, किसी ऐसे न्यायालय में जिसकी अधिकारकारिता में यह मामला आता हो, ऐसे किसी व्यक्ति या प्रधिकारी या संगठन के खिलाफ शिकायत दर्ज करने के लिए प्राधिकृत कर सकती है जो कि प्रथम दृष्टया इस अधिनियम के अधीन किसी अपराध को करने का या इसके अधीन बनाए गए किसी नियम के उल्लंघन करने का दोषी पाया गया हो।

(2) केंद्रीय सरकार, किए गए अपराध या उल्लंघन के संबंध में या तो राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या प्राधिकारणों या अन्य कोई स्रोत के माध्यम से या स्वतः जानकारी प्राप्त करने के पश्चात, इसकी जांच के पश्चात् उस संबंधित राज्य सरकार या संघ राज्य क्षेत्र और संबंधित प्राधिकारणों को, जिसके अधिकारकारिता के अंतर्गत इस अधिनियम के अधीन ऐसा अपराध किया गया है या उक्त अधिनियम के किसी उपबंध का उल्लंघन किया गया है, अधिकारकारिता रखने वाले किसी न्यायालय के समक्ष ऐसे अपराधी के विरुद्ध शिकायत दर्ज करने के लिए जानकारी देगी, और ऐसा किया जाना ऐसी शिकायत को इस प्रकार की सूचना की प्राप्ति से पैंतालीस दिनों की अवधि के भीतर दायर किए जाने के पहले ऐसे प्राधिकृत अधिकारी के लिए पूर्वाधार होगा राज्य सरकार और संबंधित प्राधिकरण समय-समय पर शिकायतें दर्ज करने के संबंध में एक आवधिक रिपोर्ट क्षेत्रीय कार्यालय प्रस्तुत करेंगे।

(3) सहायक महानिरीक्षक की श्रेणी या उससे उच्च पद वाले अधिकारी को केंद्रीय सरकार द्वारा, अधिसूचना के द्वारा,इस अधिनियम के अधीन किए गए अपराधों के विरुद्ध धारा कानूनी कार्यवाही शुरू करने और शिकायत दर्ज करने के किए प्राधिकृत किया जा सकता है।

(4) उप-नियम (1) और उप-नियम (3) के अंतर्गत केंद्रीय सरकार द्वारा प्राधिकृत अधिकारी यथास्थिति, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, के किसी अधिकारी या किसी व्यक्ति या किसी अन्य प्राधिकारी को विनिर्दिष्ट अवधि के भीतर अधिनियमित तथा तदधीन बनाए गए नियम के उल्लंघन से संबंधित ऐसी किसी रिपोर्ट, दस्तावेज़ या अन्य कोई जानकारी प्रस्तुत करने के लिए कह सकता है, जिसे किसी अधिकारकारिता वाले न्यायालय में शिकायत दर्ज करने के लिए आवश्यक समझा जाए, और ऐसी राज्य सरकार या ऐसा व्यक्ति या प्राधिकारी ऐसा करने के लिए बाध्य होगा।

16. प्रकीर्ण:—(1) अधिनियम की धारा 1 (क) की उप धारा (1) के अधीन उपबंधित सरकारी अभिलेखों के स्पष्टीकरण के प्रयोजन के लिए, सभी राज्य सरकारें और संघ राज्य क्षेत्र प्रशासन, एक वर्ष की अवधि के भीतर,एसी वन भूमियों, जिसके अंतर्गत प्रयोजनार्थ गठित विशेषज्ञ समिति द्वारा अभिज्ञात वन क्षेत्र, अवर्गीकृत वनभूमियों या सामुदायिक वन भूमि, सम्मिलित हो, जिन पर अधिनियम के उपबंध लागू होंगे।

(2) वन भूमियों पर वृक्षों की कटाई जिसे इन नियमों के अधीन वनेत्तर प्रयोजन के उपयोग के लिए अनुमोदित किया गया है वहां वृक्षों की कटाई को न्यूनतम और अपरिहार्य संख्या तक सीमित रखा जाएगा तथा यह कार्य स्थानीय वन विभाग के पर्यवेक्षण के अधीन किया जाएगा। उससे प्राप्त वनोपज को राज्य सरकार/संघ राज्यक्षेत्र प्रशासन द्वारा विनिर्दिष्ट रीति से निपटान के लिए स्थानीय वन विभाग को सौंप दिया जाएगा। जो स्थानीय ग्राम वासियों को उनकी घरेलू वास्तविक आवश्यकताओं को पूरा करने के लिए वितरण करने को प्राथमिकता देगा।

(3) इन नियमों के अधीन प्रयोक्ता अभिकरण की लागत पर समुचित स्थायी सीमा चिन्हों के माध्यम से जमीन पर सीमांकित जो वन-भूमि वनेत्तर प्रयोजन उपयोग के लिए अपयोजित की गई है उसका प्रयोक्ता अभिकरण तथा वन विभाग या भूमि स्वामित्व विभाग द्वारा संयुक्त रूप से उपयुक्त सर्वेक्षण किया जाएगा तथा किसी गैर-वन उपयोग के प्रारंभ से पूर्वउसे वन-विभाग या भू-स्वामित्व विभाग द्वारा प्रयोक्ता अभिकरण को सौंप दिया जाएगा।

(4) इन नियमों के अधीन वन-आवरण के प्रयोजन के लिए भारत वन सर्वेक्षण द्वारा प्रकाशित नवीनतम भारतीय वन स्थिति रिपोर्ट में प्रयुक्त आंकड़ों और विवरण को निर्दिष्ट किया जाएगा।

(5) केन्द्रीय सरकार, राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के अनुरोध के साथ या इसके बिना किसी प्रस्ताव के संबंध में दिए गए अनुमोदन को रद्द कर सकती है और मामला दर मामला आधार पर, जमा किए गए प्रतिपूरक उदग्रहण को वापस करने का निर्णय ले सकती है।

(6) वन भूमि के वनेत्तर उपयोग के अपयोजन में केन्द्रीय सरकार द्वारा अधिरोपित की गई शर्तों को अंतिम अनुमोदन की तारीख से दो वर्ष की अवधि के पश्चात तब तक परिवर्तित या उपांतरित नहीं किया जाएगा, जब तक कुछ

आपवादिक परिस्थितियां उत्पन्न न हो या केन्द्रीय सरकार अनुपालन के किसी अतिरिक्त खंड को अधिरोपित करना आवश्यक न समझे।

(7) भारतीय वन अधिनियम, 1927 (1927 का 16) स्थानीय वन अधिनियम या अधिनियम से संबन्धित मुद्दे के कारण मुकदमें के अधीन या विचारधीन वन भूमि के प्रस्तावो पर ऐसे मामलों में न्यायालयों/अधिकरणों द्वारा दिए गए आदेशों के अनुसार कार्य किया जाएगा और ऐसी भूमियों पर यह अधिनियम उस तिथि से लागू होगा जो न्यायालयों या अधिकरणों द्वारा पारित निदेश, यदि कोई हो, के अनुसार निर्धारित की गई हो।

(8) ऐसे कोई प्रस्ताव जो वन (संरक्षण) नियमावली, 2003 या वन (संरक्षण) नियमावली, 2022 के उपबंधों के अधीन पहले से ही प्रस्तुत कर दिए गए हैं और वर्तमान में सैद्धांतिक या अंतिम अनुमोदन प्रदान किए जाने के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केंद्रीय सरकार के विभिन्न प्राधिकरणों में विचाराधीन हैं, पर निम्न प्रकार से कार्य किया जाएगा, अर्थात:

(i) सैद्धांतिक अनुमोदन प्रदान किए गए किन्हीं प्रस्तावों को मौजूदा नियमों के उपबंधों के तहत लिया जाएगा और उन पर कार्यवाही की जाएगी तथा उनको सैद्धांतिक अनुमोदन में निर्धारित शर्तो में उपांतरण किए बिना अंतिम अनुमोदन प्रदान करने योग्य समझा जाएगा।

(ii) वर्तमान नियमों का कोई उपबंध उन प्रस्तावों पर प्रयोज्य होगा जिन्हे अधिनियम के अधीन अभी तक सैद्धांतिक अनुमोदन मिलना बाकी है।

अनुसूची-I

केंद्र सरकार की पूर्व मंजूरी हेतु प्रस्तुत प्रस्तावों पर कार्रवाई के लिए समय सीमा

[नियम 8(1), नियम 9, नियम 10 और नियम 11 देखें]

कार्रवाई करने वाले प्राधिकरण/प्राधिकारी		क्षेत्रफल (हेक्टेयर)/कार्य दिवस			
		5*तक	5 से 40*	40 से 100*	100*से अधिक
क.राज्य स्तर	परियोजना जांच समिति	0	30	30	30
	डीसीएफ/जिला कलेक्टर	10	10	10	20
	डीसीएफ/सीएफ/नोडल अधिकारी द्वारा स्थल का निरीक्षण	5	5	20	20
	नोडल अधिकारी/पीसीसीएफ द्वारा कार्रवाई	5	10	15	15
	राज्य सरकार	10	15	15	15
	उप-योग	30	70	70	100
ख. क्षेत्रीय कार्यालय	पूर्णता की जांच करने के लिए परीक्षण	3	3	3	3
	क्षेत्रीय कार्यालय द्वारा प्रस्ताव का परीक्षण एवं कार्रवाई	5	5	5	5
	क्षेत्रीय कार्यालय द्वारा स्थल निरीक्षण	0	0	15	15
	क्षेत्रीय अधिकार प्राप्त समिति द्वारा परीक्षण एवं अनुमोदन	0	20	20	20
	सक्षम प्राधिकारी (सीए) द्वारा कार्रवाई और अनुमोदन	5	5	5	5
	सीए के अनुमोदन की संसूचना	2	2	2	2
	कुल	15	35	50	50
	कुल (क+ख)	45	105	120	150
ग. पर्यावरण, वन	पूर्णता की जांच करने के लिए परीक्षण	3	3	4	4

और जलवायु परिवर्तन मंत्रालय	प्रस्ताव का परीक्षण एवं कार्रवाई	6	6	5	5
	क्षेत्रीय कार्यालय द्वारा स्थल निरीक्षण	10	10	20	20
	परामर्शदात्री समिति	20	20	20	20
	सक्षम प्राधिकारी (सीए) द्वारा अनुमोदन	10	10	10	10
	सीए के अनुमोदन की संसूचना	1	1	1	1
	कुल	50	50	60	60
	कुल (क+ग)	85	120	160	160

*उन प्रस्तावों के लिए समय-सीमा विहित की गई है जो राज्य/संघ राज्य क्षेत्र या प्रयोक्ता अभिकरण से अतिरिक्त विवरण मांगने में लगे समय के अलावा सभी प्रकार से पूर्ण हैं।

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'अंतिम' अनुमोदन प्रदान करने के लिए प्रस्तावित समय-सीमा

स्तर	गतिविधि	समय (दिन)
राज्य स्तर	प्रयोक्ता अभिकरण द्वारा प्रतिपूरक शुल्क के संदाय के लिए मांग पत्र जारी करना	2
	नोडल अधिकारी द्वारा मांग पत्र का अनुमोदन	3
	प्रयोक्ता अभिकरण द्वारा प्रतिपूरक शुल्क का संदाय और दस्तावेज़/प्रमाणपत्र जमा करना	5
	डीएफओ द्वारा अनुपालन रिपोर्ट की जांच किया जाना और डीएफओ द्वारा सीएफ/सीसीएफ को सूचित करते हुए वन संरक्षण अधिनियम, 1980 के नोडल कार्यालय को पूर्ण अनुपालन रिपोर्ट अग्रेषित किया जाना।	5
	नोडल अधिकारी द्वारा अनुपालन रिपोर्ट की जांच किया जाना और कमियों, यदि कोई हो, को अनुपालन के लिए डीएफओ को जारी किया जाना, या पूर्ण अनुपालन रिपोर्ट को एमओईएफसीसी/क्षेत्रीय कार्यालय को अग्रेषित करना।	10
	उप-योग	25
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, नई दिल्ली/क्षेत्रीय कार्यालय	अनुपालन रिपोर्ट की जांच, प्रयोक्ता अभिकरण से काम्पाखाते में प्राप्त प्रतिपूरक उद्ग्रहण की अदायगी की पुष्टि करना और कमियों का मुद्दा, यदि कोई हो, या स्तर-II अनुमोदन को जारी करना	20
	उप-योग	20
	कुल योग	45

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अनुसूची- II

[नियम 13 (1) और नियम 14 (4) देखें]

प्रतिपूरक वनीकरण से संबंधित भूमि आवश्यकता के लिए उपबंध

क्र.सं.	प्रतिपूरक वनीकरण (सीए) भूमि का विवरण	वनेत्तर उपयोग के लिए अपयोजित की गई वन भूमि की तुलना में प्रतिपूरक वनीकरण भूमि का आकार
(1)	(2)	(3)
1.	भूमि जिस पर इस अधिनियम के उपबंध लागू नहीं है	समतुल्य
2.	भूमि जो सरकारी रिकार्ड में 'वन' के रूप में अभिलिखित है	दो गुणा

	परंतु निम्नलिखित सभी शर्तें पूर्ण नहीं करती हैं : (क) तत्समय प्रवृत्त किसी विधि के अधीन वन अधिसूचित होना। (ख) वन विभाग द्वारा वन के रूप में प्रबंधित करना। (केंद्रीय सरकार तथा राज्य सरकार/संघ राज्यक्षेत्र प्रशासन के प्रस्तावों पर ही यह विधान अनुज्ञात है)।	
3.	अवक्रमित अधिसूचित या अवर्गीकृत वनभूमि। (यह वितरण मामला-दर-मामला आधार पर कैप्टिव कोयला ब्लॉक्स के लिए राज्य के सार्वजनिक के उपक्रम और मामला-दर-मामला आधार पर केन्द्रीय सरकार के अभिकरणों/केन्द्रीय सार्वजनिक उपक्रम के मामले में है)	दो गुणा
4.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि, एक ब्लॉक में पच्चीस हेक्टेयर या उससे ज्यादा के आकार की भूमि। दस हेक्टेयर से कम की प्रतिपूरक वनीकरण भूमि को तब तक स्वीकार नहीं किया जाएगा जब तक दस हेक्टेयर से कम की प्रतिपूरक वनीकरण भूमि की आवश्यकता न हो; ऐसे मामलों में प्रयोक्ता अभिकरण को वृक्षारोपण की तारीख से बीस वर्षों की अवधि के लिए इस प्रकार उठाए गए प्रतिपूरक वनीकरण के संरक्षण की अतिरिक्त लागत वहन करनी होगी।	अधिकतम पच्चीस प्रतिशत की छूट के अधीन दस हेक्टेयर के प्रत्येक अतिरिक्त ब्लॉक या उसके भाग के लिए पांच प्रतिशत कम। यह प्रतिशत केवल पच्चीस हेक्टेयर के न्यूनतम आकार से अधिक अधिगृहीत अतिरिक्त ब्लॉक आकार पर प्रयोज्य होगा।
5.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि, एक ब्लॉक में जो भूमि 25 हेक्टेयर आकार से कम है परंतु 10 हेक्टेयर से अधिक है। यदि प्रतिपूरक वनीकरण भूमि की आवश्यकता पच्चीस हेक्टेयर से कम है लेकिन आकार में दस हेक्टेयर से अधिक है, तो प्रतिपूरक वनीकरण के लिए अतिरिक्त भूमि के उपबंध लागू नहीं होंगे लेकिन प्रयोक्ता अभिकरण को वृक्षारोपण की तारीख से बीस वर्षों की अवधि के लिए इस प्रकार उठाए गए प्रतिपूरक वनीकरण के संरक्षण की अतिरिक्त लागत वहन करनी होगी।	प्रत्येक पांच हेक्टेयर लघु ब्लॉक आकार या उसके भाग के लिए पांच प्रतिशत अधिक
6.	उपर्युक्त क्रम संख्या (1) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा संरक्षित क्षेत्र की अधिसूचित सीमा के अधीन अवस्थित है।	पच्चीस प्रतिशत कम
7.	उपरोक्त क्रमांक (1) या (2) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा एक राष्ट्रीय उद्यान या वन्यजीव अभयारण्य या एक संरक्षित क्षेत्र या बाघ रिजर्व के साथ अन्य संरक्षित क्षेत्र और अनिहित या अभिज्ञात बाघ या वन्यजीव गलियारों को जोड़ने वाला क्षेत्र, की अधिसूचित सीमा की निरंतरता में स्थित है।	पन्द्रह प्रतिशत कम
8.	उपरोक्त क्रमांक (1) या (2) के अधीन प्रतिपूरक वनीकरण के लिए योग्य भूमि तथा भारतीय वन अधिनियम, 1927 (1927 का 16) या अन्य विधि के अधीन वन के रूप में अधिसूचित वन भूमि के निकटवर्ती स्थित है। किसी भी आकार की प्रत्यायित प्रतिपूरक वनीकरण भूमि को स्वीकार किया जा सकता है यदि वह किसी विधि के अधीन अधिसूचित वन भूमि के पास हो।	दस प्रतिशत कम

9.	प्रतिपूरक वनीकरण भूमि वन्यजीव अभ्यारण्य, राष्ट्रीय उद्यान या बाघ रिजर्व से गांव (वनेत्तर भूमि में स्थित), के संपूर्ण तथा स्वैच्छिक पुन:स्थापन/आवास सेऐसे अभयारण्य उद्यान या रिजर्व, या एक संरक्षित क्षेत्र या बाघ रिजर्व के साथ अन्य संरक्षित क्षेत्र और नामनिर्दिष्ट/चिन्हित वन्यजीव गलियारों को जोड़ने वाला क्षेत्र, यथास्थिति, के बाहर वनेत्तर पर उपलब्ध कराई गई।	(क) राष्ट्रीय उद्यान/ वन्यजीव अभयारण्य/ बाघ रिजर्व में गांव या आवास स्थल को खाली कराने के माध्यम से प्रतिपूरक वनीकरण भूमि के बराबर वन भूमि के शुद्ध वर्तमान मूल्य के भुगतान से छूट। टिप्पण: "शुद्ध वर्तमान मूल्य" का प्रतिपूरक वनीकरण निधि अधिनियम, 2016 (2016 का 38) की धारा 2 के खंड (ञ) में समनुदेशित अर्थ वही होगा। (ख) स्वैच्छिक पुन:स्थापन के माध्यम से एक गांव द्वारा खाली किए गए स्थान पर (वनेत्तर भूमि: अर्जित प्रत्यायित प्रतिपूरक वनीकरण) 1:1.25 के अनुपात में प्रत्यायित प्रतिपूरक वनीकरण (परंतु इसे वन्यजीव अभयारण्य, राष्ट्रीय उद्यान या बाघ रिजर्व, के भाग के रूप में तथा संरक्षित क्षेत्र या आरक्षित क्षेत्र के रूप में भी अधिसूचित किया जाए) (ग) अतिरिक्त प्रत्यायित प्रतिपूरक वनीकरण 0.5 हेक्टेयर प्रति पुनर्स्थापित परिवार के मूल्य पर।

टिप्पणी 1: प्रयोक्ता अभिकरण या प्रत्यायित प्रतिपूरक वनीकरण विकासकर्ता यह सुनिश्चित करेगा कि पुन:स्थापन स्वैच्छिक है।

टिप्पणी 2: केन्द्रीय सरकार या राज्य सरकार की सुसंगत योजनाओं के अधीन भी कोई क्षतिपूर्ति पुन:स्थापनकर्ता या प्रयोक्ता अभिकरण या प्रत्यायित प्रतिपूरक वनीकरण विकासकर्ता को देय नहीं होगा।

टिप्पणी 3 : राज्य सरकार भी इस उपबंध का उपयोग कर सकती है, यदि ऐसी योजना पर कोई केंद्रीय सहायता प्राप्त नहीं की जाती है।

अनुसूची—III

राज्य सरकार द्वारा जारी किया जाने वाला राज्य/संघ राज्य क्षेत्र में प्रतिपूरक वनरोपण के लिए भूमि की अनुपलब्धता का प्रमाण पत्र ।

[नियम 13 देखें]

सं..... दिनांक.....

मैं....., पदनाम..... (राज्य/संघ राज्य क्षेत्र का नाम) यह प्रमाणित करता हूं कि:

i. (राज्य/संघ राज्य क्षेत्र का नाम) ..... के प्रत्येक जिले में उपलब्ध वनेत्तर भूमि, राजस्व भूमि, जुडपी जंगल, छोटे झाड़ का जंगल, बड़े झाड़ का जंगल, जंगली झाड़ी भूमि, सिविल-सोयम भूमि और वन भूमि की अन्य ऐसी सभी श्रेणियों (वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण के अधीन वन भूमि को छोड़कर), जिन पर वन (संरक्षण एवं संवर्द्धन) अधिनियम, 1980 के उपबंध लागू होते हैं,से संबंधित प्रासंगिक रिकॉर्ड की जांच की गई है; और

ii. मैंने इस प्रमाणपत्र को जारी करने के लिए स्वयं की संतुष्टी हेतु आगे की आवश्यक जांच भी की है। इस प्रमाणपत्र को जारी करने के लिए आवश्यक प्रासंगिक अभिलेखों की जांच और इस प्रकार की आगे की जांच के आधार पर, मैं प्रमाणित करता हूं कि संपूर्ण (राज्य/संघ राज्य क्षेत्र का नाम) मेंवन (संरक्षण एवं संवर्धन) अधिनियम, 1980 के उपबंध लागू होने वाली और केंद्रीय सरकार के मौजूदा दिशा-निर्देशों के अनुसार

वनेत्तर प्रयोजन के लिए अपवर्तित वन भूमि के बदले में प्रतिपूरक वनीकरण के लिए उपयोग की जा सकने वाली वनेत्तर भूमि, राजस्व भूमि, जुडपी जंगल, छोटे झाड़ का जंगल, बड़े झाड़ का जंगल, जंगली झाड़ी भूमि, सिविल-सोयम भूमि और वन भूमि की अन्य श्रेणियों, (वन विभाग के प्रबंधन और प्रशासनिक नियंत्रण के अधीन वन भूमि के अलावा) में आने वाली भूमि उपलब्ध नहीं है।

मेरे हस्ताक्षर और मुहर से आज.....दिन .....को जारी किया गया।

हस्ताक्षर और आधिकारिक मुहर

[फा.सं. एफसी-11/118/2021-एफसी]

रमेश कुमार पाण्डेय, वन महानिरीक्षक

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th November, 2023

G.S.R. 869(E).—In exercise of the powers conferred by sub-section (1) of section 4 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2022, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:- -

1. Short title, extent and commencement.—(1) These rules may be called the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

(2) They shall come into force on the 1st Day of December 2023.

2. Definitions.—(1) In these rules, unless the context otherwise requires, -

(a) "accredited compensatory afforestation" means a system of proactive afforestation to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.

(b) "Adhiniyam" means the Van (Sankashan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980);

(c) "Advisory Committee" means the Advisory Committee constituted under section 3 of the Adhiniyam;

(d) "compensatory afforestation" means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Adhiniyam;

(e) "compensatory levies" includes all money and funds specified in clauses (iii) and (iv) of sub-section (3) of section 4 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016);

(f) "Conservator of Forests" means Conservator of Forests, Chief Conservator of Forests, the Regional Chief Conservator of Forests or an officer equivalent to Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a forest circle having jurisdiction over the forest land for which the prior approval of the Central Government is required;

(g) "Deputy Director General of Forests (Central)" means head of the Regional Office appointed by the Central Government;

(h) "dereservation" means an order issued by the State Government or Union territory Administration or any authority thereof, for change in the legal status of a land statutorily or otherwise recognised as forest to any other category of land;

(i) "diversion" means an order issued by the State Government or Union territory Administration or any authority thereof for the use of any forest land for non-forest purpose or assignment of a lease of any forest land for non-forest purpose;

(j) "District Collector" includes Deputy Commissioner, to hold the charge of the Administration of the revenue district having jurisdiction over the forest land for which the prior approval of the Central Government under the Adhiniyam is required;

(k) "Divisional Forest Officer" means Divisional Forest Officer, Deputy Conservator of Forests or an officer equivalent to the Divisional Forest Officer or Deputy Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a Forest Division having

jurisdiction over the forest land for which the prior approval of the Central Government under the Adhiniyam is required;

(l) "land bank" means the lands identified or earmarked, as the case may be, by the State Government and Union territory Administration for raising compensatory afforestation in lieu of forest land proposed for diversion or diverted under the Adhiniyam;

(m) "linear project" means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, slurry pipeline, conveyor belt etc.;

(n) "National Working Plan Code" means a code prepared by the Central Government for the preparation of Working Plans;

(o) "Nodal Officer" means any officer not below the rank of Chief Conservator of Forests, authorised by the State Government or Union territory Administration, as the case may be, or the senior most officer in the Forest Department of the concerned Union territory, if there is no post of Chief Conservator of Forests or above in the Department, for the purpose of implementation of the Adhiniyam and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;

(p) "Project Screening Committee" means the Project Screening Committee constituted under rule 8;

(q) "Regional Empowered Committee" means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;

(r) "Regional Office" means a Regional Office established by, and controlled by the Central Government for the purpose of these rules;

(s) "survey" means any activity to be taken up prior to initiating commissioning of a project or any activity undertaken for the purpose of exploring, locating or proving mineral deposits including coal, petroleum and natural gas before carrying out actual mining in the forest land, that includes survey, investigation, prospecting, exploration, including drilling therefor, etc.;

(t) "technological tool" means Geographical Information System based digital tools such as Decision Support System facilitating the decision making process of proposal seeking prior approval under the Adhiniyam;

(u) "user agency" means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration submitting a proposal under section 1 of the Adhiniyam;

(v) "working permission" means permission granted to linear projects before final approval to mobilise the resources to commence the preliminary project work other than black topping, concretisation, laying of railway tracks, charging of transmission lines, etc. or as specified in the in-principle approval;

(w) "Working Plan" means the document prepared as per the provisions of the National Working Plan Code published by the Central Government from time to time and having prescriptions for scientific management of the forests of a particular Forest Division for a specified period;

(2) Words and expressions used herein and not defined in these rules but defined in the Adhiniyam shall have the same meaning as respectively assigned to them in the Adhiniyam.

3. Constitution of Advisory Committee. - (1) The Central Government may, by an order, constitute an Advisory Committee to advise the Central Government with regards to the grant of approval under sub-section (1) of section 2 in respect of proposals referred under sub-rule (2) of rule 10; and any matter connected with the conservation of forests referred to the Advisory Committee by the Central Government.

(2) The Advisory Committee shall consist of the following persons, namely: -

(a) Director General of Forests, Ministry of Environment, Forest and Climate Change – Chairperson;

(b) Additional Director General of Forests, dealing with the forest conservation in the Ministry of Environment, Forest and Climate Change – Member;

(c) Additional Director General of Forests, dealing with wildlife in the Ministry of Environment, Forest and Climate Change – Member;

(d) Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare – Member;

(e) Three non-official experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics – members;

(f) Inspector General of Forests dealing with forest conservation and Adhiniyam thereof – Member-Secretary

(3) The Chairperson may co-opt the domain experts as special invitees to a meeting of the Advisory Committee.

(4) The Chairperson shall preside over the meeting of the Advisory Committee and in his absence, the Additional Director General of Forests, dealing with forest conservation, in the Ministry of Environment, Forest and Climate Change shall preside over the meeting.

4. Terms and conditions of non-official Members of Advisory Committee. –

(1) A non-official Member shall hold his office for a period of up to two years from the date of his nomination or as specified by the Central Government.

(2) A non-official Member shall cease to hold office if he becomes of unsound mind, or insolvent or is convicted for an offence which involves moral turpitude.

(3) A non-official Member may be removed from his office if he fails to attend three consecutive meetings of the Advisory Committee without any sufficient cause or reason.

(4) Any vacancy caused by any reason mentioned in clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years.

(5) The non-official Members of the Advisory Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature, as the case may be.

5. Conduct of business of the Advisory Committee.—(1) The Chairperson of the Advisory Committee shall call the meeting of the Committee at least once a month, whenever considered necessary;

(2) the meeting of the Advisory Committee shall ordinarily be held at New Delhi except when the Chairperson considers it necessary to inspect the proposed land, then the Chairperson may direct the meeting to be held at a place from where the proposal can be inspected.

(3) the quorum of the meeting of the Advisory Committee shall be five including the Chairperson.

(4) The Member-Secretary shall prepare an agenda of the meeting and present the proposals and matters referred to the Advisory Committee by the Central Government.

(5) The Advisory Committee shall examine in its meeting the proposal or the matter and, in urgent cases, the Chairperson may direct the proposal or the matter to be sent to the members for the their opinion, which shall be furnished to the Committee within the stipulated time.

(6) the user agency may be allowed to attend the meeting of the Advisory Committee for such duration as may be necessary to furnish such information or clarify any issue which may pertain to it.

(7) After the examination of the proposal or the matter, the Advisory Committee shall make its recommendation/advise to the Central Government.

6. Constitution of Regional Empowered Committee.—(1) The Central Government may, by an order, constitute a Regional Empowered Committee at each of the Regional Offices to examine proposals referred to it under sub-rule (3) of rule 10 and grant approval or rejection of proposals under sub-section (1) of section 2.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following persons, namely: -

(a) Deputy Director General of Forests (Central) or an officer nominated by the Central Government – chairperson;

(b) Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines – members;

(c) The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the Regional Office – member-secretary.

(3) The chairperson of the Regional Empowered Committee may co-opt the domain experts as special invitees to the meeting.

(4) One representative each from the Forest Department and Revenue Department of the State or the Union territory Administration, not below the rank of Director to the Government of India, shall be invited by the Regional Empowered Committee to attend the meeting as a special invitee, in the examination of the proposals.

(5) **Terms and conditions of non-official members of Regional Empowered Committee.—**

(1) A non-official member shall hold his office for a period of up to two years from the date of his nomination.

(2) A non-official member shall cease to hold office if he becomes of unsound mind, insolvent, or is convicted for an offence involving moral turpitude.

(3) A non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reason.

(4) Any vacancy of a member in the Regional Empowered Committee caused by any reason mentioned in sub-rules (2) and (3) shall be filled by the Central Government for the remaining term of the member in whose place vacancy has arisen.

(5) The non-official members of the Regional Empowered Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post carrying the same scale of pay.

(6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature, as the case may be.

7. **Conduct of business of Regional Empowered Committee.** —The Regional Empowered Committee shall conduct its business as follows, namely:—

(1) The chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than once a month.

(2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the chairperson of the Regional Empowered Committee is satisfied that inspection of site of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal referred, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site;

(3) The chairperson of the Regional Empowered Committee shall preside over the meeting of the Regional Empowered Committee and in his absence, Deputy Director General of Forests holding the charge of other Regional Office or Inspector General of Forests dealing with the matter related to the Adhiniyam, as may be authorised by the Central Government, may chair the meeting of the Regional Empowered Committee.

(4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent case, the chairperson of the Regional Empowered Committee may direct that documents may be circulated and sent to the members of the Regional Empowered Committee for their opinion within the stipulated time.

(5) The quorum of the meeting of the Regional Empowered Committee shall be three.

(6) The user agency may be allowed to remain present for such duration during a meeting as may be necessary to furnish such information or clarify any issue which may pertain to it.

(7) The member-secretary shall prepare agenda of the meeting and present the proposals and matters connected with the Adhiniyam before the committee for making appropriate recommendations and decisions thereafter.

8. **Constitution of Project Screening Committee.**—(1) The State Government and Union territory Administration may, by an order, constitute a Project Screening Committee to examine the completeness of the proposal submitted under clauses (i), (ii) or (iii) of sub-section (1) of section 2 of the Adhiniyam.

(2) The Project Screening Committee shall consist of the following persons, namely:-

a. Nodal Officer – chairperson;

b. Concerned Chief Conservator of Forests/ Conservator of Forests – member;

c. Concerned Divisional Forest Officer- member;

d. Concerned District Collector or his representative (Not below the rank of Deputy Collector) –member;

e. Divisional Forest Officer in the office of Nodal Officer- member-secretary

(3) The Project Screening Committee shall meet at least twice every month and the quorum of the meeting of the Project Screening Committee shall be three.

(4) The Project Screening Committee shall, after examination of the proposals, make recommendation to the State Government or Union territory Administration, as the case may be.

9. Proposals for prior approval of Central Government.—(1) The approval shall be accorded by the Central Government in two stages, namely, (i) 'In- Principle' approval; and (ii) 'Final' approval.

(2) The user agency shall submit an application to the State Government or Union territory Administration for approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease online, through the web portal of the Central Government.

(3) A proposal identity number shall be generated online for the proposal submitted by the user agency and the said identity number shall be used for all future references;

(4) The copy of the proposal shall be simultaneously forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests, Chief Conservator of Forests and the Nodal Officer of the State Government or Union territory Administration each of whom shall independently undertake preliminary examination of the completeness of documentation of the proposal.

(5) The Project Screening Committee shall examine the proposal received from the State Government or Union territory Administration, except proposals involving forest land of five hectares or less, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category.

(6) The Project Screening Committee, for the purpose of screening, may call the user agency for clarification or additional documents, if any.

(7) The Project Screening Committee shall examine the proposal for its completeness and correctness and ensure that deficiencies in the proposal, if any, are identified and the member-secretary shall inform in this regard to the user agency.

(8) The proposals returned to the user agency shall be re-submitted after addressing the deficiency, as identified under sub-rule (7) above, within a period of ninety days, failing which the proposal shall stand de-listed.

(9) In case the user agency submits the information within the given time the proposal will be re-examined by the Project Screening Committee and in case the proposal is not complete in all respect then the same will be de-listed for the reasons to be recorded in writing:

Provided that the after de-listing of the proposal by the Project Screening Committee, the user agency, after addressing the deficiencies, can re-list the proposal only once using the same proposal identity number, as generated under sub-rule (2) above, which will again be examined by the PSC as per procedure given in sub-rule (5) to (7) above and in case the proposal is found still incomplete, it will be rejected and deleted permanently from the portal.

(10) The complete proposal with the proposal identity number shall be forwarded to concerned Divisional Forest Officer concerned, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification.

(11) Where the forest land or part thereof included in the proposal is not under the management control of the Forest Department, the District Collector shall get the land schedule and map of the forest land included in the proposal authenticated online through joint verification by officers of the Revenue Department and Forest Department.

(12) In addition to every proposal verified in the field by the Divisional Forest Officer concerned, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the Conservator of Forests concerned and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer.

(13) The proposal, except involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule I, annexed to these rules, from

submission of the completed proposal under sub-rule (8), or (9), as the case may be, and the Project Screening Committee shall examine the feasibility of the proposal for the purpose of recommending it to the State Government or Union territory Administration along with mitigation measures to be adopted by the user agency:

Provided that the Project Screening Committee may seek from the user agency any clarification, additional detail or modification of the proposal in terms of change in forest land proposed for diversion on account of reasons such as minimising the requirement of forest land or minimising adverse impact on forest and wildlife, change in compensatory afforestation land proposed or change in measures proposed to be adopted by the user agency to mitigate the adverse impact of the project, and for this purpose it may ask the user agency to make a presentation:

Provided further that the proposal shall be reconsidered by the Project Steering Committee in case of timely submission of complete information and clarification and additional detail by the user agency online and in case the user agency modifies the original proposal substantially and makes major changes such as change in the forest land or land use plan, the Project Steering Committee may return the proposal to complete the steps given in sub-rule (7) to (11) and therefore the steps in this sub-rule shall also be repeated in such cases.

(14) Where the user agency fails to submit correct information, additional detail or a modified proposal within the period as specified, the proposal shall stand rejected:

Provided that if the user agency satisfies the Project Screening Committee that the reason for the delay was beyond its control, the Project Screening Committee may reconsider the proposal, after the reasons to be recorded in writing and recommend it to the State Government or Union territory Administration, as the case may be;

(15) The proposal involving forest land of up to five hectares, shall after their examination at the level of Divisional Forest Officer be forwarded by him directly to the Nodal Officer and the Nodal Officer shall forward such proposals to the State Government or Union territory Administration along with his recommendations:

Provided that Division Forest Officer, after receiving the proposals from the user agency, shall assess their completeness and incomplete proposal shall be returned to the user agency for re-submitting it with complete information.

(16) The proposal involving forest land of more than five hectares, shall be forwarded by the Nodal Officer, with the approval of the Principal Chief Conservator of Forests, to the State Government or Union territory Administration, along with the Project Screening Committee's recommendation and the same shall also be forwarded to the Regional Office.

(17) Where the State Government or Union territory Administration, as the case may be, decides not to dereserve, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal, the same shall be intimated to the user agency by the Nodal Officer.

(18) Where the State Government or Union territory Administration agrees 'In-Principle' to dereserve the forest land, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal shall forward its recommendation to the Central Government.

10. In-Principle approval of the proposal.—

(1) Except the proposals referred to in sub-rule (2), all proposals related to.-

(i) linear projects;

(ii) hydro electric power projects of upto 25 MW capacity proposed in the river basin where cumulative impact assessment to assess the carrying capacity of the river basing has been done

(ii) forest land up to forty hectares; and

(iii) use of forest land having canopy density up to 0.7 irrespective of their extent for the purpose of survey which are not covered under the exemptions provided under clause (iii) of sub-section (1) of section 2 of the Adhiniyam and Guidelines issued thereunder;

shall be examined in the Regional Office and disposed off in the manner specified in sub-rule (3).

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;

(ii) mining;

(iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;

(iv) regularisation of encroachment;

(v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

Provided that, no approval is required for assignment of petroleum exploration licence or petroleum mining lease where the physical possession or breaking of forest land is not involved:

(3) The proposals received under sub-rule (1) shall be examined by the Regional Office in the following manner, namely:-

(i) all proposals involving forest land up to five hectares, shall be examined by the Regional Office for its completeness and after further enquiry or site inspection, as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), 'In-Principle' approval or rejection may be granted by the Regional Office by recording the reasons.

(ii) all linear proposals involving forest land of more than five hectares, all proposals for use of forest land having canopy density upto 0.7 for the purpose of survey irrespective of their extent and all other proposals involving the use of more than five hectares and up to forty hectares forest land, shall be referred, after examination of its completeness, by the Regional Office to the Regional Empowered Committee.

(iii) the Regional Empowered Committee shall examine all proposals referred to it under clause (ii) and after further enquiry or site inspection as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), may grant 'In-Principle' approval or reject the same by recording reasons.

(iv) The decisions taken by the Regional Empowered Committee or the Deputy Director General of Forests to grant 'In-principle' approval or to reject a proposal, in accordance with the power delegated under this rule, as and when necessary or required, may be reviewed by Central Government and decision taken by the Central Government in such matters shall be the final.

(4) Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee.

(5) The proposals received by the Central Government shall be examined in the following manner, namely:-

(i) all proposals under sub-rule (2) along with the site inspection report as required under sub-rule (4) or as asked by the Central Government, shall be referred, after examination of its completeness, to the Advisory Committee.

(ii) the Advisory Committee shall examine all proposals referred to it in clause (i), giving due regards, but not limited to, the following, and after further enquiry, as deemed necessary, shall make recommendation to the Central Government for consideration for approval:-

(a) the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason;

(b) the State Government or the Union territory Administration, as the case may be, has certified that it has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;

(c) the State Government or the Union territory Administration, as the case may be, before making his recommendation, has considered all issues having direct and indirect impacts on the diversion of forest land on the forest, wildlife and the environment;

(d) concerned mandates under the National Forest Policy;

(e) whether adequate justification has been given and appropriate mitigation measures have been proposed by the State Government or the Union territory Administration, as the case may be, if the forest land proposed to be used for non-forest purposes forms part of a national park, wildlife sanctuary, tiger reserve, designated or identified tiger or wildlife corridor, or habitat of any endangered or threatened species of flora and fauna or of an area lying in the severely eroded catchment; and

(f) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land, as per rule 13, for the purpose of carrying out compensatory afforestation.

(6) While making recommendations under sub-rule (5), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact of diversion of forest land under the proposal.

(7) The Central Government shall, after considering the recommendation of the Advisory Committee, grant 'In-Principle' approval subject to fulfilment of stipulated conditions or reject and communicate the same to the State Government or the Union territory Administration, as the case may be, and to the user agency.

(8) In case the proposal is found incomplete or information provided is found to be incorrect after its examination, the Central Government shall inform the State Government or Union territory Administration and user agency for furnishing the required information within a specified period.

(9) The State Government or Union territory Administration on receipt of communication under sub-rule (8), may furnish the complete information, after which the proposal shall be considered for 'In-Principle' approval under these rules:

Provided, if the information sought pertains to the user agency, the user agency may directly furnish the requisite information to the Central Government with a copy to the State Government or Union territory Administration, and upon receipt of such information from the user agency, the Central Government, if it considers necessary, may seek comments of the concerned State Government or Union territory Administration, as the case may be, on the information furnished by the user agency or consider granting 'In-Principle' approval.

(10) The State Government or the Union territory Administration, if so desire, after obtaining the 'In-principle' approval of linear proposal and deposition of compensatory levies such as compensatory afforestation and Net Present Value and cost of mitigation plans such as of the Wildlife Management Plan and Soil and Moisture Conservation Plan, as applicable, notification of the land identified for raising compensatory afforestation as Protected Forest under Indian Forest Act, 1927 (16 of 1927) or local forest Act and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), may grant 'working permission' for the commencement of project work before grant of 'Final' approval.

11. Final approval of the proposal.—

(1) The Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the Divisional Forest Officers, District Collectors and Conservator of Forests.

(2) On receipt of a copy of the 'In-Principle' approval, the Divisional Forest Officer shall prepare a demand note containing the item-wise amount of compensatory levies , as applicable, to be paid by the user agency and communicate the same to the user agency, along with a list of documents, certificates and undertakings required to be submitted by them in compliance with the conditions stipulated in 'In-Principle' approval.

(3) The user agency shall, after receipt of the communication, make payment of compensatory levies and hand over the land identified for compensatory afforestation, a compliance report along with copies of documentary evidence including undertaking and certificate in respect of the payment of compensatory levies and handing over of compensatory afforestation land to the Divisional Forest Officer.

(4) The Divisional Forest Officer, after having received the compliance report as referred to in sub-rule (3), shall examine its completeness and make his recommendations on the compliance report and forward the same to the Nodal Officer.

(5) the Nodal Officer, after having received the compliance report, ensuring its completeness and obtaining approval of the Principal Chief Conservator of Forests of the State Government or head of the Department in case of Union territory Administration, shall forward such report with his recommendations to the State Government or Union territory Administration, as the case may be.

(6) The Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under sub-section (1) of section 2 of the Adhiniyam and communicate such decision to the State Government or Union territory Administration and the user agency.

(7) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest

Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

(8) The final order of dereservation under clause (i) of sub-section (1) of section 2 of the Adhiniyam, wherever accorded, shall be published in the official Gazette by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;

(9) The whole process of obtaining approval shall be carried out in the online portal developed for this purpose.

(10) Where compliance of condition imposed in the 'In-principle' approval is awaited from the State Government or Union territory Administration, as the case may be, for more than two years, the 'In-Principle' approval shall be deemed to be null and void:

Provided the Central Government may, for the reasons to be recorded in writing, in respect of proposals involving forest land of more than thousand hectares, where 'In-Principle' approval has been obtained, may consider grant of phase-wise 'Final' approval by the competent authority subject to compliance in respect of-

(a) payment of compensatory levies and notification of land identified and accepted for raising Compensatory Afforestation, proportional to the part area for which compliance is submitted; and

(b) any other specific condition that the Central Government may deem fit to have been complied with.

(11) After issue of final approval under sub- rule (7) and Gazette notification under sub-rule (8) the forest land concerned may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration.

(12) The Regional Office shall monitor the compliance of all conditions imposed at the time of granting 'In-Principle' approval and the State Government or Union territory Administration and the user agency shall also monitor, at least once every year, the compliance of conditions imposed during 'In-Principle' approval and upload the monitoring report in the online portal.

(13) The entire process for processing the proposals by the various authorities in the State shall be completed within the time limit specified in **Schedule-I** appended to these rules.

12. Proposal seeking prior approval of Central Government for working plan.—

(1) The Nodal Officer of the State Government or Union territory Administration shall submit the draft Working Plan of a Forest Division, duly prepared in accordance with the provisions of the National Working Plan Code, along with the recommendation of the State Consultative Committee, in the online portal for prior approval of the Central Government.

(2) The draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon.

(3) the draft Working Plan submitted to the Central Government shall be examined by the Regional Office concerned for its conformity with National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests and the Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord approval along with modification of the provision contained in the draft Working Plan and for a period as it deems fit, or reject the same by recording the reasons therefor.

(4) The State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the Regional Office with respect to all or specific provision of the Working Plan and for the period for which the Working Plan has been approved.

(5) The State Government or Union territory Administration shall undertake a mid-term review of the approved Working Plan and submit the review report along with its recommendation to the Regional Office and the Regional Office may, after examination, modify the condition of approval or issue a fresh prior approval by modifying the provision of the previously approved Working Plan for the remaining period or reject the recommendations of mid-term review by recording reasons therefor.

(6) The Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.

(7) All proposals under clause (iv) of sub-section (1) of section 2, irrespective of the size of forest land involved, shall be submitted online by the State Government or Union territory Administration to the concerned Regional Office.

(8) The proposals received under sub-rule (1) shall be examined by the Regional Office and after enquiry, the Regional Office may grant approval or reject the same by recording the reasons thereof;

(9) The proposals involving whole or part of forest land bearing a canopy density of 0.4 or more or proposals involving clear-felling of forest land of size more than twenty hectares in plains and ten hectares in hills irrespective of canopy density, shall be forwarded to the Regional Empowered Committee and the Regional Empowered Committee shall deal in the manner specified under these rules and while examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests.

(10) For the purpose of these rules "clear-felling of forest land" means removal of all natural vegetation in whatever form occurring, by felling, uprooting or burning them and removing them from the forest land over one hectare in size or more, but other types of felling of trees of specified size or species, including their selection felling or coppice felling shall not be considered as clear felling.

13. Creation of Compensatory Afforestation.— (1) The user agency shall provide land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising compensatory afforestation over such land and the requirement of Compensatory Afforestation land shall be as per the **Schedule-II** annexed to these rules:

Provided that in case the non-forest land or portion thereof provided by the user agency is not fit for raising compensatory afforestation of a specified density, then additional compensatory afforestation shall be raised on a degraded notified or unclassed forest land under the management control of the Forest Department which is twice in size of such shortfall in the given compensatory afforestation land and the user agency shall also bear the additional cost on such account:

Provided further that if the non-forest land being made available for compensatory afforestation already bears vegetation of 0.4 canopy density or more, there shall not be an additional requirement of planting of trees on such land but a programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner:

Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of the Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available, and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of State Public Sector Undertakings for captive coal blocks on case to case basis:

Provided also in case the user agency acquires any non-forest land for the execution of the project, the exceptions in case of Central Government agencies, Central Public Sector Undertakings and State Public Sector Undertakings as above shall not be applicable.

(2) The specified density for raising compensatory afforestation under this sub-rule shall be such as to develop, a forest of a minimum canopy density of 0.4 or more in the fifth year of start of compensatory afforestation operation, and the area has sufficient vegetation stock to enable it to mature into land with canopy density of minimum 0.7.

(3) In case of non-availability of the non-forest land, the compensatory afforestation can also be raised over the following lands, which will be provided minimum double in extent of the area being diverted or difference between the forest land being diverted and the available non-forest land, as the case may be, is made available and they are notified as Protected Forests under the Indian Forest Act, 1927 (16 of 1927) or local Acts prior to 'Final' approval:

(a) revenue forest lands i.e. land recorded as forest in the Government records but not notified as forest under any law and not managed by the Forest Department viz. revenue lands or zudpi jungle or chhote-bade jhar ka jungle or jungle-jhari land or civil-soyam or orange forest lands and all other such categories of forest lands, provided they are transferred and mutated in the name of State Forest Department;

(b) the degraded Unclassed State Forests in the State of Arunachal Pradesh, shall be considered for compensatory afforestation provided they are transferred and mutated in the name of State Forest Department;

(c) the waste lands in the State of Himachal Pradesh, falling under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, provided they are transferred and mutated in the name of State Forest Department;

(d) lands falling under section 4 and 5 of the Punjab Land Preservation Act, 1900 in the States of Haryana, Punjab and Himachal Pradesh, which are not under the management and administrative control of the State Forest Department, provided that such lands will be transferred and mutated in the name of State Forest Department, unless as specified and agreed to by the Central Government to notify them under Indian Forest Act 1927 (16 of 1927), without transferring them to the State Forest Department, on case to case basis;

(4) Special dispensation for raising compensatory afforestation over degraded forest land, minimum double in extent, may be considered in respect of following proposals, namely.—

(a) in the States or Union territory Administrations, having forest area more than 33% of their total geographical area and a certificate on non-availability of suitable non-forest land for raising compensatory afforestation has been furnished by the State Government /Union territory Administration in the format specified under **Schedule-III,** appended to these rules;

(b) transmission line projects;

(c) laying of telephone or optical fibre lines;

(d) mulberry plantation undertaken for silkworm rearing;

(e) extraction of minor materials from the river beds;

(f) construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 5 hectares;

(g) actual impact zone of the field firing range considered for diversion under the Adhiniyam or 10% of the total forest area diverted in case entire area of the field firing range is proposed for diversion;

(h) any degraded forest land for the purpose of compensatory afforestation, selected by the State Government or the Union territory Administration, under this sub-rule, may be accepted by the Central Government when the crown density of such degraded forest is below 40 percent and such areas is not a natural or managed grassland being used for the management and conservation of wildlife; and

(5) In the following categories of proposals, cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation-

(a) clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation;

(b) diversion of forest land up to one hectare; and

(c) Underground mining in forest land without surface rights.

(6) No compensatory afforestation shall be charged in respect of renewal of mining lease for the forest area for which land for compensatory afforestation and cost of plantation has already been paid.

(7) In respect of diversion of forest land earmarked for the maintenance of safety zone along the inner boundary of a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, shall be applicable in lieu of forest land located in the safety zone.

(8) Non-forest land identified for raising compensatory, contiguous to forest land, located in the wildlife corridors and protected areas shall be incentivised as per the provisions provided in the **Schedule-II** appended to these rules;

14. Management of compensatory afforestation.—(1) The land specified under sub-rule (1) of rule 13, shall be demarcated by concrete pillars of suitable size and handed over, free from all encumbrances to the State Forest Department or Union territory Forest Department and the same shall be notified as protected forest under section 29 of Indian Forest Act, 1927 (16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Adhiniyam.

(2) The land identified and earmarked for compensatory afforestation shall be treated and afforested by the State Government or Union territory Administration or user agency as per the compensatory afforestation plan approved as part of the said forest diversion proposal and the work of compensatory afforestation shall start within two years of issue of order of diversion of the corresponding forest land and the Central Government may issue guidelines on the modalities of compensatory afforestation, including agencies that may undertake compensatory afforestation.

(3) Subject to the consent of the State Governments or Union territory Administrations, in case the forest land to be diverted is in a hilly or mountainous State or Union territory having forest cover of more than two-third of its geographical area or situated in any other State or Union territory having forest cover of more than one-third of its geographical area, creation of compensatory afforestation, accredited compensatory afforestation and land banks may be taken up in another State or Union territory Administration:

Provided that, the money towards compensatory afforestation in such cases shall be transferred to the State Compensatory Afforestation Fund of the State or Union territory in which the compensatory afforestation land has been identified and the remaining money of the compensatory levies shall be deposited in the Compensatory Afforestation Fund Management and Planning Authority Fund of the State Government or Union territory Administration in which the forest land has been proposed to be diverted:

Provided further that in cases, where due to unfulfilment of the conditions specified in this sub-rule such as percentage of forest land of the geographical area, it is not possible to raise compensatory afforestation in the same State or Union territory Administration where diversion of forest land is proposed or in other States or Union territory Administration, the Central Government, in public interest, may allow, on case to case basis, compensatory afforestation in other State or Union territory Administration.

(4) (a) A State Government or Union territory Administration as the case may be, for the purpose of compensatory afforestation, may create a land bank under the administrative control of the Department of Forest;

(b) The minimum size of the land bank shall be a single block of twenty five hectares:

Provided that in case a land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 (16 of 1927) or under any other law for time being in force, protected area, tiger reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land; and

(c) The lands covered under accredited compensatory afforestation earned under sub-rule (5) may be included in the land bank.

(5) (a) The Central Government may formulate an accredited compensatory afforestation mechanism to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.

(b) the accredited compensatory afforestation may be earned by a person if he has established afforestation over land on which the Ahiniyam is not applicable and is free from all encumbrances;

(c) an afforestation shall be counted towards accredited compensatory afforestation 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;

(d) the accredited compensatory afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall be no accredited compensatory afforestation for developing an area below 0.4 canopy density or below one-hectare land;

(e) the accredited compensatory afforestation may be swapped for compensatory afforestation proposed under rule (13):

Provided the accredited compensatory afforestation cover a block of minimum of ten hectares and has been fenced as per norms specified for compensatory afforestation in that area:

Provided further that accredited compensatory 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 swapped for compensatory afforestation;

(f) the accredited compensatory afforestation earned out of vacation of non-forest lands on account of voluntary relocation of a village from a national park, wildlife sanctuary or tiger reserve and designated or identified tiger or wildlife corridors shall qualify for compensatory afforestation as per **Schedule –II** annexed to these rules, and may be used by a user agency in lieu of compensatory afforestation under rule (13);

(g) the accredited compensatory afforestation identified under this rule shall be demarcated with concrete pillars of suitable size and handed over, free from all encumbrances to Forest Department of the State

Government or Union territory Administration and the same shall be notified as protected forest under section 29 of Indian Forest Act, 1927 (16 of 1927) or under the provision of any other law for the time being in force before the Final approval is granted under the Adhiniyam;

(h) The Central Government, from time to time, may issue detailed guidelines on creation of accredited compensatory afforestation, its stock registry and management for the purpose of its swap for compensatory afforestation land and cost of maintenance thereof up to a period specified by the Central Government.

(i) All entities registered for accredited compensatory afforestation shall register with the Green Credit Registry under the Green Credit Policy Implementation Rules, 2023 and besides their eligibility for compensatory afforestation in lieu of diversion of forest land, the accredited compensatory afforestation will also be eligible for allocation of green credits under the Green Credit Policy Implementation Rules, 2023.

15. Proceedings against persons guilty of offences under the Adhiniyam.—

(1) The Central Government may, by notification in official gazette, authorise an officer of the rank of Divisional Forest Officer or Deputy Conservator of Forests and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Adhiniyam is committed or violation of the provisions of the said Adhiniyam has been made, to file complaints against such person or authority or organization, prima-facie found guilty of offence under the Adhiniyam or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

(2) The Central Government, after receiving the information with respect to offence committed or violations made either through State Government or Union territory Administration or authorities or any other source or *suo moto,* shall, after examination, communicate the same to the State Government or Union territory and the authorities concerned under whose jurisdiction the offence under the Adhiniyam has been committed or any provision of the said Adhiniyam has been violated, for filing the complaint against the offenders before the court having jurisdiction and it shall act as a prerequisite for the authorised officer before such complaints are filed within a period of forty five days from the receipt of such communication.The State Government and authorities concerned shall submit a periodic report to Regional Office, from time to time, regarding filing of the complaints.

(3) An Officer of the rank of Assistant Inspector General and above, may be authorized by the Central Government, by notification, to initiate legal proceedings and file complaints, against the offences committed under the Adhiniyam.

(4) The officer authorized by the Central Government in sub-rule (1) and (3) may require any officer or any person or any other authority of the State Government or the Union territory Administration, as the case may be, to furnish to it within a specified period any reports, documents, and any other information related to contravention of the Adhiniyam or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

16. Miscellaneous.—(1) For the purpose of explanation of government records provided under subsection (1) of section 1A of the Adhiniyam, the State Governments and Union territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

(2) The felling of trees on forest lands approved for use for the non-forest purpose under these rules shall be restricted to a bare minimum and to an unavoidable number and shall be done under the supervision of the local Forest Department and the forest produce obtained therefrom shall be handed over to the local Forest Department for disposal in the manner specified by the State Government or Union territory Administration which shall give preference to distribution to local villagers for meeting their domestic bonafide requirement.

(3) The forest land diverted for non-forest purpose under these rules shall be appropriately surveyed jointly by the user agency and the Forest Department or the land-owning Department, demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency and handed over by the Forest Department or land-owning Department to the user agency prior to starting of any non-forest use.

(4) For the purpose of forest cover under these rules, the figures and description used in the latest India State of Forest Report published by Forest Survey of India shall be referred.

(5) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government or Union territory Administration and may decide to refund the compensatory levies deposited, on case to case basis.

(6) The conditions imposed by Central Government for diversion of forest land for the non-forest purpose shall not be changed or modified after a period of two years from the date of grant of final approval unless some exceptional circumstances arise or the Central Government considers it necessary to impose any additional clause of compliance.

(7) The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), local forest Act or Adhiniyam will be dealt as per the orders of the Courts or Tribunals passed in such cases and the date of applicability of the Adhiniyam in such lands shall be in accordance with the direction, if any, passed by the Courts or Tribunals.

(8) Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-

(i) Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and

(ii) Any provision of the extant rules will be applicable on the proposals which are yet to be granted 'In-principle approval under the Adhiniyam.

Schedule-I

TIME LINE FOR PROCESSING OF PROPOSALS SEEKING PRIOR APPROVAL OF CENTRAL GOVERNMENT

[See rule 8 (1), rule 9, rule 10 and rule 11]

Processing Authorities		Area (Ha)/working days			
		Up to 5*	5 to 40*	40 to 100*	More than 100*
A. State Level	Project Screening Committee	0	30	30	30
	DCF/District Collector	10	10	10	20
	Site inspections by DCF/CF/Nodal Officer	5	5	20	20
	Processing by Nodal Officer/ PCCF	5	10	15	15
	State Govt.	10	15	15	15
	Sub-Total	**30**	**70**	**70**	**100**
B. Regional Office	Scrutiny to examine completeness	3	3	3	3
	Examination and processing of the proposal by the Regional Office	5	5	5	5
	Site inspection by Regional Office	0	0	15	15
	Examination and approval by the Regional Empowered Committee	0	20	20	20

	Processing and approval by competent authority (CA)	5	5	5	5
	Communication of approval of CA	2	2	2	2
	Total	**15**	**35**	**50**	**50**
	Total (A+B)	**45**	**105**	**120**	**150**
C. MoEFCC	Scrutiny to examine completeness	3	3	4	4
	Examination and processing of the proposal	6	6	5	5
	Site inspection by Regional Office	10	10	20	20
	Advisory Committee	20	20	20	20
	Approval by competent authority (CA)	10	10	10	10
	Communication of approval of CA	1	1	1	1
	Total	**50**	**50**	**60**	**60**
	Total (A+C)	**85**	**120**	**160**	**160**

*Time line is prescribed for the proposals which are complete in all respects excluding the time consumed in seeking additional details from the State/UT or User agency.

****

PROPOSED TIME LINE FOR GRANT OF 'FINAL' APPROVAL

Level	Activity	Time (days)
State Level	Issue of demand note for payment of compensatory levies by the user agency	2
	Approval of demand note by the Nodal Officer	3
	Payment of compensatory levies and submission of documents/ certificate by the user agency	5
	Examination of the compliance report by the DFO and forwarding of complete compliance report by DFO to the Nodal Office FC Act, 1980 with intimation to the CF/CCF	5
	Examination of compliance report by the Nodal Officer and issue of shortcomings, if any, to the DFO for compliance, or forwarding of the completed compliance report to the MoEFCC / Regional Office	10
	Sub-Total	**25**
MoEFCC, New Delhi/ Regional Office	Examination of the compliance report, confirmation of remittance of compensatory levies realised from the user agency in to the CAMPA account and issue of shortcomings, if any, or State-II approval	20
	Sub-Total	**20**
	Grand Total	**45**

*****

Schedule II

[See rule 13 and rule 14]

PROVISIONS FOR THE REQUIREMENT OF LAND RELATED TO COMPENSATORY AFFORESTATION

Sl. No.	Description of Compensatory Afforestation Land	Size of Compensatory Afforestation land as compared to forest land to be diverted for non-forest purpose
(1)	(2)	(3)
1.	Land to which provisions of the Adhiniyam are not applicable.	Equivalent.
2.	Land recorded as 'forest' in Government record but does not fulfill all of the following conditions:- (a) notified as forest under any other law for the time being in force (b) managed as forest by Forest Department. *(This dispensation is allowed to certain proposals of Central Government and State Government or Union territory Administration only.)*	Two times.
3.	Degraded notified or unclassed forest land. *(This dispensation is in case of State Public Sector Undertakings for captive coal blocks on case to case basis and Central Government Agencies/Central Public Sector Undertakings on case to case basis involving no acquisition of non-forest land)*	Two times
4.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), provided is of size of twenty-five hectares or more in one block. Compensatory Afforestation land of less than ten hectares shall not be accepted unless the requirement of Compensatory Afforestation land is less than ten hectares in which case the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five *per cent* less for every additional block size of ten hectares or part thereof subject to a maximum of twenty-five per cent rebate. This percentage will be applicable only on the additional block size acquired beyond the minimum size of twenty five hectares.
5.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), that is less than 25 hectares size but more than 10 hectares size in one block If the requirement of Compensatory Afforestation land is less than twenty-five hectares but more than ten hectares in size, the provision of excess land for Compensatory Afforestation shall not be applicable but the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five *per cent.* more for every five hectares smaller block size or part thereof.
6.	Land qualifying for Compensatory Afforestation under Sl. No. (1) above and is located within the notified boundary of a protected area	Twenty-five *per cent.* less

7.	Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors.	Fifteen *per cent.* less.
8.	Land qualifying for Compensatory Afforestation under Sl. No. (1) or (2) and is located adjacent to a forest land notified as forest under Indian Forest Act, 1927 (16 of 1927) or any other law. Accredited Compensatory Afforestation land of any size may be accepted in case it is contiguous to a forest land notified under any law.	Ten *per cent.* less
9.	Compensatory Afforestation land made available from complete and voluntary relocation of a village/ habitation (situated in non-forest land) from a Wildlife Sanctuary, National Park or Tiger Reserve, to a non-forest land outside such Sanctuary, Park or Reserve or area linking protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors, as the case may be.	(a) Exemption from payment of Net Present Value of forest land equivalent to the Compensatory Afforestation land by way of vacation of village or habitation from National Park/ Wildlife Sanctuary/ Tiger Reserve. Note: "Net Present Value" shall have the same meaning as assigned in clause (j) of section 2 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016). (b) Accredited Compensatory Afforestation in the ratio of 1:1.25 (Non-forest land: Accredited Compensatory Afforestation earned) so vacated by a village by way of voluntary relocation *(provided that the same shall be notified as part of the Wildlife Sanctuary, National Park or Tiger Reserve and also notified as Protected Forest or Reserved Forest).* (c) Additional Accredited Compensatory Afforestation at the rate of 0.5 ha per relocated family.

Note 1: The user agency or Accredited Compensatory Afforestation developer shall ensure that relocation is voluntary.

Note 2: No compensation under relevant schemes of the Central Government or State Government would be payable to such relocatees or user agency or Accredited Compensatory Afforestation developer.

Note 3: The State Government can also use this provision, provided no central assistance on such scheme is availed.

Schedule-III

CERTIFICATE OF NON-AVAILABILITY OF LAND FOR COMPENSATORY AFFORESTATION IN THE STATE/UNION TERRITORY TO BE ISSUED BY THE STATE GOVERNMENT//UNION TERRITORY ADMINISTRATION

[See rule 13(4)]

No..... Dated.....

I....., Designation.....(Name of State/ Union Territory) do here by certify that:

i.

i. Relevant records pertaining to non-forest land, revenue lands, *zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle jhari land, civil-soyam lands* and all other such categories of forest lands

(except the forest land under the management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are applicable, available in each district of..... (name of the State/UT) have been examined; and

ii. I have also conducted such further enquiry as is required to satisfy myself for issue of this certificate. On the basis of examination of relevant records and such further enquiry, as was required for issue of this Certificate, I do hereby certify that non-forest land, revenue lands, *zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle-jhari land, civil-soyam* lands and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, is not available in the entire (name of State/UT)

Issued under my hand and seal on this.....day of.....

Signature & Official Seal

[F. No. FC-11/118/2021-FC]

RAMESH KUMAR PANDEY, Inspect General of Forests

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Annexure-IV

Chapter 3

Net Present Value

3.1 In pursuance of the orders of 29th Oct 2002 of the Supreme Court in Writ Petition (Civil) No. 202/95 in addition to the funds realized for compensatory afforestation, the Net Present Value (NPV) of forest land diverted for non- forest purposes is also to be recovered from the user agencies, for undertaking forest protection, other conservation measures and related activities.

3.2 NPV is recoverable in all cases where diversion is approved on or after 29th Oct 2002 and also the cases for which in-principle clearance was granted before 29th October 2002 and final clearance after that.

3.3 In their orders of 28th March 2008, 28th April 2008 and 9th May 2008, the Apex Court decided the rates of NPV per ha. of the forest area diverted effective from 28th March 2008 for three years and subject to variation after three years, and also exemptions in specified categories of non-forest uses.

3.4 NPV Rates

The rates of NPV recoverable from the User Agency with effect from 28th March 2008 depending upon the type of forest land diverted are as mentioned below:

Eco-Value class	VDF	DF	OF
	NPV (in Rs.)		
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

Eco-Class I - Tropical Wet Evergreen Forests,
Tropical Semi Evergreen Forests and
Tropical Moist Deciduous Forests

Eco- Class II- Littoral and Swamp Forests

Eco-Class III- Tropical Dry Deciduous Forests

Eco-Class IV - Tropical Thorn Forests and Tropical Dry Evergreen Forests

Eco-Class V - Sub-tropical Broad-Leaved Hill Forests,
Sub-Tropical Pine Forests and
Sub-Tropical Dry Evergreen Forests

Eco-Class VI - Montane Wet Temperate Forests,
Himalayan Moist Temperate Forests,
Himalayan Dry Temperate Forests,
Sub Alpine Forest,
Moist Alpine Scrub and Dry Alpine Scrub

However, for following specified areas of diversion/ projects the following rates of NPV will be applicable:

1.	Forest land falling in National Parks, if permitted in exceptional circumstances	10 times NPV for the forest area
2.	Forest land falling in Wildlife Sanctuaries, if permitted in exceptional circumstances	5 times NPV for the forest area
3.	Non-forest land falling within the National Parks and Wildlife Sanctuaries, if permitted.	NPV payable for the adjoining forest area
4.	Non-forest land falling within marine National Parks / Wildlife Sanctuaries, if permitted	5 times NPV for adjoining forest areas
5.	Re-diversion of already diverted forest land	Normal NPV for re-diverted forest land, except when such re-diversion is for the same UA and for same project (i.e. change of land use for the same project for which diversion has been approved)
6.	Mining area broken up before 25.10. 1980	Normal NPV for the forest area at the time of renewal of mining lease.

3.5 Exemption from payment of NPV

The following category of projects have been given exemption to the extent mentioned in the list below:

S. No.	Category	Particulars of Exemptions
1.	(i) Schools	Full exemption up to 1 ha., of forest land provided: (a) no felling of trees is involved (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) area is outside any National Park or Wild Life Sanctuary.
	(ii) Hospitals	
	(iii) Children's playground of non-commercial nature	
	(iv) Community centers in rural areas	
	(v) Over-head tanks	
	(vi) Village tanks,	
	(vii) Laying of underground drinking water pipeline up to 4" diameter	
	(viii) Electricity distribution line up to 22 KV in rural areas	

2.	Relocation of villages from National Parks/Sanctuaries to alternate forest land	Full Exemption	
3.	Collection of boulders/silts from the river belts in the forest area	Full exemption provided: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests	
4.	Laying of underground optical fiber cable	Full exemption provided: (a) no felling of trees is involved; and (b) area falls outside National Park/Sanctuary	
5.	Regularization of eligible encroachments before 22.10.1980, and conversion of forest villages into revenue villages	Full exemption	
6.	Underground mining	Surface strain predicted by 3-D subsidence prediction model	NPV
		Up to 5mm/m	NIL
		5mmt010mm/m	10% of normal rates of NPV
		10mm/m to15 mm/m	25% of normal rates of NPV
		15 mm/m to20 mm/m	50% of normal rates of NPV
		more than 20 mm/m	Normal rates of NPV
7.	Other underground works requiring diversion of forest land	50% of normal rates of NPV	

8.	Grant of Petroleum Mining Lease [under P& NG Rules under Oil Field (Regulation and Development) Act 1954]	2% of the NPV for entire forest land in the mining lease.
9.	Wind Energy	50% at the minimum NPV rate provided minimal tree felling is involved, irrespective of the eco-class in which the project lies.
10.	Field firing range by the Defence Ministry not involving felling of trees and no likelihood of destruction of forests	Full exemption
11.	Small Hydro-Electric Project (upto 25 MW)	50% of the normal NPV, as granted to Wind mill energy Projects
12.	Regularization of encroachment over Zudpi Jungle land prior to 12.12.1996 (Category-II) as per the decision of the FAC dated 26.10.2017	Full Exemption
13.	Prospecting	
	Seismic Surveys	1%
	Forest area with vegetation density 0.1 to 0.4	2%
	Forest area with vegetation density 0.4 to 0.7	5%
14.	Zoo	15%

3.6 Vide their order dated 5th October 2015 the Apex Court ordered to transfer various applications for exemption from payment of NPV to the MoEF&CC for consideration in accordance with law as expeditiously as possible.

3.7 The latest ISFR of FSI may be followed for determination of density for the purpose of NPV rates.

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File No.5-3/2011-FC(Vol-I)

Annexure-V

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

Indira
Paryavaran Bhavan, Aliganj, Jorbagh Road
New Delhi-110 003
Date: 6th January, 2022

To

The Additional Chief Secretary (Forest)/Principal Secretary (Forest),
All States Governments/ Union Territory Administration

Sub: Revision of rates of Net Present Value – reg

Sir,

I am directed to invite your attention to Hon'ble Supreme Court's order dated 28.03.2008 in Writ Petition (Civil) No. 202 of 1996 in the matter of T. N. Godavarman Thirumalpad vs. Union of India and Ministry' guidelines dated 05.02.2009 wherein rates to Net Present Value (NPV) to be realized in lieu of diversion of forest land have been fixed based on the outcome scientific assessment of ecosystem goods and services. Hon'ble Supreme Court in the said order has also directed the MoEF&CC for upward revision of the NPV rates.

2. In compliance of order dated 28.03.2008 of Hon'ble Court and with the approval of the competent authority, the following revised NPV rates have been prescribed for levying NPV in lieu of diversion of forest land:

Table: Revised NPV rates based on fitment factor of 1.53

(in Rs.)

Eco-Class	Very Dense	Dense	Open
Class-1	1595790	1436670	1116900
Class-II	1595790	1436670	1116900
Class-III	1357110	1228590	957780
Class- IV	957780	861390	670140
Class-V	1436670	1292850	1005210
Class-VI	1516230	1372410	1069470

Eco-Class-I:	Tropical Wet Evergreen Forests, Tropical Semi-evergreen Forests and Tropical Moist Deciduous Forests
Eco-Class-II:	Littoral and Swamp Forests
Eco-Class-III:	Tropical Dry Deciduous Forests
Eco-Class-IV:	Tropical Torn Forests and Tropical Dry Evergreen Forests
Eco-Class-V:	Sub-tropical Broad-Leaved Hill Forests, Sub-Tropical Pine Forests and Sub-Tropical Dry Evergreen Forests
Eco-Class-VI:	Montane Wet Temperature Forests, Himalayan Moist Temperature Forests, Himalayan Dry Temperature Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

3. NPV shall be charged to the extent of ten times of the normal NPV payable in the case of National Parks and five times in the case of Sanctuaries. The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine National Parks / Wildlife Sanctuaries, the amount shall be five times the NPV payable for the adjoining forest area;

4. The proposals under the following categories are exempted from NPV to the extent as mentioned in the list below:

Category	Conditions
i. Schools	Full exemption upto 1 ha. of forest land, provided: a. no felling of trees is involved; b. alternate forest land is not available; c. the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and d. the area is outside National Park/ Sanctuary
ii. Hospitals	
iii. Children's playground of non-commercial nature.	
iv. Community centres in rural areas.	
v. Over-head tanks	
vi. Village tanks	
vii. Laying of underground drinking water, irrigation and PNG pipeline upto 4 inch diameter	
viii. Electricity distribution line upto 22 KV in rural areas.	

ix. Relocation of villages form the National Parks/ Sanctuary to alternate forest land	Full exemption
x. Collection of boulders/silts from the river belts in the forest area.	Full exemption, provided:- (a) area is outside National Park/ Sanctuary; (b) no mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests.
xi. Laying of underground optical fiber cable	Full exemption, provided: (a) no felling of trees is involved; and (b) area falls outside National Park / Sanctuary.
xii. Pre-1980 regularization of encroachments and conversion of forest villages into revenue villages	Full exemption provided these are strictly in accordance with MoEF&CC's Guidelines dated 18.9.1990.
xiii. Underground mining	**Surface strain predicted by 3-D subsidence prediction model** / **NPV to be paid** i. Up to 5mm/m — NIL ii. 5mm to 10 mm/m — 10% of normal rates iii. 10mm/m to 15 mm/m — 25% of normal rates iv. 15 mm/m to 20 mm/m — 50% of normal rates v. more than 20 mm/m — At Normal rates

xiv.Wind Power Projects	50% at the minimum NPV rate, provided, minimal tree felling is involved, irrespective of the eco-class in which the project lies.
xv.Hydroelectric Projects up to 25 MW capacity	50% of the applicable rates of the forest land actually diverted for setting up of such projects, provided, the project involves felling of not more than 5 trees per hectare.
xvi.Field Firing Range (FFR) of Defence Ministry not involving felling of trees and no likelihood of destruction of forests	At the rate of 20 % of the normal rates of NPV for the forest areas falling within the impact zone. The forest areas falling within safety zone of FFRs shall be fully exempted from the requirement of payment of NPV
xvii.The area of riverbed in a proposed water reservoir, that is to be under permanent submergence throughout the year	50 per cent of the normal rate applicable to the area.

Yours faithfully,

Sd/-
(Sandeep Sharma)
Asst. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, All State Governments/UTs
2. The Nodal Officer (FCA), Office of the PCCF, All State Governments/UTs
3. The Regional Officer, All Integrated Regional Offices of the MoEF&CC
4. Monitoring Cell, FC Division, MoEFCC, New Delhi
5. Guard File

// True Copy //

Annexure-VI

CASE NO.:
Writ Petition (civil) 202 of 1995

PETITIONER:
K.M. CHINNAPPA, T.N. Godavarman Thirumalpad

RESPONDENT:
Union of India and Ors.

DATE OF JUDGMENT: 30/10/2002

BENCH:
CJI, Y.K. SABHARWAL & ARIJIT PASAYAT.

JUDGMENT:
JUDGMENT

ARIJIT PASAYAT, J.

By destroying nature, environment, man is committing matricide, having in a way killed Mother Earth. Technological excellence, growth of industries, economical gains have led to depletion of natural resources irreversibly. Indifference to the grave consequences, lack of concern and foresight have contributed in large measures to the alarming position. In the case at hand, the alleged victim is the flora and fauna in and around Kudremukh National Park, a part of the Western Ghats. The forests in the area are among 18 internationally recognized 'Hotspots" for bio-diversity conservation in the world. The I.A. 670 of 2001 was filed by Sri K.M. Chinnappa describing himself as trustee, Wildlife First.

The said I.A. 670 of [illegible] he [illegible] respectively which according [illegible].548 filed by learned Amicus Curiae questioning the [illegible] contained in the Wildlife ([illegible] used by the States of Karnataka and Uttar Pradesh [illegible] dated 14.2.2000, operating [illegible] of mm were in violation of the provisions [illegible] ees from National Parks, Game Sanct[illegible] Act, 1972 (in short the 'Act'). By order [illegible] quently, the word 'forests' was de[illegible] order permitting removal of certain tr[illegible] uaries and Forests was injuncted. Subse[illegible] leted.

In the present I.A. learned Amicus Curiae has pointed out that notwithstanding orders passed by this Court on 12.12.1996 and 14.2.2000 mining activities were being conducted by Kudremukh Iron Ore Co. Ltd. (hereinafter referred to as a 'company') which were in clear violation of orders passed by this Court. The main reliefs sought are:
"(a) to direct the MoEF to withdraw the illegal 'temporary working permission" issued by it and stop mining activities;
(b) direct KIOCL to stop polluting the Bhadra river due to open cast mining;
(c) take action against KIOCL for illegal encroachment in the forests and for destruction of forests in the Kudremukh National Park; and
(d) to stop KIOCL from laying new slurry pipe line in the forests of the National Park."

On 10.5.2001, this Court passed an order to the following effect:
"Issue notice returnable in the second week of July, 2001.Mr. A.D.N. Rao, Advocate accepts notice on behalf of the Union of India. Service be effected on respondent No. 2 through Mr. S.R. Hedge, Advocate and on respondent No. 3 by ordinary process and by registered post.

Union of India will file an affidavit within eight weeks and in the affidavit they will also state the reason as to why the Government of India having once notified the area as a National Park then permit mining activity to be carried out notwithstanding this Court's order of 12th December, 1996."

It was noted that Kudremukh National Park in which mining activities were being carried out was declared to be a National Park in terms of Section 35(1) of the Act. The matter was referred to the Central Empowered Committee (in short the 'Committee') constituted under Section 3 of the Environment (Protection) Act, 1986 (in short the 'Environment Act'). After hearing the parties and taking note of the materials placed before it the Committee has recommended as follows:

"After carefully considering all the views and suggestions, the exceedingly rich biodiversity of the area and investment made by the KIOCL, suggestion made by the learned Amicus Curiae, the Committee is of the view that the KIOCL be asked to wind up its operations within a period of five years or on the exhaustion of the oxidized weathered secondary ore, whichever is earlier, in the already broken up area. It is clarified that the period of 5 years would commence from 25-7-1999, when its lease had expired.

The winding up period of five years shall be subject to the following conditions:

(i) the MoEF should prepare or get a rehabilitation and reclamation and a proper eco-restoration plan prepared for the mined area and project impact area through appropriate agency at the cost of KIOCL;

(ii) KIOCL shall undertake to make available funds necessary for implementing for the aforesaid plans. The plans would be implemented by the agencies selected by the MoEF and under the supervision of the MoEF;

(iii) a monetary compensation of Rs.25 crores @ Rs.5/- crores per year will have to be deposited by KIOCL with MoEF in a separate bank account which would be utilized for the purposes of research, monitoring and strengthening protection of the Kudremukh National Park and for other protected areas in the State of Karnataka;

(iv) a Monitoring Committee shall be constituted by the MoEF comprising representative of MoEF, representative of the State of Karnataka, two NGO experts preferably from Karnataka, which shall monitor the implementation of the rehabilitation plans; and

(v) after the winding up operations are complete, the KIOCL will transfer all the buildings and other infrastructure to the Forest Department of the State of Karnataka at book value.

JUDIS

Transparent guidelines for dealing with development projects in protected areas as recommended by Learned Amicus Curiae and agreed to by the MoEF in its affidavit filed by Shri S.C. Sharma, Additional Director General of Forests shall be notified within 30 days with the concurrence of the Central Empowered Committee."

One of the members of the Committee Shri Valmik Thaper gave a dissenting note. According to him all mining operations must stop immediately and the five years' period starting on 25th July, 1999 (on which the original lease period expired) must be treated as a "Restoration and Winding up period" so that the company can restore all mined lands, plant indigenous species and protect the region and give back to one of the world's finest forests what has been taken from it. All costs will be met by the project proponent. When the matter was taken up, Shri Thaper was requested to submit further materials, if any, to justify his dissenting note. A photographic Report has been submitted. The Company has filed its response in relation to the Committee's recommendation and connected reports.

While contending that there was no violation of any law relating to forests and environment certain legal issues were raised by the Company which need to be dealt with first. With reference to Rule 24 (B) of the Mineral Concession Rules, 1960 (in short the 'Concession Rules') framed under the Mines and Minerals (Regulation and Development) Act, 1957 (in short the 'Mines Act'), it was submitted that notwithstanding anything provided under the Act, Conservation Act or the Environment Act, on an application being made the lease was to be renewed for twenty years and therefore, the recommendations made at a point of time for such period were in order. Further, the draft Notification under Section 35(1) of the Act was issued on 2.9.1987 and the final Notification was published on 16th June, 2001 under Section 35(4) of the Act, whereby the land under mining was specifically excluded. In any event, 900 hectares of land was outside the land covered by the Notification. The Notification dated 29.5.1982 issued under Section 349 of the Karnataka Municipalities Act, 1964 (in short 'Municipalities Act') was also relevant. All these, according to Shri Venugopal, took the land in question outside the purview of the operations of the Act, Conservation Act and the Environment Act.

With reference to the order dated 14.11.2000 passed in W.P.337/2000, it was submitted that the same was relatable to a stage under Section 35(5) of the Act. Since there was an existing legal right to get a renewal, which had already accrued, there was no question of any embargo on the renewal of the mining lease. In this background, it was submitted that the State and the Central Governments at earlier points of time had acceded to the request of the company for renewing the lease for twenty years. Reference in this context was made to a letter dated 6.7.1999 issued by the State Government. It was pointed out that the company had subsisting contracts with foreign buyers, and if the lease is not renewed or the mining activities are required to be abandoned, there shall be large financial implications on account of impossibility to perform the contracts. It was submitted that for the purpose of renewal, no consent is necessary as an existing right is only to be extended further. In any event, the period as suggested by the Committee should be reckoned prospectively and not retrospectively and the two years' period already covered by temporary working permit should be reckoned while computing the period. It was pointed out that subsisting contracts with some foreign countries are operative till 2005 and 2006 and at least adequate time could be given to fulfill these contracts. Learned counsel for the State of Karnataka has submitted that originally it had accepted the proposal for the longer period, but taking into account the various circumstances, its final stand is that five years period from 24.10.2001 would be adequate, equitable and fair.

The company has taken a stand that it is earning valuable foreign

exchange and discontinuous of its business activities would stop earning of valuable foreign exchange in addition to rendering large number of employees jobless. It is pointed out that some subsisting contracts are there and in fact there is possibility of extracting 342 million tons of primary ores, in addition to 119 million tons of secondary weathered ores. In fact, the company's request is for permitting activities in some additional areas so that the primary ores can be extracted and exported in addition to the secondary weathered ores.

The main thrust of the Company's plea relating to environmental issues which was highlighted by Shri Venugopal during hearing of the application was that the Company has taken all possible steps to preserve and conserve nature in its pristine glory. It is eco-friendly as would be evident from the various activities undertaken by it and vast sums of money spent for preservation of nature and environment in addition to efforts to prevent pollution. It has received several awards for its admirable achievements in the field of environmental protection. It was submitted that sustainable development is permissible and is universally accepted phenomenon. At the time the company was incorporated environment impact assessment was conducted and detailed guidelines were formulated to see that there was least degradation of the environment. The approach was clearly environmental friendly. The approach in such matters is to see as to what prevailed when the project was commenced. There has been a substantial change in the approach and if the contemporaneous factual backdrop is considered, it will be seen that the company's anxiety was to protect nature and environment. Further, the various reports submitted by expert bodies give a lie to the impressions created before the Committee that there was continued destruction of nature of the flora and fauna by the mining activities undertaken by the company. The reality is otherwise. With reference to a Notification dated 29.5.1982 issued under Section 349 of the Municipalities Act, it is submitted that the concerned area cannot be a treated to be a forest land. A reference was also made to a decision in State of Bihar v. Banshi Ram Modi and Ors. (1985(3) SCC 643) to contend that the Act has no application.

Learned Amicus Curiae has pointed out that stands of the company are per se not acceptable. The Committee has granted to the company much more than what it deserves. With reference to the report of Shri Valmik, it is pointed out that the situation is so grave that "hands off situation" has come to play. It is pointed out that the role of the Karnataka State Government and the Central Government in the Ministry of Environment and Forest is far from satisfactory. Even without any Environment Impact Assessment report, stand was taken for granting 20 years renewal period. There is no consistency in the stand of the State and the Central Governments because at one point of time they agreed to renewal period of 20 years and subsequently turned around to five years period, and then again took inconsistent stands. All these go to show that there is no proper application of mind and without realizing the serious consequences involved, recommendations are being made. In W.P.337/2000 by order dated 14.11.2000, it was, inter-alia, directed as follows:

".....Pending further orders, no de-reservation of forests/sanctuaries/national parks shall be effected".

Action of the State Government in excluding land while issuing Notification under Section 35(4) of the Act is in clear violation of this Courts' order.

Banshi Ram's case on which emphasis was laid by the company is not good law in view of the subsequent decisions of this Court in Ambica Quarry Works v. State of Gujarat and Ors. (1987 (1) SCC 213). Reference may also made be made to the decisions in Tarun Bharat Sangh, Alwar v. Union of India and Ors. (1992 Supp. (2) SCC 448), Tarun Bharat Sangh, Alwar v. Union of India and Ors. (1993 Supp. (3) SCC 115) and two reported orders in T.N. Godavarman Thirumulkpad v. Union of India and Ors. (1997 (2) SCC 267) and T.N. Godavarman Thirumulkpad v. Union of

India and Ors. (1997 (3) SCC 312). The stand of the company that Notification dated 29.5.1982 excluded the land in question from being forest land is clearly untenable in view of the Section 2(ii) of the Forest (Conservation) Act, 1980 (in short the 'Conservation Act').

The seminal issue involved is whether the approach should be "dollar friendly" or "eco friendly".

'Environment' is a difficult word to define. Its normal meaning relates to the surroundings, but obviously that is a concept which is relatable to whatever object it is which is surrounded. Einstein had once observed, "The environment is everything that isn't me." About one and half century ago, in 1854, as the famous story goes the wise Indian Chief of Seattle replied to the offer of the great White Chief in Washington to buy their land. The reply is profound. It is beautiful. It is timeless. It contains the wisdom of the ages. It is the first ever and the most understanding statement on environment. The whole of it is worth quoting as any extract from it is to destroy its beauty.

"How can you buy or sell the sky, the warmth of the land? The idea is strange to us.

If we do not own the freshness of the air and the sparkle of the water, how can you buy them?

Every part of the earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people. The sap which courses through the trees carries the memories of the red man.

'the white man's dead forget the country of their birth when they go to walk among the stars. Our dead never forget this beautiful earth, for it is the mother of the red man. We are part of the earth and it is part of us. The perfumed flowers are our sisters; the horse, the great eagle, these are our brothers. The rocky crests, the juices in the meadows, the body heat of the pony, and man all belong to the same family.'

So, when the Great Chief in Washington sends word and he wishes to buy our land, he asks much of us. The Great Chief sends word he will reserve us a place so that we can live comfortably to ourselves. He will be our father and we will be his children. So we will consider your offer to buy our land. But it will not be easy. For this land is sacred to us.

This shining water moves is the streams and rivers is not just water but the blood of our ancestors. If we sell you land, you must remember that it is sacred, and you must teach your children that it is sacred and that each ghostly reflection in the clear water of the lakes tells of events and memories in the life of my people. The water's murmur is the voice of my father's father.

The rivers are our brothers, they quench our thirst. The rivers carry our canoes, and feed our children. If we sell you our land you must remember, and teach your children, that the rivers are our brothers, and yours and you must henceforth give the kindness you would give any brother.

We know that the white man does not understand our ways. One portion of land is the same to him as the

next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother but his enemy and when he has conquered it, he moves on. He leaves his father's graves behind, and he does not care.

He kidnaps the earth from his children. His father's grave and his children's birthright are forgotten. He treats his mother, the earth, and his brother, the sky, as things to be bought, plundered, sold like sheep or bright beads. His appetite will devour the earth and leave behind only a desert.

I do not know. Our ways are different from your ways. The sight of your cities pains the eyes of the red man. But perhaps it is because the red man is a savage and does not understand.

There is no quiet place in the white man's cities. No place to hear the unfurling of leaves in spring or the rustle of in insect's wings. But perhaps it is because I am a savage and do not understand. The clatter only seems to insult the ears. And what is there in life if a man cannot hear the lonely cry of the whippoorwill or the arguments of the frogs around a pond at night? I am a red man and do not understand. The Indian prefers the soft sound of the wind darting over the face of a pond, and the smell of the wind itself, cleansed by a mid-day rain, or scented with the pinon pine.

The air is precious to the red man, for all things share the same breath the beast, the tree, the man, they all share the same breath. The white man does not seem to notice the air he breathes. Like a man lying for many days, he is numb to the stench. But if we sell you our land, you must remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives the last sign. And if we sell you our land, you must keep it apart and sacred as a place where even the white man can go to taste the wind that is sweetened by the meadow's flowers.

So we will consider your offer to buy our land. If we decide to accept, I will make one condition. The white man must treat the beasts of this land as his brothers.

I am a savage and I do not understand any other way. I have seen thousand rotting buffaloes on the prairie, left by the white man who shot them from a passing train. I am a savage and I do not understand how the smoking iron horse can be more important than the buffalo that we kill only to stay alive.

What is man without the beasts? If all the beasts were gone, man would die from a great loneliness of spirit. For whatever happens to the beasts soon happens to man. All things are connected.

You must teach your children that the ground beneath their feet is the ashes of our grandfathers, so that they will respect the land. Tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children, that the earth

is our mother. Whatever befalls the earth befalls the sons of the earth. If man spit upon the ground, they spit upon themselves.

This we know : The earth does not belong to man, man belongs to the earth. This we know: All things are connected like the blood which unites one family. All things are connected.

Whatever befalls the earth befalls the sons of the earth. Man did not wave the web of life; he is merely a strand in it. Whatever he does to the web he does to himself.

Even the white man, whose God walks and talks with him as friend to friend cannot be exempt from the common destiny. We may be brothers after all. We shall see. One thing we know, which the white man may one day discover our God is the same God. You may think now that you own him as you wish to own our land; but you cannot. He is the God of man, and his compassion is equal for the red man and the white. This earth is precious to him, and to harm the earth is to heap contempt on the creator. The white too shall pass perhaps sooner than all other tribes. Contaminate your bed and you will one night suffocate in your own waste.

But in your perishing you will shine brightly, fired by the strength of the God who brought you this land and for some special purpose gave you dominion over this land and over the red man. That destiny is a mystery to us, for we do not understand when the wild buffaloes are slaughtered, the wild horses are tamed, the secret corners of the forest heavy with scent of many men and the view of the ripe hills blotted by talking wires. Where is the thicket? Gone, where is the eagle? Gone. The end of living and the beginning of survival."

It would be hard to find out such dawn to earth description of nature. "Nature hates monopolies and knows no exception. It has always some levelling agency that puts the overbearing, the strong, the rich, the fortunate substantially on the same ground with all others" said Zarathustra. Environment is polycentric and multi-facet problem affecting the human existence. The Stockholm Declaration of United Nations on Human Environment, 1972, reads its Principle No.3, inter-alia, thus:

"Man has the fundamental right to freedom, equality, and adequate conditions of life. In an environment of equality that permits a life of dignity and well being and bears a solemn responsibility to protect and improve the environment for present and future generations."

The Declaration, 'therefore, says that' in the developing countries, most of the environmental problems are caused by underdevelopments. The Declaration suggests to safe actions with prudent care for ecological balance. It is necessary to avoid massive and irreversible harm to the earthly environment and strife for achieving present generation and the posterity a better life in an environment more in keeping with the needs and hopes. In this context immediately comes to mind the words of Pythogarus who said:

"For so long as man continues to be the ruthless destroyer of lower living beings, he will never know health or peace. For so long as men massacre animals, they will kill each other. Indeed, they who sow the seeds of murder and pain cannot reap joy and love."

Article 48-A in Part IV (Directive Principles) of the Constitution of India, 1950 brought by the Constitution (42nd Amendment) Act, 1976, enjoins that "State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country." Article 47 further imposes the duty on the State to improve public health as its primary duty. Article 51-A(g) imposes "a fundamental duty" on every citizen of India to protect and improve the natural "environment" including forests, lakes, rivers and wild life and to have compassion for living creatures. The word "environment" is of broad spectrum which brings within its ambit "hygienic atmosphere and ecological balance." It is, therefore, not only the duty of the State but also the duty of every citizen to maintain hygienic environment. The State, in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment. Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is constitutional imperative on the Central Government, State Governments and bodies like Municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measure to promote, protect and improve the environment man-made and natural environment.

Industrialisation, urbanisation, explosion of population, over-exploitation of resources, depletion of traditional sources of energy and raw materials, and the search for new sources of energy and raw materials, the disruption of natural ecological balances, the destruction of multitude of animal and plant species for economic reasons and sometimes for no good reason at all are factors which have contributed to environmental deterioration. While the scientific and technological progress of man has invested him with immense power over nature, it has also resulted in the unthinking use of the power, encroaching endlessly on nature. If man is able to transform deserts into oasis, he is also leaving behind deserts in the place of oasis. In the last century, a great German materialist philosopher warned mankind : "Let us not, however, flatter ourselves over much on account of our human victories over nature. For each such victory nature takes its revenge on us. Each victory, it is true, in the first place brings about the results we expected, but in the second and third places it has quite different, unforeseen effects which only too often cancel the first. Ecologists are of the opinion that the most important ecological and social problem is the wide spread disappearance all over the world of certain species of living organisms. Ecologists forecast the extinction of animal and plant species on a scale that is incompatibly greater than their extinction over the course of millions of years. It is said that over half the species which became extinct over the last 2000 years did so after 1900. The International Association for the Protection of Nature and Natural Resources calculates that now, on average, one species or sub-species is lost every year. It is said that approximately 1000 birds and animal species are facing extinction at present. It is for this that the environmental questions have become urgent and they have to be properly understood and squarely met by man. Nature and history are two components of the environment in which we live, move and prove ourselves. This Court in Sachindanand Pandey and Anr. v. State of West Bengal and Ors. (AIR 1987 SC 1109) and Virender Gaur v. State of Haryana, (1995 AIR SCW 306) has highlighted these aspects.

Environmental law is an instrument to protect and improve the environment and to control or prevent any act or omission polluting or likely to pollute the environment. In view of the enormous challenges thrown by

the industrial revolution, the legislatures throughout the world are busy in this exercise. Many have enacted laws long back and they are busy in remodeling the environmental law. The others have moved their law making machineries in this direction except the under-developed States who have yet to come in this wave length. India was one of those few countries which paid attention right from the ancient time down to the present age and till date, the tailoring of the existing law to suit the changing conditions is going on. The problem of law-making and amending is a difficult task in this area. There are a variety of colours of this problem. For example, the industrial revolution and the evolution of certain cultural and moral values of the humanity and the rural and urban area developments in agricultural technology, waste, barren or industrial belts; developed, developing and under-developed parts of the lands; the rich and poor Indians; the population explosion and the industrial implosion; the people's increasing awareness and the decreasing State Exchequer; the promises in the political manifestos and the State's development action. In this whole gamut of the problems the Tiwari Committee came out with the date that we have in India "nearly five hundred environmental laws" and the Committee pointed out that no systematic study had been undertaken to evaluate those legislative developments. Some legal controls and techniques have been adopted by the legislatures in the field of Indian Environmental Laws. Different legislative controls right from the ancient time, down to the modern period make interesting reading. Attention has to be paid to identify the areas of great concern to the legislature; the techniques adopted to solve those problems; the pollutants which required continuous exercises; the role of legislature and people's participation outside. These are some of many areas which attract the attention in the study of history of the Indian Environmental Law. Since time immemorial, natural objects like rivers enjoyed a high position in the life of the society. They were considered as Goddesses having not only the purifying capacity but also self-purifying ability. Fouling of the water of a river was considered a sin and it attracted punishments of different grades which included, penance, outcasting, fine, etc. The earth or soil also equally had the same importance, and the ancient literature provided the means to purify the polluted soil. The above are some of the many illustrations to support the view that environmental pollution was controlled rigidly in the ancient time. It was not an affair limited to an individual or individuals but the society as a whole accepted its duty to protect the environment. The 'dharma' of environment was to sustain and ensure progress and welfare of all. The inner urge of the individuals to follow the set norms of the society, motivated them to allow the natural objects to remain in the natural state. Apart from this motivation, there was the fear of punishment. There were efforts not just to punish the culprit but to balance the eco-systems. The noteworthy development in this period was that each individual knew his duty to protect the environment and he tried to act accordingly. Those aspects have been highlighted by a learned author C.M. Jariwala in his article "Changing Dimensions of the Indian Environmental Law" in the book "Law and Environment" by P. Leelakrishnan.

The Economic and Special Council of the United Nations passed a resolution on 30th July, 1968 on the question of convening an International Conference on problems of human environment. In the United Nations Conference on Human Environment at Stockholm from 6th to 16th June, 1972, proclamation was made on United Nations on Human Environment. It was stated in the proclamation in these profound words:

"Man is both creature and moulder of his environment which gives his physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of men's environment, the natural and the man made, are essential to his well being and to the enjoyment of basic human rights even the right to life

itself.

The protection and improvement of the human environment is a major issue which affects the well being of people and economic development throughout the world, it is the urgent desire of the peoples of the whole world and the duty of all Governments."

When the necessity to promote the environment turned grave, doubt was expressed by some commentators whether the issue of the environment would last. They have been proved wrong, since it is clearly one of the big issues, perhaps the biggest issue of the 1990s. It is a big issue in political terms, since protection of the environment is high on most people's priorities for the 1990s. As a result political parties and Governments are falling over each other in their eagerness to appear green, even if as yet their actions rarely match their rhetoric. It is big in terms of the size of the problem faced and the solutions required; global warning, the destruction of the ozone layer, acid rain, deforestation, overpopulation and toxic waste are all global issue which require an appropriately global response. It is big in terms of the range of problems and issues air pollution, water pollution, noise pollution, waste disposal radioactivity, pesticides, countryside protection, conservation of wildlife the list is virtually endless. As observed by Simon Bell and Stuart Bell in 'Environmental Law' :

".....In the words of the White Paper on the Environment. This Common Inheritance (cm. 1200, 1990) the issues range 'from the street corner to the stratosphere.' Finally, it is big in terms of the knowledge and skills required to understand a particular issue. Law is only one element in what is a major cross-disciplinary topic. Lawyers need some understanding of the scientific, political and economic processes involved in environmental degradation. Equally all those whose activities and interests relate to the environment need to acquire an understanding of the structure and content of environmental law, since it has a large and increasing role to play in environmental protection."

Apart from the direct cost to business of complying with stricter regulatory controls, the potential liabilities for non-compliance are also increasing. These liabilities fall into five general categories :

(a) Criminal liabilities;

The number of criminal offences for non-compliance with environmental legislation is immense, and in recent years the regulation agencies have shown an increased willingness to resort to prosecution. Private prosecution is also a possibility. Fines will be the normal penalty, though in a number of cases sentences of imprisonment have been imposed (there is normally a potential personal liability for directors and senior managers). Maximum fine levels have risen in recent years, as have actual levels of fines imposed.

(b) Administrative sanctions :

In most regulatory systems there is a range of options available to the regulator, including variation, suspension or revocation of a licence. Since these steps may lead to the closure of a plant, they are obviously of great importance.

(c) Clean up costs :

In most environmental legislation there is a power to clean up after a pollution incident and receive the cost from the polluter or (in some cases) the occupier.

(d) Civil liability :

There is growing interest in the toxic torts, although many of the actions have in fact been around for a long time. Many environmental actions rest upon strict liability. Although liability may often be difficult to establish, the size of claims may be very high indeed.

(e) Adverse publicity :

In practice the publicity attracted as a result of infringements of the

law may be as costly as any direct costs.
The tide of judicial considerations in environmental litigation in India symbolizes the anxiety of Courts in finding out appropriate remedies for environmental maladies. At global level, the right to live is now recognized as a fundamental right to an environment adequate for health and well being of human beings. (See World Commission on Environment and Development - Our Common Future (1987). To commemorate the tenth anniversary of the Stockholm Conference, the World Community of States assembled in Nairobi (May 10-18, 1982) to review the action taken on to implement Stockholm Declaration. It expressed serious concern about the state of environment world wide and recognized the urgent need of intensifying the effort at the global, regional and national levels to protect and improve it.

Progress and pollution go together. As this Court observed in M.C. Mehta and Anr. v. Union of India and Ors. (AIR 1987 SC 965), when science and technology are increasingly employed in producing goods and services calculated to improve the quality of life, there is certain element of hazard or risk inherent in the very use of science and technology and it is not possible to totally eliminate such hazard or risk altogether. We can only hope to reduce the element of hazard or risk to the community by taking all necessary steps for locating such industries in a manner which would pose least risk of danger to the community and maximizing safety requirements. As observed in the United Nations Conference held at Stockholm in June, 1972, economic and social development was essential for ensuring a favourable living and working environment for man and for creating condition on earth that were necessary for the improvement of the quality of life.

The tragedy of the predicament of the civilized man is that 'Every source from which man has increased his power on earth has been used to diminish the prospects of his successors. All his progress is being made at the expense of damage to the environment which he cannot repair and cannot foresee'. There is increase in awareness of the compelling need to restore the serious ecological imbalances introduced by the depredations inflicted on nature by man. The state to which the ecological imbalance and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible. In his foreward to International Wild Life Law, M.R.M. Prince Philip the Duke of Edinburgh said :
"Many people seem to think that the conservation of nature is simply a matter of being kind to animals and enjoying walks in the country-side. Sadly, perhaps, it is a great deal more complicated than that..... As usual with all legal systems, the crucial requirement is for the terms of the conversions to be widely accepted and rapidly implemented.....Regretfully progress in this direction is proving disastorously slow." (See International Wildlife Law by Simon Lyster, Cambridge, Grotius Publications Ltd. 1985 Edn.)

The United National General Assembly adopted on October 29, 1982, 'the World Charter for Nature'. The Chapter declares the Awareness that :
"(a) Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.

(b) Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation."

Towards the end of his reign, King Asoka in the third century B.C. issued a decree that it has a particularly contemporary ring in the matter of

preservation of wild life and environment. He had written :
"Twenty-six years after my coronation, I declare that the following animals were not to be killed, parrots, mynas, the aruna, ruddy geese, wild geese, the nandimukha, cranes, bats, queen, ants, terrapins, boneless fish, rhinoceroses..... and all quadrupeds which are not useful or edible.....Forest must not be burned."

To protect and improve the environment is a constitutional mandate. It is a commitment for a country wedded to the ideas of a welfare State. The world is under an impenetrable cloud. In view of enormous challenges thrown by the Industrial revolution, the legislatures throughout the world are busy in their exercise to find out means to protect the world. Every individual in the society has a duty to protect the nature. People worship the objects of nature. The trees, water, land and animals had gained important positions in the ancient times. As Manu VIII, page 282 says different punishments were prescribed for causing injuries to plants. Kautilya went a step further and fixed the punishment on the basis of importance of the part of the tree. (See Kautilya III, XIX, 197)

As observed by this Court in Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (AIR 1987 SC 359), natural resources have got to be tapped for the purpose of social development but one cannot forget at the same time that tapping of resources has to be done with requisite attention and care so that ecology and environment may not be affected in any serious way; there may not be any depletion of water resources and long-term planning must be undertaken to keep up the national wealth. It has always to be remembered that these are permanent assets of mankind and are not intended to be exhausted in one generation.

The Academy Law Review at pages 137-138 says that a recent survey reveals that every day millions of gallons of trade wastes and effluents are discharged into the rivers, steams, lake and sea etc. Indiscriminate water pollution is a problem all over the world but is now acute in densely populated industrial cities. Our country is no exception to this. Air pollution has further added to the intensity and extent of the problem. Every year millions of tons of gaseous and particulate pollutants are injected into the atmosphere, both through natural processes and as a direct result of human activity. Scientists have pointed out that earth's atmosphere cannot absorb such unlimited amount of pollutant materials without undergoing changes which may be of an adverse nature with respect to human welfare. Man in order to survive in his planetary home will have to strike the harmonious balance with nature. There may be boundless progress scientifically which may ultimate lead to destruction of man's valued position in life. The Constitution has laid the foundation of Articles 48-A and 51-A for a jurisprudence of environmental protection. Today, the State and the citizen are under a fundamental obligation to protect and improve the environment, including forests, lakes, rivers, wildlife and to have compassion for living creatures.

A learned Jurist has said, the Rig Veda praises the beauty of the dawn (usha) and worships Nature in all its glory. And yet today a bath in the Yamuna and Ganga is a sin against bodily health, not a salvation for the soul so polluted and noxious are these 'Holy' waters now. "One hospital bed out of four in the world is occupied by a patient who is ill because of polluted water.....Provision of a safe and convenient water supply is the most important activity that could be undertaken to improve the health of people living in rural areas of the developing world." (W.H.O.) "Nature never did betray. That heart that loved her." (Wordsworth). The anxiety to save the environment manifested in the Constitution (Forty-Second Amendment) Act, 1976 by the introduction of a specific provision for the first time to "protect and improve" the environment. Man is Nature's best promise and worst enemy. If industry is necessity, pollution inevitable. Since progress and pollution go together, there can be no end of progress, and consequently, no escape from pollution. If industry is necessary evil, pollution surest

sufferance. Several enactments have been made to combat pollution. "Pollution" is noun derived from the transitive verb "pollute" which means to make foul or unclean, dirty, to make impure or morally unclean. In Halsbury's Laws of England (Forth Edition, Volume 38, para 66) "pollution" means the direct or indirect discharge by man of substances or energy into the aquatic environment resulting in hazard to human health, harm to living resources and aquatic ecosystems, damage to amenities on interference with other legitimate use of water.

In Divisional Forest Officer and Ors. v. S. Nageswaramma (1996 (6) SCC 442) it was observed that the renewal of lease is not a vested right of the lessee. There is a total prohibition against the grant of mining lease in a forest area without concurrence of the Central Government. As was observed by this Court in M.C. Mehta v. Kamal Nath and Ors. (1997 (1) SCC 388), our legal system based on English Common Law includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

The aesthetic use and the pristine glory cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for public good and in public interest to encroach upon the said resources.

It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. The balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship.

In this background, the Environment Impact Assessment reports are of great importance. The Council on European Economic Committee in their directive to the member States highlighted objectives of such assessments as follows:

"The effect of a project on the environment must be assessed in order to take action of the concerns to protect human health, to contribute by means of a better environment to the quality of life, to ensure maintenance of the diversity of species and to maintain the reproductive capacity of the eco-system as a basic resource of life."

A few decisions taken at the Convention on Biological Diversity dated 5th June, 1992 would be relevant.

The Preamble, inter-alia, contains the following:

"Concerned that biological diversity is being significantly reduced by certain human activities. Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures. Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source. Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of

species in their natural surroundings."

Articles 1, 6, 7 and 14(a) are also important.

Article 1: Objectives-

The objectives of this Convention to be pursued in accordance with its relevant provisions are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Article 6: General measures for conservation and sustainable use-

Each contracting party shall, in accordance with its particular conditions and capabilities:

(a) develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adopt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the contracting party concerned; and

(b) integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 7: Identification and Monitoring

Each contracting party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annexure 1;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to sub-paragraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to sub-paragraphs (a), (b) and (c) above.

Article 14(a): Impact Assessment and Minimizing

Adverse Impacts-

Each contracting party, as far as possible and as appropriate, shall:

(a) introduce appropriate procedures requiring environment impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures."

Sustainable development is essentially a policy and strategy for continued economic and social development without detriment to the environment and natural resources on the quality of which continued activity and further development depend. Therefore, while thinking of the developmental measures the needs of the present and the ability of the future to meet its own needs and requirements have to be kept in view. While thinking of the present, the future should not be forgotten. We owe a duty to future generations and for a bright today, bleak tomorrow cannot be countenanced. We must learn from our experiences of past to make both the present and the future brighter. We learn from our experiences, mistakes from the past, so that they can be rectified for a better present and the future. It cannot be lost sight of that while today is yesterday's tomorrow, it is tomorrow's yesterday.

The greenery of India should not be allowed to be perished, to be replaced by deserts. Euthopia which at a point of time was considered to be one of the greenest countries, is virtually a vast desert today.

The Union Government framed National Forest Policy in 1988. Though the basic objectives are very laudable, it is sad to note that it has virtually been confined in papers containing it, and not much has been done to translate them into reality. Nevertheless, it reflects anxiety of the Union Government to protect and preserve natural forests with vast variety of flora and fauna, representing biological diversity and genetic resources of the country.

Duty is cast upon the Government under Article 21 of the Constitution of India to protect the environment and the two salutary principles which govern the law of environment are: (i) the principles of sustainable development and (ii) the precautionary principle. It needs to be highlighted that the Convention on Biological Diversity has been acceded to by our country and, therefore, it has to implement the same. As was observed by this Court in Vishaka and Ors. v. State of Rajasthan and Ors. (1997 (6) SCC 241), in the absence of any inconsistency between the domestic law and the international conventions, the rule of judicial construction is that regard must be had to international convention and norms even in construing the domestic law. It is, therefore, necessary for the Government to keep in view the international obligations while exercising discretionary powers under the Conservation Act unless there are compelling reasons to depart therefrom.

The United Nations Conference on Human Environment held in Stockholm during June 1972 brought into focus several alarming situations and highlighted the immediate need to take steps to control menace of pollution to the Mother Earth, air and of space failing which, the Conference cautioned the mankind, it should be ready to face the disastrous consequences. The suggestions noted in this Conference were reaffirmed in successive Conference followed by Earth Summit held at Rio-de Janeiro (Brazil) in 1992.

So far as the effect of Rule 24B of the Minerals Rules is concerned, it is to be noted that Section 2(ii) of the Conservation Act rules out non-forest activities. The Section begins with a non-obstante clause providing that

notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government any order of the nature enumerated in the provision. Section 3 of the Conservation Act deals with constitution of Advisory Committee and Section 4 deals with power to make rules. Rules 4, 5 and 6 of the Forest Conservation Rules, 1981 (in short 'Conservation Rules') are relevant. Rule 4 deals with procedure to make proposal by a State Government or their authority. Rule 5 deals with the powers of the Committee to advise on proposals received by the Central Government. The Committee referred to therein is the one constituted under Section 3 of the Act. Rule 6 deals with action of the Central Government on the advise of the Committee. Admittedly, the Central Government has not accorded the approval for use of any forest land or any portion thereof for being used for any non forest purpose. That being so, Rule 29(b) of the Mineral Rules cannot be of any assistance to the company. So far as the order dated 14.11.2000 in W.P. 337/2000 is concerned, it is clear therefrom that de-reservation of forests, sanctuaries and national parks was prohibited. Therefore, exclusion of company's land in terms of the Notification under Section 35(4) of the Act though same was being used for mining by the company, was not in order to that extent.

So far as the letter dated 6th July, 1999 of the Government of Karnataka is concerned, it does not in any way help the company and on the contrary makes its case more brittle. A few paragraphs of the said letter need to be noted here:

x x x x x x x

"Considering the above and as the present lease will expire on 24.7.99, the P.C.C.F. has recommended for grant of temporary working permission to the above company to carry out the mining activities for a period of 2 years so as to avoid hardship to it, which is a Government of India Undertaking. Further, Environment Impact Assessment and studies on impact of mining on flora and fauna in this sensitive area is to be carried out by the reputed Environmental Institute and Wildlife Institute respectively that is by Environmental Research Institute, Nehrunagar, Nagpur (Maharashtra) and Wild Life Institute, Dehradun (Uttar Pradesh). After these studies are conducted and based on the recommendations to be made by these Institutes to minimize the environmental damage it can be decided whether to allow the mining and renew the lease or otherwise in favour of M/s. Kudremukh Iron Ore Company Ltd., in this sensitive area of Western Ghat Region.

x x x x x x x

Under the circumstances explained above, I am directed to request you to kindly communicate the approval of Government of India on the following proposals:

(i) for renewal of lease of 1452.74 hectares of forest land which is already broken up in favour of M/s. Kudremukh Iron Ore Company Ltd for a period of 20 years with effect from 25.7.1999.

(ii) to grant temporary working permission in the already broken up area of 1452.74 hectares forest land to the above company to carry out mining activities for a period of 2 years since the lease of forest land will expire on 24.7.1999."

x x x x x x x

It is an accepted fact that the Environment Impact Assessment Reports of the two named institutes have not been obtained. Therefore, in reality there was no Environment Impact Assessment report either before the State or the Central Government. Further, the request of the State Government was to grant temporary working permission in respect of already broken up area, pending fulfillment of conditions enumerated.

Coming to plea that in case of a renewal there is no requirement of compliance of Section 2 of the Conservation Act, the stand is clearly untenable in view of decisions in Ambica Quarry's case (supra) and Rural Litigation and Entitlement Kendera v. State of U.P. (AIR 1988 SC 2187) where at page 2201 it was observed that 'whether it is a case of first grant or renewal following exercise of option by the lessee, the compliance of Section 2 of the Conservation Act is necessary as a condition precedent'. It may be noted here that the area in question was declared to be a reserved area in 1960 and in 1987 the Notification under Section 35(1) was issued.

It is of significance that in the present case the Forest Advisory Committee under the Conservation Act on 11.7.2001 examined the renewal proposal in respect of the company's mining lease. It recommended that the mining may be allowed for a period of four years i.e. upto the year 2005 by which time the weathered secondary ore available in the already broken up area would be exhausted. The Ministry of Environment and Forests deferred a formal decision on the said recommendation as the matter was pending before this Court.

On consideration of the materials on record we find no reason to vary the majority view of the Committee, a statutory one when its findings and conclusions are based on assessments of the factual aspects and after duly considering the materials and Reports placed before it by the parties. We have also taken note of the period indicated by the Forest Advisory Committee, which is also a statutory Committee.

Taking note of the factual background and the legal position highlighted above, we think it proper to accept the time period fixed by the Forest Advisory Committee constituted under Section 3 of the Conservation Act. That means mining should be allowed till the end of 2005 by which time the weathered secondary ore available in the already broken area should be exhausted. This is, however, subject to fulfillment of the recommendations made by the Committee on eco-logical and other aspects.

The modalities as to how these have to be worked out shall be done in the manner recommended by the Committee. It was submitted by the learned counsel for the State of Karnataka that the recommendation made about transfer of buildings and other infrastructure to the Forest Department of the State Government at book value is not acceptable to it. This is a matter which can be considered by the Committee on an appropriate motion being made by the State before it. The modalities to be adopted to effectuate the order passed by this Court and recommendations of the Committee shall be worked out by the Ministry of Environment and Forests, the State Government and the company under the supervision and guidance and monitoring of the Committee.

Before we part with the case, we note with concern that the State and the Central Government were not very consistent in their approach about the period for which the activities can be permitted. Reasons have been highlighted to justify the somersault. Whatever be the justification, it was but imperative that due application of mind should have been made before taking a particular stand and not to change colour like a Chameleon, and that too not infrequently.

Certain proceedings have been initiated against the company for alleged violation of various statutes. These proceedings shall be considered by the respective forums/Courts in their proper perspective, uninfluenced by any observation made hereinbefore in this judgment.

The Interlocutory application is disposed of accordingly.

JUDIS

// True Copy //

CASE NO.:
Writ Petition (civil) 202 of 1995

PETITIONER:
T.N. Godavarman Thirumulpad

RESPONDENT:
Union of India & Ors.

DATE OF JUDGMENT: 26/09/2005

BENCH:
Y.K.Sabharwal,Arijit Pasayat & S.H.Kapadia

JUDGMENT:
J U D G M E N T
IA NO.826 IN IA NO.566
IN
WRIT PETITION (C) NO.202 OF 1995

[WITH IA NO.932 IN 819-821, 955, 958, 985, 1001-1001a, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1137, 1164, 1180-1181 AND 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1315-1316, 1318 AND 1319 IN WP (C) NO. 202 OF 1995]

Y.K. Sabharwal, J.

Natural resources are the assets of entire nation. It is the obligation of all concerned including Union Government and State Governments to conserve and not waste these resources. Article 48A of the Constitution of India requires the State shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country. Under Article 51A, it is the duty of every citizen to protect and improve the natural environment including forest, lakes, rivers and wild-life and to have compassion for living creatures.

In the present case, the question is about conservation, preservation and protection of forests and the ecology. When forest land is used for non-forest purposes, what measures are required to be taken to compensate for loss of forest land and to compensate effect on the ecology, is the main question under consideration.

Forests are a vital component to sustain the life support system on the earth. Forests in India have been dwindling over the years for a number of reasons, one of it being the need to use forest area for development activities including economic development. Undoubtedly, in any nation development is also necessary but it has to be consistent with protection of environments and not at the cost of degradation of environments. Any programme, policy or vision for overall development has to evolve a systemic approach so as to balance economic development and environmental protection. Both have to go hand in hand. In ultimate analysis, economic development at the cost of degradation of environments and depletion of forest cover would not be long lasting. Such development would be counter productive. Therefore, there is an absolute need to take all precautionary measures when forest lands are sought to be directed for non forest use.

The point in issue is whether before diversion of forest land for non-forest purposes and consequential loss of benefits accruing from the forests should not the user agency of such land be required to compensate for the diversion. If so, should not the user Agency be required to make

payment of Net Present Value (NPV) of such diverted land so as to utilize the amounts so received for getting back in long run the benefits which are lost by such diversion? What guidelines should be issued for determination of NPV? Should guidelines apply uniformly to all? How to calculate NPV? Should some projects be exempted from payment of NPV? These are the main aspects which require examination and determination in the backdrop of various legislations which we would presently notice.

The legislature to provide for conservation of forest and for matters connected therewith or ancillary or incidental thereto enacted the Forest (Conservation) Act, 1980 (for short, the 'FC Act'). It postulates that no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose. The Central Government under the FC Act has been empowered to constitute a Committee to advice it with regard to grant of approval. Under Section 2 of the Act the question of use of any forest land for non-forest purposes and any other matter connected with the conservation of forest may be referred to such a committee by the Central Government under the FC Act. The contravention of any of the provisions of Section 2 has been made an offence.

Noticing the decline in environment quality due to increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threats to life support system, the Environment (Protection) Act, 1986 (for short, the 'EP Act') has been enacted. It has been noted in the Statement of Objects and Reasons that although there are existing laws dealing directly or indirectly with several environmental matters, it is necessary to have a general legislation for environmental protection. Existing laws generally focus on specific types of pollution or on specific categories of hazardous substances. Some major areas of environmental hazards are not covered. There also exist uncovered gaps in areas of major environmental hazards. There are inadequate linkages in handling matters of industrial and environmental safety. Control mechanisms to guard against slow, insidious build up of hazardous substances, especially new chemicals, in the environment are weak. Because of a multiplicity of regulatory agencies, there is need for an authority which can assume the lead role for studying, planning and implementing long-term requirements of environmental safety and to give direction to, and co-ordinate a system of speedy and adequate response to emergency situations threatening the environment. The EP Act was, therefore, enacted to provide for protection and improvement of environment and for matters connected therewith.

The Central Government has been given wide powers to take measures to protect and improve the environment as provided under Section 3 including the power to constitute an authority or authorities for the purpose of exercising and performing such of the powers and functions, including the power to issue directions under Section 5, of the Central Government under the Act and for taking measures with respect to such of the matters referred to in sub-section (2) of Section 3 as may be mentioned in the order and subject to the prejudice and control of the Central Government. Section 5 of the EP Act empowers the Central Government, in exercise of its powers and performance of its function under the Act, to issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions. The Central Government has the power to direct the closure, prohibition or regulation of any industry, operation or process or stoppage of regulation of the supply of electricity or water or any other service.

Parliament has also enacted enactments to prevent and control water pollution and air pollution [The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981].

A statement was placed before this Court by the Central Government showing the position as on 20th March, 2000 of the cases approved for diverting forest lands, stipulation for compensatory afforestation under the FC Act and the compensatory afforestation done,

funds to be utilized and actually utilized. The Court noted the dismal situation as there was a shortfall to the extent of 36% of total afforestation compensatory or otherwise afforestation. It further noted that though funds had been realized by all the States in connection with such afforestation, a very large number of States had spent 50% or less amount on afforestation. In this background, taking suo moto action, notices were directed to be issued to the States mentioned in the Order dated 17th April, 2000 to explain as to why moneys realized have not been spent on carrying out afforestation.

On 23rd November, 2001, after considering the affidavits that had been filed, it was noted that large sums of money had been realized by various States from the user-agency to whom permits were granted to use forest land for non-forest purposes. The moneys were paid by user agencies to the State Governments for compensatory afforestation but the utilization was only about 83% of the funds actually realized by the State Governments, the shortfall being of nearly Rs.200 crores.
The Ministry of Environment and Forests (MOEF) was directed to formulate a scheme providing that whenever any permission is granted for change of use of forest land for non-forest purposes and one of the conditions of the permission is that there should be compensatory afforestation, then the responsibility of the same should be that of user-agency and it should be required to set apart a sum of money for doing the needful. In such a case the State Government will have to provide or make available land on which reforestation can take place and this land may have to be made available either at the expense of the user-agency or of the State Government, as the State Government may decide. It was decided that the scheme shall ensure that afforestation takes place as per the permissions which are granted and there should be no shortfall.
The scheme was submitted by MOEF alongwith an affidavit dated 22nd March, 2002.

The Central Empowered Committee (CEC) on consideration of relevant material including the scheme submitted by MOEF made its report (IA 826) containing recommendations dated 9th August, 2002. The report, taking note of the present system of compensatory afforestation as per guidelines issued by MOEF from time to time under the FC Act, the procedure for receipt and utilization of funds for compensatory afforestation, activities permissible under compensatory afforestation, adequate compensation for loss of forest land \026 recovery of Net Present Value, funds for catchment area, treatment plant and involvement of user-agency for compensatory afforestation, made the following recommendations :

(a) in addition to the funds realized for compensatory afforestation, net present value of the forest land diverted for non-forestry purposes shall also be recovered from the user agencies, while according approval under the Forest (Conservation) Act, 1980;

(b) a 'Compensatory Afforestation Fund' shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan funds, etc., shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the Ministry of Environment & Forests with the concurrence of Central Empowered Committee within one month;

(c) the funds received from the user-agencies in cases where forest land diverted falls within Protected Areas i.e. area notified

under Section 18, 26A or 35 of the Wild Life (Protection) Act, 1972, for undertaking activities related to protection of bio-diversity, wildlife, etc., shall also be deposited in this Fund. Such monies shall be used exclusively for undertaking protection and conservation activities in protected areas of the respective State/UT;

(d) the amount received on account of compensatory afforestation but not spent or any balance amount lying with the State/UT or any amount that is yet to be recovered from the user agency shall also be deposited in this Fund;

(e) besides artificial regeneration (plantations), the funds shall also be utilized for undertaking assisted natural regeneration, protection of forests and other related activities. For this purpose, site specific plans should be prepared and implemented in a time bound manner;

(f) the user agencies especially the large public sector undertakings such as Power Grid Corporation, NTPC, etc., which frequently require forest land for their projects should also be involved in undertaking compensatory afforestation by establishing Special Purpose Vehicle. Whereas the private sector user-agencies may be involved in monitoring and most importantly, in protection of compensatory afforestation. Necessary procedure for this purpose would be laid down by the MOEF with the concurrence of the Central Empowered Committee.

(g) Plantations must use local and indigenous species since exotics have long term negative impacts on the environment; and

(h) an independent system of concurrent monitoring and evaluation shall be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilization of funds.

The aforesaid report, inter alia, notes that there was general consensus amongst the States/Union Territories that the present practice of concentrating only on artificial regeneration through plantations should be dispensed with as it does not adequately compensates the loss of natural forest and that a part of the fund should also be used for assisted natural regeneration wherein the natural forests are allowed to regenerate and grow by undertaking silvicultural and cultural operations such as fire tracing, singalling of seedlings, protection, etc. These activities help in regenerating the rootstock which may exists in the degraded forests. Besides, this helps in restoring the natural forests, which is not possible through plantations. It also noted that to compensate for the loss of tangible as well as intangible benefits flowing from the forest lands which has been diverted for non-forest use, the NPV of such land is being recovered from the user agency in the States of Madhya Pradesh, Chhattisgarh and Bihar. In the states of Madhya Pradesh and Chhattisgarh, the NPV is being recovered at the rate of Rs.5.80 lac per hectare to Rs.9.20 lac per hectare of the forest land depending upon the quality and density of the forest land diverted for non-forestry use. The underlying principle for recovery of NPV was that the plantations raised under the compensatory afforestation scheme could never adequately

compensate for the loss of natural forests as the plantations require more time to mature and even then they are a poor substitute to natural forest. It noted that States/Union Territories as well as MOEF are of the view that in addition to the funds realized for compensatory afforestation, the NPV of the forest land being directed for non-forestry purposes should also be recovered from the user-agencies.

The MOEF, in principle, accepted the aforesaid recommendations of CEC. The order dated 29th October, 2002 notices this fact. Further noticing that no other State had filed any response to the report of CEC, the Court presumed that the State Governments were also not opposed to the said report and have accepted the same in the same manner as Union of India. On detailed examination of the report, the recommendations of CEC were accepted and Union of India was directed to frame comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the CEC. It was directed that the compensatory afforestation funds which had not yet been realized by the States shall be transferred to the aforesaid body by respective States and the user agencies within six months of its constitution. In addition, while according approval under the FC Act for change in user, the user-agency shall also pay into the said fund, the NPV of forest land diverted for non-forest purposes at the rate of Rs.5.80 lac per hectare to Rs.9.20 lac per hectare of forest land depending upon the quality and density of the land in question converted for non-forest use. The amount was subject to upward revision by the MOEF in consultation with CEC as and when necessary. The aforesaid recommendations of CEC were accepted.

An application (I.A.No.1046) was filed by the MOEF, inter alia, seeking directions that the NPV calculation shall be part of the detailed project report submitted to it for a forestry clearance under the FC Act. During the course of hearing, learned Solicitor General informed this Court that the Government was agreeable to the suggestions of CEC that money received from user-agencies for compensatory afforestation fund should be kept in an interest bearing account, though initially it had some reservations about it. Reference has also been made in the application about exemption being granted to some projects from payment of NPV, an aspect which we would consider later at an appropriate stage so also the basis of the calculation of the NPV. We may, however, note that although in the application it was stated that the format issued by the World Bank for calculation for NPV for the projects shall be the basis of its calculation, the learned Solicitor General stated that he was not relying upon the said format. Regarding the mining projects, the application mentions that there has to be difference in approach for mineral of high volume and low volume and low value and minerals of high value and low volume. It is stated that levying of flat rates of NPV per hectare basis will, therefore, not be rational. The application states that in case of mining, NPV should be calculated at the rate of 10% for the major minerals and 5% for the minor minerals to be levied on the annual royalty. An application (IA 1047) has also been filed by the Ministry of Mines, Government of India taking similar pleas as are taken in IA 1046 seeking directions that in mining NPV may be calculated at the rate of 10% and 5% as above noted.

Now, we may refer to Notification dated 23rd April, 2004 issued by MOEF in exercise of the powers conferred by sub-section (3) of Section 3 of the EP Act constituting an authority known as Compensatory Afforestation Fund management and Planning Authority (hereinafter referred to as 'CAMPA') for the purpose of management of money towards compensatory afforestation, NPV and any other money recoverable in pursuance of this Court's order and in compliance of the conditions stipulated by the Central Government while according approval under the FC Act for non-forestry uses of the forest land. The Executive Body of the Authority comprises of the following:

"(i) Director General of Forests and - Chairperson
Special Secretary, Ministry of
Environment and Forests, Government
of India

(ii) Addl.Director General of Forests (Forests) Ministry of Environment and Forests, Government of India - Member

(iii) Addl.Director General of Forests (Wildlife) - Member

(iv) Inspector General of Forests (Forest Conservation), Ministry of Environment And Forests, Government of India - Member

(v) Joint Secretary and Financial Advisor, Ministry of Environment and Forests, Government of India - Member

(vi) Chief Executive Officer (CEO) - Member

(vii) A professional ecologist, not being from The Central and State Government, for A period of two years at a time, for up Two consecutive terms." - Member

The powers and functions of the Executive Body are:

"(a) deployment of staff on contractual basis or on deputation;
(b) financial procedure;
(c) delegation of financial or administrative powers;
(d) other day-to-day working in respect of receipts of funds;
(e) investment of funds;
(f) expenditure on establishment and other overheads including office accommodation subject to the approval of the annual budget by the Governing Body."

The management of the fund is provided in clause 6.3 and the disbursement of the fund in clause 6.4 of the Notification. These clauses read as under:

"6.3 Management of the Fund:
(i) The amount collected by the CAMPA shall be invested in Reserve Bank of India, Nationalized Banks, Post Office, Government Securities, Government Bonds and deposits.
(ii) The non-recurring as well as recurring cost for the management of CAMPA including the salary and allowances payable to its officers and staff shall be met by utilizing a part of the income by way of accused interest on the funds invested by the CAMPA excluding income from funds received as per para 6.2(ii).
(iii) The expenditure incurred on independent monitoring and evaluation shall be borne by the CAMPA out of the income by way of interest on the funds invested by the CAMPA excluding income from funds received as para 6.2(iii).
(iv) The CAMPA shall get the annual accounts audited internally as well as externally through chartered accountant(s) who are

on the panel of the Comptroller and Auditor-General of India and the auditor(s) shall be selected on the approval of the Governing Body.

6.4 Disbursement of Funds:

(i) The money received for compensatory afforestation, additional compensatory afforestation may be used as per the site specific schemes received from the States and Union Territories along with the proposals for diversion of forest land under the Forest (Conservation) Act, 1980.

(ii) The money received towards Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.

(iii) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's order or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom shall be used exclusively for undertaking protection and conservation activities in protected areas of the States and the Union Territories and in exceptional circumstances, a part of the corpus may also be used subject to prior approval of the CAMPA.

(iv) CAMPA shall release monies to concerned State and Union Territory in predetermined installments through the State Level Management Committee as per the Annual Plan of Operation (APO) finalized by the concerned State and the Union Territory.

(v) The monies received in CAMPA from a State or the Union Territory as per para 6.2 and the income thereon after deducting expenditure incurred by the CAMPA on its establishment cost, monitoring and evaluation on a prorate basis shall be used only in that particular State or the union Territory."

Clause 6.6 provides for other functions and reads thus:

"(i) The CAMPA may establish Special Purpose Vehicles (SPV) for undertaking compensatory afforestation particularly by involving large public sector undertakings which frequently require forests and for their projects, in consultation and as far as possible with the concurrence of the CEC.

(ii) The CAMPA may also consider evolving new mechanism to generate additional sources of fund for forest conservation works and to create capacity and data base for better conceptualization and management of fund."

Having regard to the nature of the functions of the Executive Body of

the CAMPA, we find substance in the suggestion of learned Amicus Curiae that there should be more involvement of NGOs by including in the Executive Body, the conservationists, environmentalists, economists and experts in forestry. We are of the view that the Executive Body deserves to be expanded as, presently, only one professional ecologist is its member, remaining all being officers of the Government. We may note here that a forthright and fair stand was taken by the learned Solicitor General not only in regard to the constitution of CAMPA but on other aspects also, keeping in view the non-adversarial nature of the litigation. Learned Solicitor General submitted that the Government is committed to conserve the forest and protect the environments, and would implement, in letter and spirit, the directions issued by this Court.

In view of above, we direct that clause 2.2 shall be suitably amended so as to include two more environmentalists, one of whom may be expert in the field of forest and the other in the field of forest economy development. These members shall be included in the Executive Body in consultation with the Chairperson of the CEC.

Regarding clause 6.3(iv), it was suggested that there should be corporate accounting based on double entry system and auditing should be conducted by the Comptroller and Auditor-General (CAG). We see substance in this suggestion as well.

Clause (v) in 6.4 provides that the monies received in CAMPA shall be used only in that particular State or Union Territory. The clause seems to be too rigid. Many a times, the effect of degradation of environment or depletion of forest can be felt more in the adjoining area which may be in a different State or Union Territory. The effect of environmental degradation cannot be restricted to a particular area. The impact cannot be limited to the place of origin. Therefore, we direct that a suitable modification of the clause shall be made so as to provide that ordinarily expenditure shall be incurred in the particular State or Union Territory but leaving it to the discretion of the CAMPA to also incur expenditure in the State or Union Territory other than the one mentioned in clause 6.2 if it considers it necessary.

Clause 6.6 which by use of the word 'may' leaves it to the discretion of the CAMPA to establish Special Performance Vehicle (SPV) for undertaking compensatory afforestation deserves to be amended so as to substitute the word 'may' by the word 'shall' so that the regeneration is done by some SPV in specified areas.

Now, we come to the question of the guiding principle to be laid for determining the NPV. Reference was made to opinions of various experts laying down as to what is the concept of NPV and how it is to be calculated. The question is also about the legal and jurisdictional basis to levy NPV. Most of the States did not object to the recovery of the NPV from the user-agency but strenuously urged that since the land under the forest belongs to the State, the amount deposited by the user-agency as NPV shall be paid to them. It was also contended on behalf of the States that there should be no NPV on degraded forest. The further submission was that all public utility projects shall be exempted from payment of NPV. On the other hand, relying upon the principles of inter-generational equity and sustainable development, Mr. Harish Salve, learned senior counsel and Amicus Curiae contended that forest is a part of eco-system and, therefore, the value to be put and calculated is not only on trees and leaves but the basis has to be the preservation of bio-diversity. It is submitted that NPV is to be levied and collected not because property rights of the States are affected but on account of effect on ecology by conversion of forest land for non-forest purpose. Further, Mr. Salve submits that the basis for calculation of NPV should be the economic value, spread over a period of 50 years, which would be regenerational value for forest regeneration to be taken into account as opposed to restoration value, i.e., financial value. Regarding legal and jurisdictional basis to levy NPV, Mr. Salve contended that there are various legal principles which act as source of power to levy NPV. In this regard, reference has been made to provision of the FC Act, EP Act and Forest Policy of 1988. It is contended that these enactments and the policy are the measures taken by the legislature and the Government to discharge

the constitutional obligation to protect the environments. Reliance is also placed upon the doctrine of public trust, which learned counsel submits is a constitutional doctrine.

First, we may consider the meaning of NPV and determine what is NPV.

The NPV is the present value (PV) of net cash flow from a project, discounted by the cost of capital.

Forestry is a public project. It is important to bear in mind that a benefit received today is worth more than that received later. The benefit received today is in fact 'cost incurred' today. Time value of the cash inflow/outflow is important in investment appraisal. NPV is a method by which future expenditures (costs) and benefit are levelised in order to account for the time value of money. The object behind NPV is to levelise costs. What is the value of Rupee today would not be the value of Rupee say 50 years later. For example, let us have the starting point of value of Rupee in India in the year 2005 and analyse it with the value of Rupee that may be in the year 2050. Cost incurred or to be incurred in 2050 have to be discounted by using appropriate parameters like rate of discount, gestation period, ratio of deflators to GDP. Therefore, expenses incurred in each year between say 2005 and 2050 have to be brought down to their present values by using appropriate discount rate in the NPV.

The project like forestry has long gestation period of 40-50 years. It goes through cost cycles each year depending upon inflation, rate of interest, internal rate of return etc. Therefore, costs for the year 2005 will differ from the cost of 2006 and cost of 2006 will differ from that of the year 2007 and so on and so forth. However, this constitutes what is called as conventional method of accounting cost which does not take into account social and economic cost of diversion of forest.

Cost is a function of the discount rate (a measure of the value of capital) used. Under NPV, all costs are discounted to some reference date which we have taken as 2005 for illustration. The total cost reckoned at this reference date is the sum of present value or future value of costs discounted to the year 2005. Similarly, one can calculate the present value of the revenues from the expected benefits of forest regeneration.

The question then is why charge NPV. In the case of a conventional project like Hydro-electric Project, the accounting procedure is normally based on Return On Investment (ROI) in which the unit cost of energy includes return on capital, investment, depreciation of capital, annual fuel cost and operational and maintenance costs. However, ROI excludes the time value of money. It also excludes the gestation period of the project. Therefore, we have the NPV method which discounts future costs and future benefits by use of appropriate discount rate and brings down such costs and benefits to the reference date which in the present case has been assumed to be the year 2005.

The question, which we have to answer, is concerning the relevance of fixing appropriate discount rate in valuation of the costs and benefits arising from forestry as a project.

The value of any asset is discounted by present value of the economic benefits it will generate in future years. For example, timber asset value is the discounted future stumpage price for mature timber after deducting costs of bringing the timber to maturity. NPV is one of the methods for valuation of standing timber. The general expression V for the value of an asset, in the base year 0, is simply the sum of the net economic benefits it yields in each year over the life time, T, of the Asset, discounted to the present value by the discounted rate.

The current method of valuing public sector projects, like forestry, has become contentious as public sector undertakings agrees for lower discount rate on account of long gestation period. However, the flaw with this argument is that the low rate of return is computed without including the intangible or environmental impacts/benefits emanating from forest.

How does one value the intangibles? There are several methods, viz, opportunity cost, replacement cost, travel cost, contingent value method (CVM) and social benefit cost analysis (SBCA).

SBCA can be applied to the evaluation of environmental impacts of forestry projects. Here, one must appreciate that the environmental

outputs from forests appear as public goods for which there is no market. Various environmental outputs can be classified into this category, namely,

Flood Control Benefits
Water Production
Soil Conservation
Outdoor Recreation
Biodiversity & Conservation
Habitat
Air Purification

The problem in valuation of the above outputs is: allocation of fixed costs according to the contribution of each product in total revenue. This is because except contribution of timber product, contribution of the other above-noted outputs is not known, especially intangible outputs. However, under SBCA, benefits from each of the above environmental outputs are identifiable. For example, flood control benefits arise because of the role of forests as stream regulator. Similarly, valuation method for each of the above outputs differs. In valuing biodiversity, CVM is useful. SBCA is helpful in placing monetary value on carbon storage on air purification.

The point is that for each of the above functions of the forests, different methods of valuation have to be applied. Various methods have been used to estimate the value of environment like CVM, Opportunity Cost Method, Travel Cost Method, SBCA etc. It would be appropriate if body of experts examine the aspect and report to this Court suggesting the best method depending on factors like gestation period, rate of discount (interest), density of the forest, social benefits of the project undertaken by PSU etc. They will take into account economic values associated with forests, viz., direct use values, indirect use values such as value of environmental benefits from the forest, option values and existence value.

The above discussion shows that NPV helps levelising the costs of public projects like forestry. It is an important tool of SBCA. Under SBCA, benefits from each of the above environmental outputs are identifiable. Hence, applying NPV, one can allocate levelised costs according to the contribution of each product in the total revenue. It is important to bear in mind that a benefit or cost received or incurred now is worth more than that received or incurred later. Therefore, using the appropriate discount rate helps to aggregate marginal benefits and costs. The choice of interest rate depends upon time preference. For public project, such as forestry, a social discount rate, which indicates time preference of the society, should be used.

Forest sustainability is an integral part of forest management and policy that also has a unique dominating feature and calls for forest owners and society to make a long-term (50 years or longer) commitment to manage the forest for future generation. One of the viewpoints for sustaining forest is a naturally functioning forest ecosystem. This view point takes a man and nature relationship to the point of endorsing to, the extent possible, the notion of letting forest develop and process without significant human intervention. A strong adoption of the naturalistic value system that whatever nature does is better than what humans do, this is almost the "nature dominates man" perspective. Parks and natural reserve creations; non-intervention in insect, disease and fire process; and reduction of human activities are typical policy situation. This viewpoint has been endorsed by 1988 Forest Policy of Government of India.
Yet another viewpoint recognizes the pragmatic reality faced by the governments and the administrative, namely, trees don't vote while people do. Some of the criteria reflecting key elements of ecological, economic and social sustainability are:

1. Conservation of biological diversity.
2. Maintenance of productive capacity of forest ecosystems.
3. Maintenance of forest ecosystem health and vitality.
4. Conservation and maintenance of soil and water resources.
5. Maintenance of forest contribution to global carbon cycles.

6. Maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies.
7. Legal, institutional and economic framework for forest conservation and sustainable management.

An expert dealing with principles and applications of forest valuation, on the aspect of value of inputs and outcomes and conditions, says :
"Decision making in forest management requires that we understand the relative values of inputs, outcomes, and conditions. Cost values for inputs such as labour, capital, interest, supplies, legal advice, trades, and other management activities as well as the market value of existing timber stands are relatively easy to obtain. Outcomes or resulting condition values are more difficult, but we need measures of the values of timberland, recreation, water, wildlife, visual amenities, biodiversity, environmental services, and ecological process to help guide management decisions. By understanding market, social and other values of forests, we can better allocate our scarce and valuable resources to attain the desired mix of outcomes and conditions."

The emphasis is on ecosystem management philosophy that has greater emphasis on integration, biological diversity and ecological processes.

In respect of working economic values of the outcome, it is said:
"In real world forest management situations, decision makers are faced with several alternatives and potentially large sets of criteria related to the ecological, economic and social impacts of these alternatives. It would be very easy to generate a nearly incomprehensible table that documented every physical, biological, economic, and social outcome and condition resulting from each management alternative. Such information could include outcome levels for water yield, sediment production, and timber growth; population trends for important wildlife species; and recreation use for backcountry and developed recreation sites. Similarly, information on the economic value of these outcomes can be estimated by means of the methods discussed in chapter 8 and added to our impact table. To this avalanche of information, we could add the impacts on the social well-being of local and regional communities. The forest management analyst can easily overwhelm the decision makers and stakeholders with information."

Dealing with fundamental of decision analyses to achieve ecological, economic and social goals, it is said that what is to be broadly kept in view is:
"Ecological and environmental goals are important to forest managers, landowners, and their stakeholders, we need information about how decision alternatives affect such goals. These goals can be broadly stated as
1. Maintaining and enhancing forest productivity
2. Conservation of biological diversity
3. Protecting and enhancing environmental

conditions."

The aforesaid also shows that NPV as a tool of SBCA is required to be based on Total Economic Value (TEV). It indicates the components of TEV. It further shows what are the type of agency or experts which are required to examine these issues.

Dealing with co-relation between economics and environmental management, in 'Environmental Economics in practice' edited by Mr. Gopal K. Kadekodi in his write up through case studies, answers the question as to what has economics got to do with environmental management. The author says that economics is the science of explaining the behaviour of different agents who take part in production, consumption and distribution activities in the economy and make decisions regarding the use of resources. That, environmental economics focuses on market and non-market behaviour of different agents in the society regarding natural and environmental resources, viewed from intergenerational, inter-temporal and different institutional frameworks. (Emphasis supplied by us)

It is further stated that one of the major branches of economic theory is the 'theory of value'. Economic theory always makes a distinction between value and price. Answering the question as to why value natural resources specifically, it is stated that one reason is that there is no market for ecosystem services such as nutritional cycle, carbon sequestration, watershed functions, temperature control, soil conservation etc. It is also stated that assuming there are markets, they do not do their job well. This market may be regulated one. There may be restrictions on entry as a result of licensing or rationing introduced by the Government. For the above reasons, it is concluded that valuation beyond the present is necessary and for natural resource Accounting NPV method is a must.

Mr. Salve advocates for Total Economic Value (TEV) on the ground that TEV expresses the full range of value or benefits \026 both tangible and intangible. Basically, it is understood that natural and environmental resources provide several 'use values' and 'non-use values' to enhance human welfare and provide sustainability to all lives (often termed as anthropogenic values). Conceptually, it is the sum of use values (UV) and non-use value (NUV) which constitutes the TEV. Further elaborations UV, option value (OV) non-use value (NUV) etc. have been given. The UV, it is stated, can be further broadly classified into three groups \026 direct, indirect and option values. Direct Use Values (DUV) refer to the current use (consumption) of the resources and services provided directly by natural and environmental resources. Examples are the use of timber and non-timber forest products. Recreation (tourism to wildlife sanctuaries or Himalayan Glaciers, mountains), education, research etc., are examples of direct non-consumptive use values. Indirect Use Values (IUV) generally are referred to the ecological functions that natural resource environments provide. It can be broadly classified into three groups \026 watershed values, ecosystem services and evolutionary processes. The Optional Value (OV) is associated with the benefits received by retaining the option of using a resource (say a river basin) in the future by protecting or preserving it today, when its future demand and supply is uncertain. Take the example of the Narmada river basin.

It is not necessary to delve further in this matter since ultimately it would be for the experts to examine and assist this Court as to the Model to be adopted for valuation, namely, TEV, CVM, SBCA etc. It is for the experts to tell us as to what NPV should be applied in case of mines and different types of forests. We may only note that basis of these valuations is the theory of sustainable development, i.e., development that meets the needs of the present without compromising with the ability of future generations to meet their own needs. Despite various elaborations, definition of sustainable development, though very old, still is widely accepted world over and has been reiterated by this Court in catena of cases.

Regarding the parameters for valuation of loss of forest, we may only note as to what is stated by Ministry of Environment and Forests, Government in its handbook laying down guidelines and clarifications upto

June 2004 while considering the grant of approval under Section 2 of the FC Act. Dealing with environmental losses (soil erosion, effect on hydrological cycle, wildlife habitat, microclimate upsetting of ecological balance), the guidelines provide that though technical judgment would be primarily applied in determining the losses, as a thumb rule, the environmental value of one hectare of fully stocked forest (density 1.0) would be taken as Rs.126.74 lakhs to accrue over a period of 50 years. The value will reduce with density, for example, if density is 0.4, the value will work out at Rs.50.696 lakhs. So, if a project which requires deforestation of 1 hectare of forest of density 0.4 gives monetary returns worth over Rs.50.696 lakhs over a period of 50 years, may be considered to give a positive cost benefit ratio. The figure of assumed environmental value will change if there is an increase in bank rate; the change will be proportional to percentage increase in the bank rate. Ms. Kanchan Chopra, while conducting the case study of Keoladeo National Park in respect of economic valuation of biodiversity at the institute of economic growth, Delhi as a part of the Capacity 21 project sponsored by the UNDP and MOEF, Government of India examined the question as to what kind of values are to be taken into consideration. As per the study, different components of biodiversity system possess different kinds of value (1) a commodity value (as for instance the value of grass in a park), (2) an amenity value (the recreation value of the park) and/or (3) a moral value (the right of the flora and fauna of the park to exist). It is recognized that it is difficult to value ecosystem, since it possesses a large number of characteristic, more than just market oriented ones. It also leads to the need to carry out bio-diversity valuation both in terms of its market linkage and the existence value outside the market as considered relevant by a set of pre-identified stakeholders. It is, however, evident that while working out bio-diversity valuation, it is not trees and the leaves but is much more. Various techniques for valuing biodiversity that have been developed to assess the value of living resources and habitats rich in such resources have been considered by the author for her case study while considering the aspect of value, their nature and stakeholders interest. In so far as the value of ecology function in which the stakeholders or scientists, tourists, village residents, non-users, the nature of value is \026 regulation of water, nutrient cycle, flood control. These instances have been noted to highlight the importance of the biodiversity valuation to protect the environments. The conclusions and the policy recommendations of the author are:

"Biodiversity valuation has important implications for decision making with respect to alternative uses of land, water and biological resources. Since all value does not get reflected in markets, its valuation also raises methodological problems regarding the kinds of value that are being captured by the particular technique being used. Simultaneously, in the context of a developing country, it is important to evolve methods of management that enable self-financing mechanisms of conservation. This implies that biodiversity value for which a market exists must be taken note of, while simultaneously making sure that the natural capital inherent in biodiversity rich areas is preserved and values which are crucial for some stakeholders but cannot be expressed in the market are reflected in societal decision making.

A focus on both the above aspects is necessary. It is important to take note of the nature of market demand for aspects of biodiversity that stakeholders, such as tourists, express a revealed preference for by way of paying a price for it. Simultaneously, it is important to examine the extent to which a convergence or divergence exists between value perceptions of this and other categories of

stakeholders. It is in this spirit that two alternative methodologies are used here to arrive at an economic valuation of biodiversity in Keoladeo National Park. The travel-cost methodology captures the market-linked values of tourism and recreation. It throws up the following policy implications :

1. Keeping in mind the location of the park and the consequent joint product nature of its services, cost incurred locally is a better index of the price paid by tourists. It is found that demand for tourism services is fairly insensitive to price. A redistribution of the benefits and costs of the park through an increase in entry fee would not affect the demand for its services.

2. Cross-substitution between different categories of stakeholders can improve the financial management of the wetland. A part of the proceeds can go to the local management. Also, high-income tourists, scientists and even non-users with a stake in preservation can pay for or compensate low-income stakeholders for possible loss in welfare due to limits on extraction and use.

3. However, the limit to such a policy is determined by the number of visitors and their possible impact on the health of the wetland. Such a constraint did not appear to be operational in the context of the present park.

Identification and ranking of values of different aspects of biodiversity resources as perceived and expressed by different categories of stakeholders namely scientists, tourists, local villagers and non-users is an important object in the process of valuation. In the KNP study, a fair degree of congruence with respect of ecological function value and livelihood value is discovered to exist in the perceptions of diverse groups. Stakeholders as diverse as scientists, tourists, local villagers and non-users give high rankings to these uses."

Next question is to which expert reference shall be made. Counsel for parties agree that Institute of Medical Economic Growth is an institute of eminence having been set up about half a century earlier. It has also been pointed out that this Institute is getting regular maintenance and development grant from Indian Council of Social Sciences research (ICSSR). Further, it appears that the Institute is also receiving research and training grants from Ministry of Finance, Ministry of Health and Family Welfare and Ministry of Agriculture, besides National Bank for Agriculture and Rural Development. We have been informed that eminent faculty members in the institute are engaged in the field of research and Ms.Kanchan Chopra, (Ph.D. Economics, University of Delhi) is one such faculty member and her field of specialization is resources and environmental economics, agriculture and rural development and project evaluation. The matter deserves to be referred to a committee of experts in respect whereof we will in latter part of the judgment issue appropriate directions.

Next, we will deal with the contention of Mr. Venugopal who, appearing for State of Kerala, submitted that the State has no objection to the levy of NPV but the amount so received should come to the State. Referring to Notification dated 23rd April, 2004 constituting CAMPA,

learned counsel contended that clause 6.4 of the said Notification, which deals with disbursement of the funds, does not envisage the amount being disbursed to the State Government. Learned senior counsel also challenged the constitutional validity of the Notification. The contention put forth is that the Notification does not have any Parliamentary or Legislative control. Referring to various clauses of the notification, it was contended that fund sought to be created under CAMPA lacks accountability and puts aside financial control. There is a total lack of financial discipline which, learned counsel contends, is against the constitutional framework. It was further contended that the forests vest in the Government; the same are State properties and, therefore, all amounts received shall go to Consolidated Fund of India or Consolidated Fund of the State or to Public Funds, as the case may be. Reference has also been made to the provisions of the Comptroller and Auditor-General (Duties, Powers and Conditions of Service) Act, 1971 (for short, the 'CAG Act') and the submission is that no provision under the Notification shows that the account can be subjected to audit under the CAG Act. The contention, in short, is that constitutionally it is not permissible to any person or authority to hold funds collect on behalf of the Government. This is basis for urging that the Notification dated 23rd April, 2004 is unconstitutional.

For examining the nature of the fund sought to be regulated by CAMPA, brief reference is necessary to be made to some of constitutional provisions.

Article 110 in so far as the Parliament is concerned and Article 199 in so far as the State is concerned, while defining Money Bills make a deeming provision for certain contingencies. Article 110(1)(f) and Article 199(1)(f) read as under:

"110. Definition of "Money Bills".\027(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely :--

(a) to (d) \005.

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

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199. definition of "Money Bills".\027(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely :
(a) to (d) \005
(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money; or"

The contention is that Notification constituting CAMPA shall be deemed to be a Money Bill.

Articles 294 and 295 deal with succession to property, assets, rights, liabilities and obligations in certain cases as from the commencement of the Constitution of India, providing for vesting of the properties and assets in the Union and in the States. These articles were referred to contend that forest is the property and asset of the State.

Article 266 deals with Consolidated Fund of India and of the States. Article 283 deals with custody of the consolidated funds, contingency funds and the moneys credited to the public accounts. Article 284 deals with other monies received by public servants in courts and postulates the

same shall be paid into the public account of India or the public account of the State, as the case may be.

Article 266(1) deals with all revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India", and likewise the sum received by Government of State shall form one consolidated fund to be entitled "the Consolidated Fund of the State". Article 266(2) stipulates that all other public moneys received by or on behalf of the Government of India or the Government of a State shall be credited to the public account of India or the public account of the State, as the case may be.

Third category of receipt is in terms of Article 284 which is required to be paid into the public account of India or the public account of the State, as the case may be.

Chapter III of CAG Act deals with duties and powers of the Comptroller and Auditor-General. Section 10 thereof deals with compilation of accounts of Union and the States by CAG. Under Section 11, the CAG is required to prepare and submit accounts to the President, Governors of State and Administrators of Union Territories having Legislative Assemblies. Under Section 12, CAG is required to give information and render assistance to the Union Government and the State Governments. Section 13 sets out general provisions relating to audit. Under this provision, it shall be the duty of the CAG to audit all expenditure from the Consolidated Fund of India and of each State and of each Union Territory having a Legislative Assembly and to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it; to audit all transactions of the Union and of the State relating to contingency funds and public account; to audit all trading, manufacturing, profit and loss accounts and balance sheet and other subsidiary accounts kept in any department of the union or of a State; and in each case to report on the expenditure, transactions or accounts so audited by him. Section 14 of CAG Act deals with audit of receipts and expenditure of bodies and authorities substantially financed from Union or State revenues. Section 15 provides for the functions of CAG in the case of the grants or loans given to other authorities or bodies. Section 16 deals with audit of receipts of Union or of States and Section 17 with audit of accounts of stores and stock. Section 18 provides for the powers of CAG in connection with audit and accounts. The audit of Government companies and corporations by CAG is dealt with under Section 19. Section 20 is in the nature of a residuary provision providing that CAG, if requested by the President of India or the Governor of the State or the Administrator of Union of Territory having a Legislative Assembly to undertake the audit of the accounts of such other body or authority of which audit has been entrusted to CAG, the CAG shall undertake such audit. Chapter III shows the responsibility of CAG to conduct audit in the manner provided in the law or on request made for the audit in the manner provided under Section 20.

Relying on aforesaid constitutional provisions and also of CAG Act, it was contended that the notification constituting CAMPA is unconstitutional as it does not stipulate that the amounts collected on behalf of Government shall go to the relevant consolidation fund or to public fund. Further, no provision has been made for audit under the CAT Act. To examine this contention, it is necessary to determine the nature of Fund dealt with by CAMPA.

The background under which the fund came to be created has already been noted. Noticing fast depletion of forests, the fund was ordered to be utilized for protection of forests and environments. The environments are not the State property and are national asset. It is the obligation of all to conserve the environments and for its utilization, it is necessary to have regard to the principles of sustainable development and inter-generational equity.

Reverting now specifically to forests, if it becomes necessary for

economic development to use the same for non-forest purpose, then before grant of permission for diversion of forest land, there should be some scheme whereunder loss occurring due to such diversion can be made up by adopting both short term measures as well as long term measures one of it being a regeneration programme. Natural regeneration is a long process. It requires huge amounts. It requires a policy and direction. It requires proper use of funds for regeneration of depleted forest and ecology. The natural resources like forests are in trust with the present generation. In this light, various statutes noted above have been enacted by the Parliament. Keeping in view the letter and spirit of those statutes and constitutional provisions, the legality of CAMPA and the power to issue directions for natural regeneration and utilization of funds is required to be appreciated. The body set up or fund generated to protect ecology and provide for regeneration cannot in constitutional scheme of things be considered and treated as a fund under Article 266 or Article 283 or Article 284 of the Constitution of India. When seen in this light, neither Article 110 nor Article 199 and/or Article 294 or 195 would have any application. There is an additional reason for the view that NPV will not fall under Article 110 or 199 or 195 of the Constitution. Our constitution draws a distinct line between a "TAX" and a "FEE". In case of Ratilal Panachand Gandhi v. State of Bombay & Ors. [1954 SCR 1055], one of the questions which arose for determination was regarding constitutional validity of Section 58 of Bombay Public Trust Act, 1950. That section makes it obligatory on every Public Trust to pay to the Administration Fund a contribution at such time and in such manner as may be prescribed. Under the rules, the contribution was fixed at the rate of 2% per annum upon the gross annual income of every Public Trust. Failure to pay such contribution was made liable to penalty under Section 66 of the Act. It was contended on behalf of the Trustees that the levy of contribution under Section 58 was in substance the levy of a tax, it was beyond the competence of the State legislature to enact such a provision. This argument was rejected by this Court by holding that the Administration Fund constituted under Section 57 of Bombay Public Trust Act was a Special Fund which was to be applied exclusively for payment of charges for expenses incidental to the regulation of Public Trusts and in carrying into effect the provisions of the Act. Under Section 57 Special Fund vested in the Charity Commissioner. That Fund was set up from the charges levied on various Trusts in the State. The Fund was to be managed by the Charity Commissioner. All investments were to be made by the Charity Commissioner. All disbursements were to be made by him in the manner prescribed by the rules. The collections of these charges, deployed in the Special Fund, were not merged in the general revenue, but these collections were earmarked and set apart for the purposes of the Act. This Court further noticed that the Charity Commissioner and the servants appointed under the Act drew their salary from the Consolidated Fund of the State. However, this Court observed that Section 57 was enacted to facilitate the Administration and not with a view to mix up the Fund with the general revenue collected for government purposes. Therefore, this Court held that Public Trusts Administration Fund was set up to meet all expenses of the administration of Trust property within the scheme of the Act and it is to meet such expenses that they levy was made and collections were effected. Therefore, this Court held that such payments were levied for rendering service which the State considers beneficial in public interest. In the circumstances, it was held that Section 57 and Section 58 of the 1950 Act were not ultra vires the State legislature because they did not levy a tax but they levied a fee which came within Entry 47 of List III of Seventh Schedule to the Constitution, which reads as under:

"47. Fees in respect of any of the matters in this List, but not including fees taken in any court."

Thus reading Entry 47 with Entry 20 of the same List, the imposition of NPV is a charge or a fee which falls within Entry 47 read with Entry 20 of List III of Seventh Schedule to the Constitution. The Fund set up is a part "of economic and social planning" which comes within Entry 20 of List III

and the charge which is levied for that purpose would come under Entry 47 of List III and, therefore, Article 110 is not attracted.

To sustain ecological, economic and social values, in so far as forests are concerned, primarily, it is a question of Forest Management. In the introduction chapter of Forest Management, Fourth Edition, co-authored by Lawrence S. Davis, Professor Emeritus, University of California-Brakeley, K. Norman Johnson, Orgeon State University, Peter S. Bettinger, Orgeon State University and Theodore E. Howard, University of New Hampshire, authors have said that "forest management remains the attempt to guide forests toward a society's goals. A forest manager is the catalyst of this effort. As such, the manager needs an earthy understanding of biological process; a knowledge of animals and their habitats; an appreciation of streams and their environments; the long-range viewpoint of a planner; the patience of a labour negotiator, the skills of an administrator; and the alertness, flexibility and all-round resourcefulness of a successful business executive. Above all, the forest manager requires a genuine sense and feeling for the forest as an entity." This objective is to be borne in mind while considering the question of ecology as opposed to mere compensatory afforestation. Compensatory afforestation is only a small portion in the long range efforts in the field of regeneration. It has been said that recognizing the aforesaid uniqueness while applying the principles of management is the heart of forest management.

Forest Management planning involves a blend of ecological, economic and social systems with the economic and social sides of planning often just as complex as the ecological sides. Table 1.1 gives examples of decisions needed in the management of forest as under :

"Table 1.1

Examples of decisions needed in the management of forests

Type of decision	Example
Extent and distribution of reserves	Wilderness
Management emphases for areas where active management will occur	Big game emphasis, high-intensity timber production, scenic areas
Types of activities allowed	Timber harvest, prescribed fire
Aggregate harvest level over time	Evenflow, nondeclining yield
Silvicultural system	Even-aged, uneven-aged
Age structure of forest	Areas by 10-year age classes
Size and shape of treatment units	Small units versus large units
Spatial pattern of treatment units	Concentrated or dispersed cutting blocks
Protection strategy	Wildfire suppression policy
Vertical and horizontal diversity/stand density	

Approach to partial cutting
and prescribed burning
Regeneration harvest timing
Rotation age (even-aged),
cutting cycle (uneven-aged)
Regeneration method
Clearcutting, clearcutting
with leave trees,
shelterwood, selection,
prescribed fire, natural
disturbance."

When permission is granted by the Government of India to use the forest land for non-forest purposes, it is not unconditional. Conditions are attached mainly with a view to protect the environments and to make good the loss likely to occur by grant of such permission. The payment into such a fund or imposition of conditions are for the protection of natural resources. The Notification dated 23rd April, 2004 sets up a body to which payment is made so that the said body can carry out the statutory and constitutional obligations. Since the amount does not go to the accounts postulated by Article 283, the said provision shall have no application. Similarly, the provisions of the CAG Act would also have no application. At the same time, it may be noted that clause 6.3 stipulates the audit through Chartered Accountants on the panel of CAG. In order to provide for financial discipline, transparency and accountability, it would be appropriate to provide for corporate accounting on the principles of double entry system. We are further of the view that the accounts of the Fund shall be subjected to internal Statutory Audit, the Statutory Auditors to be taken from the panel of CAG. The internal audit shall be conducted every six months.

The duty to preserve natural resources in pristine purity has been highlighted in M.C. Mehta v. Kamal Nath & Ors. [(1997) 1 SCC 388]. After considering the opinion of various renowned authors and decisions rendered by other countries as well on environment and ecology, this Court held that the notion that the public has a right to expect certain lands and natural areas to retain their natural characteristics is finding its way into the law of the land. The Court accepted the applicability of public trust doctrine and held that it was founded on the ideas that certain common properties such as rivers, sea-shore, forests and the air were held by the Government in trusteeship for the free and unimpeded use of the general public. These natural resources have a great importance to the people as a whole that it would wholly unjustified to make them subject to private ownership. These resources being a gift of nature, should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. It was held that our legal system \026 based on English common law \026 includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of these resources. The State as a trustee is under a legal duty to protect these natural resources. Summing up the Court said :

"We are fully aware that the issues presented in
this case illustrate the classic struggle between
those members of the public who would preserve
our rivers, forests, parks and open lands in their
pristine purity and those charged with
administrative responsibilities who, under the
pressures of the changing needs of an
increasingly complex society, find it necessary to
encroach to some extent upon open lands
heretofore considered inviolate to change. The
resolution of this conflict in any given case is for

the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources."

In view of above, we hold that the natural resources are not ownership of any one State or individual, public at large is its beneficiary and, therefore, the contention of Mr. Venugopal that the amount of NPV shall be made over to the State Government cannot be accepted.

The Indian Forest Act was enacted to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. The focus of this Act is on the proprietary rights. Section 3 empowers the State Government to constitute any forest land or waste land which is the property of the Government or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled in a reserved forest in the manner provided in the Act. As provided in Section 5, no right can be acquired over the land in respect whereof notification has been issued under Section 4. In the manner provided in Section 11, the Forest Settlement Officer is empowered to acquire the land. Section 20 provides for declaration of reserved forest. No right in or over a reserved forest can be acquired, as provided in Section 23. Acts prohibited in respect of forests have been incorporated in Section 25. Section 29 deals with declaration of protect forest and Section 30 empowers the State Government to issue notification reserving trees etc. in a protected forest. The power of the State Government for protection of forest has been provided in Section 35. The power to impose duty on timber and other forest produce is contained in Section 39 of the Act.

From the above, it can be seen that scheme of 1927 Act is a State management and regulation of the forest. On the assumption that local communities were incapable of scientific management of forest, the British Government introduced Forest Policy and Management by setting up a forest department and enacting the Indian Forest Act, 1878 which was amended from time to time. By passage of time, it was found that the provisions of the said Act were not adequate and, thus, in order to consolidate the law relating to forest, the transit of forest produce and the duty leviable for timber and other forest produce, the Indian Forest Act, 1927 was enacted. To further tighten the management and regulation, the FC Act of 1980 was enacted. It became necessary for conservation of forest on realizing that there has been large scale of deforestation which is causing ecological imbalance leading to environmental deterioration. This led to enactment of the FC Act providing for prohibition for use of forest land for non-forest purpose by anyone including the State Government or other authorities except with the prior approval of the Central Government. This legislature was enacted, as already noted, after Forest and Wildlife were taken out from the State list and placed in the Concurrent list. At the same time, Article 48A was inserted in the Constitution of India for protection and improvement of environments and safeguarding forest and wildlife in the year 1977.

The basis objectives leading to the laying down of the National Forest Policy, 1988 may also be noted and also the need and requirement for its enforcement. This policy was framed on realizing that 1952 Forest Policy for the management of State forest in the country had not halted the

depletion of forests. It was, therefore, considered necessary to evolve a fresh policy for future to lay down new strategies of forest conservation which had become imperative. Conservation includes preservation, maintenance, sustainable utilization, restoration and enhancement of the natural environment. The principal aim of the forest policy is to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

The forest policy has a statutory flavour. The non-fulfillment of aforesaid principle aim would be violative of Articles 14 and 21 of the Constitution. The basic objectives of the Forest Policy, 1988 are:

"2.1 The basic objectives that should govern the National Forest Policy are the following:

-- Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.

-- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.

-- Checking soil erosion and denudation in the catchment areas of rivers, lakes reservoirs in the interest of soil and water conservation, for mitigating floods and droughts and for the retardation of silation of reservoirs.

-- Checking the extension of sand-dunes in the desert areas of Rajasthan and along the coastal tracts.

-- Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.

-- Meeting the requirements of fuelwood, fodder, minor forest produce and small timber of the rural and tribal populations.

-- Increasing the productivity of forests to meet essential national needs.

-- Encouraging efficient utilization of forest produce and maximum substitution of wood.

-- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimize pressure on existing forests.

2.2 The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim."

It has been recognized that one of the essentials for forest management is the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas to be strengthened and extended adequately.

The strategy under the Forest Policy is to have a minimum of one-third of the total land area of the country under forest or tree-cover. In the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile ecosystem. Clause 4.3 lays down the aspects of management of State forests. It would be instructive to reproduce hereunder certain parts of the Policy with a view to have clarity of the aim to be achieved.

"4.3.1. Schemes and projects which interfere with forest that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain an d such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forest, particularly in areas like Arunachal Pradesh, Kerala, Andaman and Nicobar Islands should be totally safeguarded.

4.3.2. No forest should be permitted to be worked without the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue necessary guidelines to the State Government in this regard and monitor compliance.

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4.4.1. forest land or land with tree cover should not be treated merely as a resource readily available to be utilized for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects which involve such diversion should be least provide in their investment budget, funds for regeneration/ compensatory afforestation.

4.4.2. Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should be required to repair and re-vegetate the area in accordance with established forestry practice. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

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4.6 Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to the following\027

-- One of the major cause for degradation of

forest is illegal cutting and removal by contractors and their labour. In order to put an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible;

-- Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;

-- Development of forest villages on par with revenue villages;

-- Family-oriented schemes for improving the status of the tribal beneficiaries; and,

-- Undertaking integrated area development programmes to meet the needs of the tribal economy in the around the forest areas, including the provision of alternative sources of domestic energy on a subsidized basis, to reduce pressure on the existing forest areas.

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4.8.1. Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There should be no regularization of existing encroachments.

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4.9. The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows :

-- As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of direct relationship between the factory and the individuals who can grow the raw material by support the individuals with inputs including credit constant technical advice and finally harvesting and transport services.

-- No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of local population should not be sacrificed for this purpose.

-- Forest-based industries must not only provide employment to local people on priority but also involve them fully in raising trees and raw-material.

-- Natural forests serve as a gene pool resources and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for undertaking plantation and for any other activities.

-- Framers, particularly small and marginal farmers would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel

and fodder species on community lands not required for pasture purposes, and by forest department/corporations on degraded forests, not earmarked for natural regeneration.

-- The practice of supply of forest produce to industry at concessional prices should cease. Industry should be encouraged to use alternative law materials. Import of wood and wood products should be liberalized.

-- The above considerations will, however, be subject to the current policy relating to land ceiling and land-laws.

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4.16. The objective of this revised Policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life-support systems and in preserving genetic diversity. Forest should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well being of the people and the Nation."

It is clearly a constitutional imperative to preserve and enhance forest cover as a natural gene pool reserve.

As opposed to the above, the ground reality has been depletion of forest.

The shift in the approach of the legislation is evident from the FC Act of 1980 when compared with the scheme underlying the Indian Forest Act, 1927 which was State oriented for conserving the Forest Policy of 1952. Further, in 1977, Forest and Wildlife were taken out from the State list and incorporated in Concurrent list. Considering compulsions of States and large depletion of forest, these legislative measures have shifted the responsibility from States to Centre. Moreover, any threat to the ecology can lead to violation of right of enjoyment of healthy life guaranteed under Article 21 which is required to be protected. The Constitution of India enjoins upon this Court a duty to protect environments.

The aforesaid background has been given to demonstrate that the object of amount of NPV is to utilize the fund to conserve the ecology without in any manner affecting proprietary rights of the State Government over the land, timber or the minerals. The Notification dated 23rd April, 2004 does not deprive any State of any land timber or mineral and, therefore, there is no question of disbursement of any amount to the State. The damage to environment is a damage to the country's assets as a whole. Ecology knows no boundaries. It can have impact on the climate. The principles and parameters for valuation of the damage have to be evolved also keeping in view the likely impact of activities on future generation.

We have already noted that this matter came to be examined on Central Government filing statement showing the dismal state of affairs of the forest in the country. It is evident that despite the FC Act and the forest policy the forests have been rapidly depleting. The forest policy recognizes this fact and, in fact, was involved to check the menace of fast eroding of forest in the country. Despite constitutional amendments made effective from the beginning of 1977 and despite various environmental laws enacted between 1974-1986 depletion of forest has not halted.

The State of Forest Report 1995 published by Forest Survey of India

when compared with the State of Forest Report 1997 also shows that there has been considerable depletion of forest cover. It also shows the limited regeneration. A comparison of the two reveals that total forest cover of the country decreased from 638,879 sq.km. to 633,397 sq.km., thus showing a net loss of 5,482 sq.km. Further it reveals that there has been a net decrease of 17,777 sq.km. of dense forest cover of the country while open forests and mangroves have increased by 12,001 sq.km. and 294 sq.km respectively. The redeeming feature, however, is an improvement which can be seen from the State of Forest Report 2001. Learned Amicus Curiae submits that improvement is a result of strict vigil on account of various orders passed by this Court from time to time. It cannot be doubted that it is necessary to continue the efforts for regeneration of forest.

It would also be useful to make a mention of the order dated 22nd September, 2000 passed by this Court which led to grant of sanction of rupees 1,000 crores for maintenance of forest under the 12th Finance Commission (2005-2010). The said order took note of the fact that felling of the trees is far in excess of what would be justified with reference to regeneration, and the main cause is non-availability of sufficient funds. It also notices that even with regard to the felling of trees as per working plans in the last three years, the corresponding prescription for regeneration has not been implemented. It further notices that there cannot be any felling without regeneration because that will, over a period of time, only result in forest vanishing. Further, the order says that the shortfall of regeneration which has resulted in depletion of forest cover has to be made up. The court took note of the suggestion that for regeneration there should be a joint venture between State of Madhya Pradesh \026 a State having a large forest area, and the Central Government whereby the working capital, in whole or substantially the whole, can be provided by the Central Government and the regeneration of degraded forests carried out. Taking an overall view, it is important for the nation that in certain areas where natural forest exists, the same should be preserved and at the same time the Central Government should consider whether the deficient States should not be asked to contribute towards the preservation of the existing forest cover and the compensation/incentive given to the forest rich States to preserve and regenerate forests. In a sense, there should be a partnership of all the States to ensure the maintenance and improvement of forest cover. It was observed that this suggestion should be considered by a Committee of Secretary (MOF) and the Secretary (MOEF) in consultation with the Chief Secretaries of all the States.

Para 14.25 of the 12th Finance Commission Report deals with maintenance of forest. Noticing that several States have represented that subsequent to the restrictions placed by this Court on exploitation of forest wealth, the forests have become a net liability for the States rather than a source of revenue and maintenance of forest has become a problem due to financial constraints, these States pleaded that separate grant should be provided for maintenance of forest. Recognising that forest are a national wealth and the country as a whole has the responsibility in preserving the said national wealth, the Commission decided to recommend a grant of rupees 1000 crores spread over the award period 2005-2010 for maintenance of forest. This would be over and above what the States have been spending through their forest departments. The amount was distributed among the States based on their forest area, to be spent for preservation of forest wealth. In this light, it is not open to the State Government to contend that the amount of NPV paid by the user agency shall be handed over to them.

Reference may also be made to report of the Planning Commission (Chapter IX) relating to forest environments in Tenth Five Year Plan (2002-2007) which has taken note of the fact that sustainability is not an option but imperative since without it environmental deterioration and economic decline will be feeding each other leading to poverty, pollution, poor health, political upheaval and unrest. Environment cuts across all sectors of development. The rapid increase in green house gases in the atmosphere, land degradation, deteriorating conditions of fragile eco systems, deforestation, loss of biodiversity and environmental pollution

have become subjects of serious global concern. The overall impact of these phenomena is likely to result in depletion of ozone layer, change of climate, rise in sea-level loss of natural resources, reduction in their productivity ultimately leading to an ecological crisis affecting livelihood options for development and over all deterioration in quality of life.

From the above report, it follows that the deterioration and consequently preservation of eco-systems cannot be area or state specific and that utmost attention is required to be accorded to conservation of natural resources and for improvement of the status of our environments. The report notices the need to tackle the environmental degradation in a holistic manner in order to ensure both economic and environmental sustainability. Forests play an important role in environmental and economic sustainability. It takes note of the forests being consistently and seriously undervalued in economic and social terms. It recognizes that the economic value of the eco-system services of the forests is vast though it is extremely difficult to quantify. It takes note of the fact that generally much of the land-use decision that presently drives forest change takes relatively little account of these values. The country's forest resource is under tremendous pressure. Note has been taken of the fact that India's biological diversity is reflected in the heterogeneity of its forest cover. It is one of the 12 'mega-diversity' countries of the world. India is also at the meeting zone of three major zone of three major bio-geographic realms, namely, the Indo-Malayan (the richest in the world), the Eurasian and Afro-tropical. India also has the two richest bio-diversity areas, one in the northeast and the other in the Western Ghats. The biological diversity is being conserved through a network of biosphere reserves, national parks and sanctuaries, however, the challenges for conservation emanate from population pressures, adverse impacts of industrialization and intensifying threat from illegal trade.

The importance of conserving and managing existing natural forest and forest soils, which are very large stores of carbon, has been emphasized as it will significantly reduce greenhouse gas emissions. To develop and protect forest, a scientific management is necessary so as to enhance productivity, density and health. Forestry projects have to lay emphasis on management and rejuvenation of natural forests. The fragile eco-systems should be properly managed in order to safeguard the livelihood of millions of people.

The national development agenda must recognize the necessity of protecting the long-term ecological security. The problem area is the growing population, high degree of mechanism and steep rise in energy use which has led to activities that directly or indirectly affect the sustainability of the environment.

It is recognized that the sustainable use of bio-diversity is fundamental to ecological sustainable. The loss of bio-diversity stems from destruction of the habitat, extension of agriculture, filling up of wet lands, conversion of rich bio-diversity sites for human settlement and industrial development, destruction of coastal areas and uncontrolled commercial exploitation. It is thus evident that the preservation of eco-systems, bio-diversity and environment whether examined on common law principle or statutory principle or constitutional principle eying from any angle it is clearly a national issue to be tackled at the national level. All initiatives are required to seriously pursue.

Dealing with inter-generational justice, it has been rightly observed that posterity shall not be treated like dirt. In an article published in 2003 Columbia Journal of Environmental Law (28 Colum.J.Envtl.L.185), the author says that the way in which a society cares or does not care for its dirt \026 its land \026 reflects the degree to which it cares or does not care for its own long-term future.

We may also briefly refer to Public Trust doctrine and its applicability to the matters under consideration. The Public Trust Doctrine looks beyond the need of the present generation and also suggests that certain resources are invested with a special nature. It would be instructive to make a note of a story given in by Timothy Patrick Brady in Boston College Environmental Affairs Law Review, Spring 1990 under the title 'But most of it belongs to those yet to be born'. The story relates to digging of well at

the time of drought. When a Frenchman told villagers of a prudent African solution of digging well, many villagers agreed but others argued that it will bring people from other villages and they would bring their cattle and that would increase the pressure on the already precious water. The Frenchman told the villagers that why not explain to them that the well is only for your own village and they can dig their own. It was then said that 'water is not only ours, but is gift of nature from God and must be shared.' Ultimately, they concluded that it was wiser not to dig the well at all. The moral of the story is that we are trustees of natural resources which belong to all including future generation as well. The public trust doctrine has to be used to protect the right of this as also future generation.

Having regard to the above, amounts under CAMPA have to be used for regeneration of eco-system and the same cannot be handed over to any State Government on the premise that ecology is not property of any State but belongs to all being a gift of nature for entire nation. The object of the FC Act and EP Act is protection of environments. These Acts do not deal with any propriety rights of anyone.

As already stated the question as to what amount of NPV is required to be paid to achieve these object is a matter to be gone into by the experts. However, the amounts shall have to be updated from time to time after every three years. For grant of approval under Section 2 of the FC Act besides payment of NPV as being presently calculated by MOEF, the user agencies shall have to give undertakings to pay the remaining amount, if any, pending finalization of determination by the experts.

Turning now to the grant of exemption to certain projects, learned Solicitor General submitted that Government hospitals, dispensaries, non-commercial government ventures like schools, rain water harvesting tanks, sever lines, village roads etc. are the projects meant for public welfare and have no adverse impact on environment as such and, therefore, these cases deserve to be granted exemption. Learned Amicus Curiae has no objection to non-commercial and non-revenue earning Government public welfare projects being treated differently and granted exemption from the purview of the payment of NPV. Submission was also made by learned counsel appearing for some of the parties that other projects like irrigation, hydro electricity or other similar projects engaged in public welfare and public utility activities too deserve to be similarly treated and granted exemption. On behalf of the National Hydro Project Corporation Ltd. (NHPC), it was submitted that dams/hydro electric projects and other similar projects are undertaken in public interest and these will also not create environmental pollution and mere fact of these are revenue earning projects should not be taken as a ground to treat them differently. Reliance has been placed on observations made in Hindustan Motors Ltd. & Anr. v. N.Siva Kumar & Anr. [(2000) 10 SCC 664] to contend that such a project is not a pollution industry. This decision is not relevant for determining the question about levy and payment of NPV. The question is not only about these and projects referred by the Solicitor General not creating pollution but is about diversion of forest land for non-forest purpose, thereby depleting forest so as to utilize land area in setting up these projects. A distinction has to be maintained between a project set up for providing public utility but which is revenue earning, the category to which the project of NHPC falls and the government projects of the nature above referred like hospitals, schools etc., non-revenue earning projects. A balance is required to be maintained in the development and protection of environments. As already noted, the development has to be based on sustainability. If NHPC uses the forest land for non forest purposes, the payment of NPV is to protect the ecological and bio-diversity having regard to the doctrines above referred. Generally speaking, projects like NHPC are commercial ventures.

What we have stated above is also applicable to submissions made on behalf of Grid Corporation of Orissa (GRIDCO), State of Uttranchal and State of Madhya Pradesh. We are unable to accept the submission that wherever the government is the user agency in notified forest area, protected forest/reserved forest etc., NPV should not be charged. Such a submission cannot be accepted in the teeth of Section 2 of the FC Act and other environmental laws noticed hereinbefore.

The submission made on behalf of the Federation of Indian Mineral Industries about calculation of NPV at the rate of 10 per cent for major mineral and 5 per cent for minor mineral as already noted cannot be accepted. The question is not of the value of the mineral or it being high value and low volume and mineral of high volume and low value, the question is about use of the forest areas and need to protect the environments in the manner above stated. A larger public interest has to be the guiding principle and not the present interest of user agency only.

We are of the view that the question as to which class of projects deserve to be exempted can first be examined by experts having regard to principles laid in this judgment and in receipt of the report from them, this Court would further examine the matter and issue appropriate directions. However, prima facie we feel that revenue earning projects do not deserve similar treatment as non-revenue earning public welfare projects. We are clear that if let loose, the benefits achieved as indicated in the State Forest Report of 2001 would be lost and we may be again where we were in 1990's or 1980's and earlier period during which there was immense depletion of forest and insignificant regeneration. The work of regeneration and also of compulsory afforestation requires special, specific and expert attention and we see no illegality in establishment of Special Purpose Vehicle (SPV) in terms of clause 6.6 above quoted except that for present till further orders it would be necessary to monitor the establishment of SPV. Thus, in respect of clause 6.6 in relation to establishment of SPV, we hold that before establishing SPV, its format shall be filed in Court and SPV shall not be established without permission of the Court. Further in our view the constitution of authority (CAMPA) is necessary to fully and effectively implement recommendation dated 9th August, 2002 made by CEC for protection of environment

In view of the aforesaid discussion, our conclusions are:

1. Except for government projects like hospitals, dispensaries and schools referred to in the body of the judgment, all other projects shall be required to pay NPV though final decision on this matter will be taken after receipt of Expert Committee Report.
2. The payment to CAMPA under notification dated 23rd April, 2004 is constitutional and valid.
3. The amounts are required to be used for achieving ecological plans and for protecting the environment and for the regeneration of forest and maintenance of ecological balance and eco-systems. The payment of NPV is for protection of environment and not in relation to any propriety rights.
4. Fund has been created having regard to the principles of intergenerational justice and to undertake short term and long-term measures.
5. The NPV has to be worked out on economic principles.

In view of the above, we issue following directions:

A. An expert committee comprising of three experts including Ms.Kanchan to be appointed within a period of one month by the Institution of Economic Growth (North Campus).

B. The committee of experts would examine the following issues:

(i) To identify and define parameters (scientific, bio-metric and social) on the basis of which each of the categories of values of forest land should be estimated.

(ii) To formulate a practical methodology applicable to different bio-geographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.

(iii) To illustratively apply this methodology to

obtain actual numerical values for different forest types for each bio-geographical zone in the country.

(iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.

(v) Which projects deserve to be exempted from Payment of NPV.

C. The user agencies shall give undertakings for the further payment, if any, as may be determined on receipt of report from the expert body.

D. The Special Purpose Vehicle shall be established with the permission of the Court.

E. The Institute shall send report of Committee of Experts within a period of four months.

F. The various clauses of CAMPA shall be suitably modified in terms of this judgment within a period of one month.

List after four months.

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CASE NO.:
Writ Petition (civil) 202 of 1995

PETITIONER:
T.N. Godavarman Thirumulpad

RESPONDENT:
Union of India & Ors

DATE OF JUDGMENT: 28/03/2008

BENCH:
CJI K.G. BALAKRISHNAN & DR. ARIJIT PASAYAT & S.H. KAPADIA

JUDGMENT:
JUDGMENT
O R D E R
REPORTABLE

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A,1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted. At the same time, as part of our developmental activities, some areas of the forest have to be used for non-forest purposes. The economic development shall not be at the cost of complete degradation of the forest or the environment and eco-system provided by the green area of the forest. Therefore, it was considered whether the user agency of such land which is required for developmental activities to compensate for the diversion of the forest and on the recommendations of the Central Empowered Committee (hereinafter being referred to as "CEC"), it was decided by this Court that the user agency shall be required to make payment of net present value (NPV) of such diverted land so as to utilize this for getting back in the long run which are lost by such diversion. A scheme was submitted by Ministry of Environment and Forests(MOEF) alongwith an affidavit dated 22.3.2002. The CEC considered all relevant aspects including the scheme submitted by MOEF and filed a report on 9.8.2002. These reports were accepted by this Court. This Court in T.N. Godavarman Thirumulpad Vs. Union of India 2006(1) SCC 1 finally directed that the question as to what amount of NPV is required to be paid and to achieve these objectives, it was directed that the question is to be examined by experts. A Committee comprising of three experts including Mrs. Kanchan Chopra was appointed and this Court gave the following directions:-

(i) to identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
(ii) To formulate a practical methodology applicable to different

biogeographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.

(iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each biogeographical zone in the country.

(iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.

(v) Which projects deserve to be exempted from payment of NPV.

On the basis of the directions issued by this Court, a Committee consisting of Mrs. Kanchan Chopra gave a report and the same was examined by the CEC.

The report contains detailed study of the relevant factors. The Forest Survey of India, has since last two decades, been undertaking forest cover mapping of the country using satellite data obtained by the NRSA, Hyderabad. The methodology of mapping involves the geo-rectification of the satellite imagery using the Survey of India toposheets followed by the digital interpretation of the same and extensive ground truthing. It was found that the forest cover maps depicts mainly three tree canopy density classes, viz., very dense, moderately dense and open. There were other classifications in the Forest of India and "Champion and Seth" have classified the forests of India into 16 major groups. The major basis of classification included the climate, the soil and the past treatment as these factors determine the vegetation type of a given locality. CEC has classified the forest taking in view the ecological role and value of the forests and for the purpose of the report, 16 major forest types have been further grouped into 6 ecological classes depending upon their ecological functions.

Eco-Class I - Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests
Eco- Class II -Consisting of Littoral and Swamp Forests
Eco-Class III -Consisting of Tropical Dry Deciduous Forests
Eco-Class IV -Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests
Eco-Class V -Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests
Eco-Class VI -Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

Based on the ecological importance of forest falling in different eco-value and canopy density classes, relative weightage factors have also been taken into consideration. By using these relative weightage factors, the equalized forest area in eco-value Class I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. For example, 17,997 sq. km. of open forest of Eco-Class IV has been calculated to be equivalent to 7,558 sq. km. of very dense forest of Eco-Value Class I. Accordingly, the entire forest area of the country has been calculated and found to be equivalent to 5.2 lakh sq. km. forest area having highest ecological significance as that of forest falling in eco-value Class I with density above 70%.

The net present value per hectare of forest has been fixed based on this data. For calculating the average net percent value per hectare of forest in India, the following monetary value of goods and services provided by the forest have been considered:-

(i) Value of timber and fuel wood
(ii) Value of Non Timber Forest Products (NTFP)
(iii) Value of fodder
(iv) Value of Eco-tourism
(v) Value of bio-prospecting
(vi) Value of Ecological services of forest
(vii) Value of Flagship Species
(viii) Carbon Sequestration Value

Based on this, the NPV was fixed and the following recommendations have been made:-

(i) for non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:-

(in Rs.)

Eco-Value class	Very Dense Forest	Dense Forest	Open Forest
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

(ii) the use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest projects and after obtaining permission from the Hon'ble Court. Such permissions may be considered on payment of an amount equal to ten times in the case of National Parks and five times in the case of Sanctuaries respectively of the NPV payable for such areas. The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine

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National Parks / Wildlife Sanctuaries, the amount may be fixed at five times the NPV payable for the adjoining forest area;

(iii) these NPV rates may be made applicable with prospective effect except in specific cases such as Lower Subhanshri Project, mining leases of SECL, Field Firing Ranges, wherein pursuant to the orders passed by this Hon'ble Court, the approvals have been accorded on lump-sum payment / no payment towards the NPV; and

(iv) for preparation and supply of district level maps and GPS equipments to the concerned State / UT Forest Departments and the regional offices of the MoEF, the Ad-hoc CAMPA may be asked to provide an amount of Rs.1.0 crore to the Forest Survey of India out of the interest received by it.

Ministry of Environment and Forests also has filed its response and has accepted the recommendations made by CEC. Various user agencies have filed its objections. We heard the learned senior Counsel Mr. Nariman and other learned senior Counsel who appeared before us. The main contention raised is that the NPV value was fixed on the basis of the net flow accruing over 20 years at a 5% social discount rate. This, according to the applicants, is too low. It has been contended that the Economic and Research Department of the Asian Development Bank is of the view that a survey of the social discount rate policies of individual countries show significant variations and the developing countries apply higher social discount rate. The paper published by Asian Development Bank shows that India should have a social discount rate of 12%. It may be noted that the Expert Committee under the leadership of Mrs. Kanchan Chopra recommended 8% social discount rate but the CEC has reduced further and accepted 4% social discount rate. It may be noted that the CEC had made consultation with eminent economists and it was of the view that the social discount rate should be around 2% in India. We do not find much force in the contention advanced by the learned Counsel who appeared for the user agents. The 10% suggested by them cannot be applied to the present case because 10% is the rate linked to assumptions about the opportunity cost of capital. One cannot apply that rate for social time preference in evaluating the benefits from an environmental resource such as forests. In project evaluation, the horizon is compatible with the life of the project whereas in forest matters, the horizon spans over several generations. Therefore, the rate of 10%, as suggested by the user agency cannot be accepted.

Another contention raised by the applicant (FIMI) is that the NPV is not fixed on site specific and, therefore, the fixation of the rate is based on surmises and conjectures and the same rate cannot be applied to the large extent of area covered by the forests. This question was elaborately considered by the CEC. Considering the large extent of this country and the forest being spread over in various parts of the State, it is difficult to fix the NPV based on the specific area. It is not feasible to fix NPV in each and every individual case. The entire forest area in each of the State/UT is calculated by considering the monetary value of the services provided by it. The average NPV per hectare of the forest area in the State has also been calculated. If NPV is to be calculated on the specific area, the process would be time consuming and in most of the cases, it may be beyond the capability of the Range Forest Officers or other officials posted at the grassroot level. Moreover, the NPV is linked with the type of the forest and no useful purpose would be served by carrying out NPV calculations in each case involving the diversion of forest areas.

We are of the view that the NPV now fixed is more scientific and is based on all available data. We accept the recommendations

and we make it clear that the NPV rate now fixed would hold good for a period of three years and subject to variation after three years. The following exemptions have been recommended:-

(i) public works such as schools, hospitals, children play grounds of non-commercial nature and the public welfare projects such as community centres in rural areas which require forest land upto 2 ha;
(ii) rural infrastructure and basic services such as the construction of the overhead tanks, village roads, etc.
(iii) the minor irrigation projects upto 10 ha. of storage area, municipal water supply projects, drinking water supply pipelines;
(iv) activities necessary for the ecological management, relocation of the villages from the sactruaries and the national parks, regularization of pre-1980 eligible encroachers;
(v) housing for the rehabilitation of tribals; laying of the underground optical fibre cables;
(vi) laying of the pipelines for the underground gas transportation;
(vii) the district and rural roads;
(viii) shifting cultivation;
(ix) roads constructed by Defence in border areas;
(x) construction of the transmission lines.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

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सत्यमेव जयते

CONSOLIDATED GUIDELINES AND CLARIFICATIONS

issued under

VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980

and

VAN (SANRAKSHAN EVAM SAMVARDHAN) RULES, 2023





Government of India
Ministry of Environment, Forest and Climate Change

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

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

Dated: 29th December, 2023

ORDER

In exercise of the powers conferred under section 3 C of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Central Government, in suppression to all previous guidelines, hereby issue a Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Van (Sanrakshan Evam Samvardhan) Rules, 2023, including the guidelines issued under sub-section (3) of section 1A, clause (iii) of sub-section (1) of section 2 and sub-section (2) of section 2 of the Adhiniyam for effective and transparent implementation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. All the provisions enshrined in these guidelines will be applicable from 1st December, 2023.

This issues with the approval of the competent authority.

Yours faithfully,

29.12.23

(Ramesh Kumar Pandey)
Inspector General of Forest

Distribution to:

1. All concerned
2. Director (Technical), NIC with a request to upload the same on the website of the Ministry

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ABBREVIATIONS

ABC	Aerial Bunched Cable
AC	Advisory Committee
ACA	Accredited Compensatory Afforestation
ACF	Assistant Conservator of Forest
AONBs	Areas of Outstanding Natural Beauty
APCCF	Additional Principal Chief Conservator of Forests
BRO	Border Road Organisation
CA	Compensatory Afforestation
CA	Competent Authority
CAF	Common Application Form
CAMPA	Compensatory Afforestation Fund Management and Planning Authority
CAT	Catchment Area Treatment
CBA	Cost Benefit Analysis
CBA	Coal Bearing Areas (Acquisition and Development) Act, 1957
CCF	Chief Conservator of Forests
CEA	Central Electricity Authority
CF	Conservator of Forest
CNG	Compressed Natural Gas
CPCB	Central Pollution Control Board
CZA	Central Zoo Authority
DCF	Deputy Conservator of Forests
DDA	Delhi Development Authority
DFO	Divisional Forest Officer
DGPS	Differential Geographical Positioning System
DoT	Department of Telecommunications
DPIIT	Department for Promotion of Industry and Internal Trade
DSS	Decision Support System
DWPR	Draft Working Plan Report
EDS	Essential Details Sought
EPA	Environment Protection Act
ESZ	Ecologically Sensitive Zone
FAC	Forest Advisory Committee
FFR	Field Firing Range
FRCM	Fortnightly Regional Coordination Meeting
FRL	Full Reservoir Level
GIS	Geographical Information System
GOI	Government of India
HEP	Hydro Electric Project
HoFF	Head of Forest Force
ICMC	Inter-Ministerial coordination and Monitoring Committee
IFA	Indian Forest Act, 1927
KYA	Know Your Approval
LAC	Line of Actual Control
LoI	Letter of Intent
LWE	Left Wing Extremism
MDDA	Mussoorie Dehradun Development Authority

MHA	Ministry of Home Affairs
MMDR	Mines and Minerals (Development and Regulation) Act, 1957
MoEFCC	Ministry of Environment, Forest and Climate Change
MoRTH	Ministry of Road Transport and Highways
NBWL	National Board for Wildlife
NDC	Nationally Determined Contributions
NGO	Non-Government Organisation
NGT	National Green Tribunal
NHAI	National Highway Authority of India
NHIDCL	National Highways and Infrastructure Development Corporation Ltd.
NOC	No Objection Certificate
NPV	Net Present Value
NTCA	National Tiger Conservation Authority
OFC	Optical Fibre Cable
OISD	Oil Industry Safety Directorate
PA	Protected Areas
PAN	Protected Area Network
PCCF	Principal Chief Conservator of Forests
PESO	Petroleum and Explosive Safety Organisation
PF	Protected Forest
PLPA	Punjab Land Preservation Act, 1900
PMGSY	Pradhan Mantri Gramya Sadak Yojna
PNG	Piped Natural Gas
PNGRB	Petroleum and Natural Gas Regulatory Board
PSC	Project Screening Committee
PSU	Public Sector Undertakings
PWD	Public Works Department
RCCF	Regional Chief Conservator of Forest
REC	Regional Empowered Committee
RF	Reserved Forest
RO	Regional Office
ROHQ	Regional Office Head Quarter
RoW	Right of Way
SBWL	State Board for Wildlife
SFD	State Forest Department
SLC	State Level Committee
SMC	Soil Moisture Content
TOF	Trees Outside Forest
TR	Tiger Reserved
UA	User Agency
UA	User Agency
USF	Un-classed Forest
WII	Wildlife Institute of India
WLMP	Wildlife Management Plan
WLPA	Wild Life (Protection) Act, 1972

CHAPTER 2

COMPENSATORY AFFORESTATION

2.1 Compensatory afforestation (CA): is one of the most important requirement/conditions for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'. Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.2 Land for CA:

(i) Provisions given under sub-rule (1) rule 13 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, provides that primarily, the compensatory afforestation, in lieu of forest land proposed for diversion, has to be raised over equivalent non-forest land which is not under the management and administrative control of the Forest Department.

(ii) The non-forest lands afforested as per the provisions Accredited Compensatory Afforestation scheme i.e. patch of non-forest land involving minimum area of 10 ha with 0.4 vegetation density and minimum five years old afforestation can be used as CA in lieu of diversion of forest land. In case of lands owned by the Government agencies, such lands containing ACA be notified without transferring and mutating their ownership. Revenue, if any, earned from such lands from various operations such as thinning, felling, and selling of carbon credits and other benefits will also accrue to the land owning agency. Existing plantation which meets the criteria of ACA can also be swapped for CA in lieu of diversion of forest land.

(iii) The State Government/UT Administrations may create a Land Bank of non-forest lands with minimum size of 25 ha under the administrative control of the Department of Forest. In case, the Land Bank is in continuity of a land declared or notified forest land, Protected Area, Tiger Reserve or within a designated tiger corridor or a designated/ identified wildlife corridor, there shall be no restriction on size of the land. The lands covered under accredited compensatory afforestation may be included in the Land Bank.

(iv) In exceptional circumstances, when the suitable non-forest land for raising compensatory afforestation is not available and a certificate to this effect is given by the State/UT Government, the compensatory afforestation may be considered on degraded forest land, which is twice in extent to the forest area proposed for diversion in favour of Central Public Sector Undertaking and for captive coal blocks of State Public Sector Undertaking on case to case basis. However, this relaxation will not be available in case the project of Central Government undertaking or State Government undertakings involves acquisition of non-forest land by the respective agencies.

(v) No CA will be charged in respect of re-diversion of forest land within the RoW of roads which have already been diverted for non-forestry purposes and are located outside the Protected Areas. In case, the proposed area falls in the RoW of the road is passing through a Protected Area or Tiger Reserves, requisite permissions shall be obtained from the Standing Committee of the State Board for Wildlife.

(vi) No CA will be charged in lieu of repair and maintenance or blacktopping of the forest roads constructed prior to 1980 which are located outside the Protected Areas.

(vii) During the transfer of approval granted under the The Van (Sanrakshan Evam Samvardhan) Adhiniyam from erstwhile agency to new lessee by the State/UT Governments, the provisions of CA, if not realized earlier, will be applicable in respect of broken up forest area before the commencement of Act, 1980 which are continued to be under the possession of the user agency, in case the CA has not been raised earlier.

(viii) In respect of diversion of forest land for safety zone along around a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, will be applicable in lieu of forest land located in the safety zone as well.

(ix) Non-forest mined out lands which have been reclaimed technically and restored biologically shall be accepted for raising compensatory afforestation. Once accepted for CA, such lands need to be notified under the Indian Forest Act, 1927, essentially to bring them under the management and administrative control of State Forest Department. An undertaking to this effect shall be submitted by the respective user agency along with their respective diversion proposal, in lieu of which such restored lands will be used for raising CA.

(x) Compensatory afforestation may be taken up on non-forest lands (NFL) which are under jurisdiction of DDA. Since such areas will support afforestation those need to be declared as protected forest (PF) under relevant provisions of Indian Forest Act, 1927 or state specific Act, if any. However, the ownership of these compensatory afforestation patches need not be transferred/mutated in the name of State Forest Department and ownership of DDA may be allowed.

(xi) Isolated patches having area less than 5 ha are difficult to manage as forests. Hence, no non-forest land, having area less than 5 ha area shall be accepted for CA purpose. However, land parcels, if contiguous to RF/PF, can be accepted for CA irrespective of their sizes, subject to their suitability for CA. In case of forest area under diversion is less than 5 ha, efforts should be made to identify non-forest land contiguous to some RF/PF. User agency shall fence all such land parcels properly and mutate the same in the name of Forest Department before handing them over to the Forest Department. All such land parcels shall be compact (i.e., without any pockets of habitation or non-forest land) and free from any encumbrances. Land parcels, if contiguous to National Parks/Wildlife Sanctuaries, can be accepted for CA irrespective of their sizes and suitability for CA, subject to condition that the same shall be mutated in the name of Forest Department, notified as RF/PF and thereafter merged with concerned National

Park/Wildlife Sanctuary with suitable declaration, prior to stage-II approval by MoEF&CC.

(xii) In cases, where land proposed to be utilized for CA is proposed to be acquired by the user agency himself through outright purchase from the individual owners, registered agreement to sell from each of the present owner of the land identified for CA stating their willingness to sell the land to the user agency for its transfer and mutation in favour of the State Forest Department for creation of CA will be submitted along with the proposal seeking prior approval of the Central Government under the Act. Similarly, in cases where non-forest land or the revenue forest land, proposed for CA, is to be provided by the State Government, a letter from the concerned competent authority in the State Government or Union territory Administration stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately after receipt of 'in-principle approval shall be submitted along with the proposal.

(xiii) The authorities in the State should ensure that land proposed for raising CA in lieu of proposed diversion of forestland is of good quality which is able to generate and compensate the Ecosystem Goods and Services (EG&S) lost from non-forestry use and, as far as permissible, such lands should be selected in close proximity of the area being diverted or the existing forest areas to ease their management by the Forest Department and ensure their protection from likely encroachment in future, as under:-

(a) Potential areas which can generate and compensate the EG&S foregone from the non-forestry use of forest land to the maximum extent possible should be identified and offered for raising CA.

(b) Concerned Regional Office of the Ministry shall certify the suitability of land offered for CA in lieu of forest land proposed for diversion in terms of its vicinity to the area being proposed for diversion and/or contiguity with the existing forest area and will ensure that manageability of such CA land has been taken care of for future.

(xiv) Provisions for the requirement of land related to compensatory afforestation, as provided in the rule 13 and rule 14 and Schedule-II appended to the Van (Sanrakshan Evam Smvardhan) Rules, 2023 shall be complied with by the various users.

2.3 Elements of Schemes for Compensatory Afforestation: The scheme for CA, to be submitted/uploaded at the time of applying for diversion of forest land for non-forest purpose, should be site specific, and include the following details: -

(i) Details of non-forest or degraded forest land, along with land kisam (NF land) forest type, crown density, etc. (degraded forest) identified for raising CA.

(ii) Geo-referenced (Polygon map with DGPS coordinates).

(iii) KML file of CA site in polygon shape to be uploaded online.

(iv) Detailed work schedule including year wise operations including saplings to be planted along with soil & moisture conservation, regeneration cleaning, silvicultural and other activities as prescribed in the working plan, species to be planted (heterogeneous in nature consisting of indigenous species), including maintenance for 10 years and annual total costs in conformity with cost norms of the State/UT and relevant guidelines, issued by the Central Government. In case the applicable land required for raising the compensatory afforestation is more than 10 ha, the NFL should be made available in a single consolidated patch or contiguous to the forest land. In such cases, patches of non-forest land of smaller area, not contiguous to forest land, shall also be accepted, however, for every patch of less than 5 ha, the maintenance of 20 years shall be charged from the user agency.

(v) Agency responsible for afforestation.

(vi) Details of proposed monitoring mechanism, including infrastructural facility, if any required by the State/UT Govt.

(vii) Technical and administrative approvals from the competent authority.

(viii) The cumulative achievement of the State/UT Governments in respect of compensatory afforestation.

(ix) Undertaking by the UA to bear the cost of raising and maintenance of compensatory afforestation, Additional CA and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme (undertaking to be enclosed).

(x) Updation of changed CA land, KML file, CA land polygon, toposheet, site suitability certificate and related documents which are to be uploaded on Parivesh portal after in-principle approval shall require approval of the Ministry.

(xi) **Strengthening of Integrated Concurrent Monitoring and Evaluation System (i-CCMES) or e-Green Watch:-** All States and UTs shall ensure that all polygons pertaining to plantations are updated with correct and precise information with respect to their spatial attributes failing which no APOs/diversion proposals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be entertained by the MoEF&CC.

2.4 **Accredited Compensatory Afforestation:** As per the provisions of sub rule (5) of rule 14 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 a proactive mechanism for ACA shall be established by the Central Government as per guidelines given below:

(1) Background

(i) Compensatory afforestation (CA) is one of the crucial components facilitating the process of decision making under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. It is mandatory that all proposals requiring prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam,

for non- forestry use of forestland be accompanied with a comprehensive scheme of compensatory afforestation.

(ii) 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 'Final' approval, forest land proposed for non-forestry use is handed over 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.

(iii) Difficulties observed during the intervening period in the implementation of CA scheme primarily include delayed fund flow, untimely availability of non-forest land, uncertainty of survival percentage, etc.

(iv) No mechanism exists for incentivising the private landowners and Government/Institutions for raising afforestation over fallow parcels of land. Therefore, it is desirable to have a mechanism in place incentivising such private landowners or Government institutions for raising afforestation to increase trees outside forests (TOF).

(v) To address the aforementioned difficulties, the rules notified under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 envisage formulation of an Accredited Compensatory Afforestation (ACA) mechanism and raising of proactive afforestation over non-forest land to be used for obtaining prior approval under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(vi) Details of preconditions, mechanism and formulation of proposal are given as under:

(2) Preconditions of raising ACA:

(i) Land on which the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are not applicable and which is free from all encumbrances should be considered for ACA.

(ii) Non-forest land, including mined out and biologically reclaimed non-forest land, ownership of which vests with the State PSU or Central PSU, may also be used for raising Accredited Compensatory Afforestation.

(iii) Land considered for raising such afforestation should be properly demarcated and fenced to ensure its protection from various biotic factors.

(iv) An afforestation shall be counted towards ACA if such land covers an area of minimum ten hectares. However, lands which are contiguous to the Reserved Forests or Protected Forests will be considered irrespective of their size.

(v) 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.

(vi) Accredited Compensatory Afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall

be no Accredited Compensatory Afforestation for developing an area below 0.4 canopy density or below one-hectare land.

(vii) 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; and

(viii) Afforestation raised should preferably be heterogeneous in nature and shall consist of indigenous species. Afforestation of exotic species shall necessarily be avoided.

(3) 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/UT. Online portal shall maintain the State/UT wise record of such persons/agencies who have submitted application on the online portal along with the detail of their ACA;

(ii) State/UT shall make available in public domain, 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 of non-forest land and/0r 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/UT;

(iv) iv.. The Forest Department shall examine the proposal for its completeness and fulfilment of relevant preconditions/criterion. Proposals qualifying the scrutiny of local Forest department shall 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/UT 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 shall 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, shall 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, shall be updated in the online application by the concerned person/agency.

(viii) The person or agency may promote or publicise its credentials and ACAs award available 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 the 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 swap such ACAs in lieu of diversion of forest land.

(x) The 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 any user agency/project proponent under intimation to the local Forest Department. ACAs earned by the Government agencies can be swapped in lieu of diversion proposals for their own use; and

(xi) The person or agency registered for ACA will be at liberty to de-register its ACAs earned in part or full from the online portal at any point of time, provided the ACA has not been accounted for already in any project, as per provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(4) Formulating proposals under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 person or agency and user agency/project proponent shall be surveyed using DGPS, 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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, shall 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; However, in exceptional cases as decided by the Government of India on case to case basis, Government owned lands, where transfer of ownership of land to the Forest Department is not possible due to legal impediments, such lands, without changing their ownership, will be notified as Protected Forest under the Indian Forest Act, 1927 or any other local Act for the management by the Forest Department concerned as per the prescriptions of the Working Plan. Provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Indian Forest Act, 1927 and relevant local Act(s) shall be applicable on such lands and shall

be brought under the management and administrative Control of the local Forest Department concerned.

v. In case of established ACAs, no cost of raising compensatory afforestation shall be charged from the user agency by the State Forest Department.

vi. ACA raised in one State/UT can be swapped in lieu of diversion of forest land in other States/UTs subject to the provisions contained under sub rule (5) of rule 14 of Van (Sanrakshan Evam Samvardhan) Rules, 2023;

vii. 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;

viii. Revenue to be earned from plantation raised under ACA or from thinning or felling operations carried out in such plantations as per the Working Plan/Management Plan prescriptions, will accrue to the land owning agency after deducting the cost likely to be incurred on gap plantations and/or replantation to be raised subsequently; and

ix. The carbon credits or any other associated benefit earned from plantation raised under ACA will also accrue to the land-owning agency.

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

(5) 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 open a new area for investment in the 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; and

(vi) Proposed scheme will expedite afforestation works which will ultimately increase the total carbon sequestered thereby helping to achieve the NDCs targets.

2.5 Identification of land banks for CA

(i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

(ii) In addition to non-forest land, the degraded forest land with crown density up to 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.

(iii) The category of lands as specified in para 2.4 are applicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

(iv) To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

(a) Areas falling in wildlife corridors to improve connectivity between habitats.

(b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas.

(c) Habitat of rare, threatened, and endangered species of flora and fauna to ensure long term conservation of such habitats.

(d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.

(v) To monitor the progress of creation of land bank for CA following committee, at each Regional Offices of the MoEF&CC will be constituted:

(a) The Head of Regional Office – Chairman

(b) Representatives of the National Tiger Conservation Authority (NTCA)- Member,

(c) Representatives of the FSI – Member

(d) The Nodal Officers of States/UTs under each Regional Offices of MoEF&CC-Members

The committee will review the progress in creation of land bank for CA in the States/UTs falling under jurisdiction of the Regional Offices and submit annual report or as and when required to the MoEFCC.

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Annexure-X

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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

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अधिसूचना

नई दिल्ली, 5 सितम्बर, 2023

का.आ. 3946(अ).—पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) (इसमें इसके पश्चात् उक्त अधिनियम के रूप में संदर्भित) की धारा 3 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा दिनांक 17 सितंबर, 2002 की पूर्व अधिसूचना का.आ. 1008(अ) का अधिक्रमण करते हुए, केन्द्र सरकार पर्यावरण और वन तथा वन्यजीव की विषय-वस्तु एवं उक्त आदेशों में उल्लिखित तत्संबंधी मुद्दों को शामिल करते हुए माननीय उच्चतम न्यायालय के आदेशों के अनुपालन की निगरानी करने तथा उसको सुनिश्चित करने के प्रयोजन से और उक्त अधिनियम तथा न्यायालय के आदेशों के और प्रभावी कार्यान्वयन हेतु आमतौर पर राज्य सरकारों तथा केन्द्रीय सरकार को उपाय सुझाने और सिफारिश प्रस्तुत करने के उद्देश्य से रिट याचिका (सिविल) सं. 202/95 में आई.ए. सं. 19602 तथा 174896/2019 में माननीय उच्चतम न्यायालय के दिनांक 18 अगस्त, 2023 के आदेश के अनुपालन में नियुक्त निम्नलिखित सदस्यों को सम्मिलित करके, एतद्वारा 'केंद्रीय सशक्तता समिति' इसमें इसके पश्चात् समिति के रूप में संदर्भित के नाम से एक स्थायी प्राधिकरण का गठन करती है:

क) अध्यक्ष:

i. ऐसा व्यक्ति जिसे पर्यावरण या वन और वन्यजीव के क्षेत्र में विशेष जानकारी और पच्चीस वर्षों का अनुभव हो अथवा ऐसा कोई व्यक्ति जिसे केंद्रीय सरकार और / या राज्य सरकार में कम से कम पच्चीस वर्षों का प्रमाणित प्रशासनिक अनुभव हो।

ii. अध्यक्ष को केंद्र सरकार द्वारा तीन वर्षों की अवधि के लिए मनोनीत किया जाएगा, जिसे अधिकतम एक और कार्यकाल के लिए बढ़ाया जा सकता है।

iii. अध्यक्ष की अधिकतम आयु सीमा छियासठ वर्ष है।

iv. केंद्रीय सरकार द्वारा कम से कम अपर सचिव (वेतन लेवल-15) के स्तर के अधिकारी को अध्यक्ष के पद पर नियुक्त किया जाएगा।

ख) सदस्य सचिव :

i. जो सरकार का पूर्णकालिक सेवारत अधिकारी हो, जो भारत सरकार में उप वन महानिरीक्षक अथवा निदेशक से नीचे के रैंक का नहीं हो।

ii. पर्यावरण अथवा वन और वन्यजीव के क्षेत्र में विशेष ज्ञान के साथ बारह वर्ष से अधिक का अनुभव रखता हो।

iii. उसे केन्द्रीय सरकार द्वारा नियुक्त किया जाएगा।

iv. वह समिति का मुख्य समन्वय अधिकारी होगा और इस अधिसूचना को तहत समिति के कार्यों के निष्पादन में सहायता प्रदान करेगा।

ग) तीन विशेषज्ञ सदस्य :

i. पर्यावरण, वन और वन्यजीव के क्षेत्रों से एक-एक सदस्य।

ii. जिसे कम से कम बीस वर्षों का अनुभव हो।

iii. उसे केन्द्र सरकार द्वारा तीन वर्षों के कार्यकाल के लिए मनोनीत किया जाएगा तथा उस कार्यकाल को इसमें ऊपर निर्धारित आयु-सीमा के अधीन अधिकतम एक और कार्यकाल के लिए विस्तारित किया जा सकता है।

iv. सदस्य का कार्यकाल उसके छियासठ वर्ष की आयु प्राप्त होने के पश्चात् बढ़ाया नहीं जाएगा।

v. केन्द्र सरकार द्वारा कम से कम संयुक्त सचिव (वेतन स्तर-14) रैंक के अधिकारी की नियुक्ति होगी और वह समिति के अध्यक्ष के रैंक से नीचे के रैंक का होगा।

2. समिति निम्नलिखित शक्तियों का प्रयोग करेगी और निम्नलिखित कार्य निष्पादित करेगी :

क. भारत के माननीय उच्चतम न्यायालय द्वारा टी.एन. गोदावर्मन तिरूमलपाद बनाम भारत संघ एवं अन्य के मामले में रिट याचिका (सिविल) सं. 202/1995 और 171/1996 में समिति को प्रदत्त शक्तियां और उसके कार्य :-

क) उपर्युक्त मामलों में उच्चतम न्यायालय के आदेशों के कार्यान्वयन की निगरानी करना तथा गैर-अनुपालन संबंधी रिपोर्टों को समुचित कार्रवाईयों हेतु केन्द्रीय सरकार के समक्ष प्रस्तुत करना;

ख) किसी पीड़ित व्यक्ति द्वारा समिति के समक्ष प्रस्तुत किंही आवेदनों पर कार्रवाई करना तथा जहां आवश्यक हो, उस मामले में केन्द्रीय सरकार को रिपोर्ट प्रस्तुत करना;

ग) इस आदेश के तहत समिति को प्रदत्त शक्तियों के प्रभावकारी प्रयोग के प्रयोजन से समिति निम्नलिखित कार्य करेगी:

i. किसी व्यक्ति या संघ अथवा राज्य सरकार या अन्य किसी कार्मिक से किसी भी दस्तावेज़ की मांग करना।

ii. स्थल-विशेष का निरीक्षण करना।

iii. अपने कार्य के संबंध में किसी भी व्यक्ति (व्यक्तियों) या कार्मिक (कार्मिकों) से अपेक्षित सहयोग या उपस्थिति की मांग करना।

iv. विशिष्ट मुद्दों पर कार्रवाई करने के लिए एक या अधिक व्यक्तियों को विशेष रूप से आमंत्रित व्यक्तियों के तौर पर सहयोजित करना।

v. जहां व्यावहारिक हो, वन या वन्यजीव या पर्यावरण संबंधी विषयों से संबंधित कार्य को देखने वाले राज्य सरकार के सचिव या उनके प्रतिनिधि या राज्य के प्रधान मुख्य वन-संरक्षक को राज्य-विशेष से संबंधित मुद्दों पर कार्रवाई करने के लिए विशेष-आमंत्रित व्यक्तियों के तौर पर सहयोजित करना।

vi. उपर्युक्त मामलों में इस अधिनियम एवं सर्वोच्च न्यायालय के अन्य आदेशों के और अधिक प्रभावी कार्यान्वयन हेतु समान्यतः राज्य तथा केंद्र सरकार को उपायों के संबंध में सुझाव या सलाह देना।

ख. समय-समय पर, केंद्र सरकार द्वारा समिति को विनिर्दिष्ट किसी मुद्दे की जांच करना और उसके संबंध में सुझाव या सलाह देना।

3. राज्य अथवा केंद्र सरकार को केंद्रीय सशक्तता समिति का कोई सुझाव अथवा अनुशंसा स्वीकार न होने की स्थिति में, सरकार उनकी अस्वीकृति के कारणों को लिखित में प्रस्तुत करेगी और केंद्र सरकार का ऐसा निर्णय अंतिम होगा।

4. केन्द्रीय सशक्तता समिति की अनुशंसा के साथ राज्य सरकार के निर्णय के स्थगन की स्थिति में, मामले को केंद्र सरकार को प्रस्तुत किया जाएगा और केंद्र सरकार का निर्णय अंतिम और बाध्यकारी होगा।

5. समिति के सदस्य उनकी निजी क्षमता में नियुक्त किए जाएंगे और यह समिति दिल्ली-स्थित अपने मुख्यालयों सहित पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में केंद्र सरकार के प्रशासनिक नियंत्रण के अधीन कार्य करेगी।

6. अध्यक्ष और सदस्यों को देय वेतन, भत्ते और अन्य अनुलाभ तथा सेवा के नियम और शर्तें ऐसी होंगी जो निर्धारित की जा सकती हैं, बशर्ते कि अध्यक्ष या सदस्य के न तो वेतन, भत्ते और न ही अनुलाभ और सेवा के अन्य नियम और शर्तों में ऐसा अंतर होगा जिससे उनकी नियुक्ति के बाद उन्हें किसी प्रकार की हानि हो।

7. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय समिति के लिए उपयुक्त और पर्याप्त कार्यालय का स्थान और समिति को सौंपे गए कार्यों और शक्तियों के निर्वहन के लिए आवश्यक कार्यबल, बजटीय सहायता और बुनियादी ढांचा प्रदान करेगा।

8. सदस्यों और सहायक कर्मचारियों के वेतन या पारिश्रमिक सहित समिति के कामकाज पर होने वाले व्यय का वहन पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा किया जाएगा।

9. यह समिति, केंद्र सरकार को तिमाही रिपोर्टें प्रस्तुत करेगी और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय समिति के कामकाज की आवधिक समीक्षा और लेखा परीक्षा करेगा।

10. समिति का क्षेत्राधिकार पूरे भारत में होगा।

[ई. एफ. सं. 13-12/2022-एसयू]

आर. रघु प्रसाद, वन महानिरीक्षक

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 5th September, 2023

S.O. 3946(E).— In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1988) (hereinafter referred to as the said Act) and in super-session of earlier notification S.O. 1008 (E) dated 17th September, 2002, the Central Government hereby constitutes a permanent Authority to be known as the 'Central Empowered Committee', (hereinafter referred to as the Committee), consisting of the following members appointed in pursuance of the Hon'ble Supreme Court's order dated 18th August, 2023 in I. A. NOS. 196062 AND 174896/2019 in Writ Petitions (Civil) No. 202/95 for the purposes of monitoring and ensuring compliance of the orders of the Hon'ble Supreme Court covering the subject matter of Environment, Forest and Wildlife, and related issues arising out of the said orders and to suggest measures and recommendations generally to the State, as well as Central Government, for more effective implementation of the Act and other orders of the Court.

a) Chairman:

i. having special knowledge and experience of twenty five years in the field of Environment or Forest and Wildlife OR a person with a proven administrative experience of not less than twenty-five years in the Central Government and/or State Government.

ii. shall be nominated by the Central Government for a tenure of three years, which can be extended maximum for one more tenure.

iii. maximum age of the Chairman shall be sixty six years.

iv. shall be appointed at a level not below the rank of Additional Secretary (Pay level-15) in the Government, by the Central Government.

b) Member Secretary:

i. shall be a full-time serving officer of the Government not below the rank of Deputy Inspector General of Forests or Director in the Government of India.

ii. having special knowledge in the field of Environment or Forest and Wildlife experience with not less than twelve years.

iii. to be appointed by the Central Government.

iv. shall be the Chief Coordinating Officer of the Committee and shall assist the Committee in the discharge of its functions under this Notification.

c) Three Expert Members:

i. one each from the fields of the Environment, Forest and Wildlife.

ii. with experience of not less than twenty years.

iii. they will be nominated by the Central Government for a tenure of three years and can be extended maximum for one more tenure subject to the age limit prescribed herein above.

iv. tenure of the member shall not exceed till attaining the age of sixty six years.

v. shall be appointed at level not below the rank of Joint Secretary (Pay level-14) by the Central Government and shall be below the rank of the Chairman of the committee.

2. The Committee shall exercise the following powers and perform the following functions:-

A. Powers and functions conferred upon the Committee by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202/1995 and 171/1996 in the case of T. N. Godavarman Thirumalpad Vs. Union of India and others :-

a) to monitor the implementation of Supreme Court's orders in above matters and place reports of noncompliance before the Central Government for appropriate actions;

b) to deal with any applications made to it by any aggrieved person and wherever necessary, to make a report to the Central Government in that matter;

c) for the purposes of effective discharge of powers conferred upon the Committee under this order; the Committee can:-

i. call for any documents from any persons or the government of the Union or the State or any other official.

ii. undertake site inspection.

iii. seek assistance or presence of any person(s) or official(s) required by it in relation to its work.

iv. co-opt one or more persons as special invitees for dealing with specific issues.

v. co-opt, wherever feasible, the Secretary of the State Government dealing with the subjects related to Forest or Wildlife or Environment or his representative or the Principal Chief Conservator of Forests of the State as special invitees while dealing with issues pertaining to a particular State.

vi. to suggest or recommend measures generally to the State as well as Central Government, for the more effective implementation of the Act and other orders of the Supreme Court in above matters.

B. to examine and advise or recommend on any issue referred to the Committee by the Central Government, from time to time.

3. In case any suggestion or recommendation of the Central Empowered Committee, not acceptable to the State or Central Government, the Government shall give reasons in writing for not accepting the same and such decision of the Central Government shall be final.

4. In case of the deferment of the decision of the State Government with the recommendation of the Central Empowered Committee, the matter shall be referred to the Central Government and the decision of the Central Government shall be final and binding.

5. The members of the Committee are appointed in their personal capacity and the Committee shall function under the administrative control of the Central Government in the Ministry of Environment, Forest and Climate Change with its headquarters at Delhi.

6. The salaries, allowances payable to; and the other perks and terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed, provided that neither the salary, allowances nor perks and the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

7. The Ministry of Environment, Forest and Climate Change shall provide suitable and adequate office accommodation for the Committee and requisite manpower, budgetary support and infrastructure to discharge the functions and powers delegated to the Committee.

8. The expenditure incurred on the working of the Committee including salary or remuneration to the members and supporting staff, will be met by Ministry of Environment, Forest and Climate Change.

9. The Committee shall submit quarterly reports to the Central Government and the Ministry of Environment, Forest and Climate Change shall undertake periodical review and audit on the functioning of the Committee.

10. The jurisdiction of the Committee shall extend to the whole of India.

[E. F. No. 13-12/2022-SU]

R. RAGHU PRASAD, Inspector General of Forests

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ANNEXURE-XV

Annexure- XV

F. No. 8-14/2004-FP (Vol. 2)
Government of India
Ministry of Environment , Forests & Climate Change
Forest Policy Division

Indira Paryavaran Bhawan,
6th Floor, Vayu Wing, Jor Bagh Road,
New Delhi: 110003
Dated 11.07.2014

OFFICE MEMORANDUM

Sub: **Draft** Guidelines for Liberalizing Felling and Transit Regime For Tree Species Grown on Non-Forest/ Private Land

The undersigned is directed to refer to this Ministry's letter No. 8-14/2014-FP dated 27.12.2012 vide which the "Report of the Committee constituted to study the regulatory regime regarding felling and transit regulations for trees species grown on private land" had been put on the MoEF website for inviting comments/suggestions of the State Forest Departments, local communities and other stakeholders, etc.

2. After careful examination and consideration of the recommendations of the Committee and the various suggestions/ comments received in this regard, a "draft Guidelines For Liberalizing Felling and Transit Regime For Tree Species Grown on Non-Forest/ Private Land" has been prepared for the simplification of felling and transit regulation of tree species grown on non-forest/private lands. The draft Guidelines are enclosed herewith.

3. Before placing the final version of the Guidelines in this regard, the Ministry has decided to consult the all State/UT Governments. Accordingly, all State/UT Governments, concerned Ministries/Departments, forestry institutions and other stakeholders including Agroforesters/individuals are requested to kindly provide their comments on the draft Guidelines by 25.07.2014. In case no comments are received by this date, it will be presumed that the State/UT Governments have nothing to offer in this regard, and it will be taken as if States/UTs have given their consent.

4. The comments may kindly be sent through hard copy as well as soft copy at e-mail: subhaash.chandra@gmail.com / jitesh.kumar@nic.in or Telefax:011-24695278.

Encl: as above.

(Subhash Chandra)
Dy. Inspector General of Forests (Forest Policy)
E-mail: subhaash.chandra@gmail.com

1. All concerned Ministries/Departments
2. The PCCFs of all States/UTs.
3. All other stakeholders/Agroforesters/NGOs/Individual
4. Guard file

F. No. 8-14/2004-FP (Vol. 2)
Government of India
Ministry of Environment, Forests and Climate Change
Forest Policy Division

Date July, 2014

Draft GUIDELINES FOR LIBERALIZING FELLING AND TRANSIT REGIME FOR TREE SPECIES GROWN ON NON-FOREST/ PRIVATE LAND

BACKGROUND

There has been a long felt need to create enabling environment for massive tree plantation outside the natural forests as is also envisaged in the National Forest Policy, 1988 for achieving the national goal of 33% of geographical area of the country under forest or tree cover and also for meeting the growing demands of wood and non wood products including fuelwood, fodder, food and renewable bio-resources in view of the increasing population and developmental needs of the country.

In this regard, the Ministry of Environment & Forests had earlier issued guidelines on 'Felling and Transit Regulations for Tree Species Grown on Non-Forest Private Lands' vide letter No.8-14/2004-FP, dated the 15th December, 2004. However, it is felt that these guidelines did not bring out the desired results and the apprehensions persist that people may face difficulties in disposing trees grown on their lands in view of the rigid felling and transit regulations. The Ministry, therefore, constituted a Committee under the Chairmanship of Shri A.K. Bansal, former Additional Director General of Forests to study the current Regulatory Regime regarding felling and transit regulations for trees species grown on non-forest/private lands in June, 2011. The Committee's Report was placed on the website of the Ministry for inviting comments. In addition, all the States/ UTs were also requested separately to send their suggestions/comments to the Ministry. After careful examination and consideration of the recommendations of the Committee and various suggestions/comments received in this regard, following guidelines are being issues.

OBJECTIVES:

These guidelines aim to bring in sufficient clarity and long-term certainty so that private land owners, farmers, land owning agencies, financial institutions, industries and others who control and or own lands other than forest land etc. are encouraged to invest in tree plantations with a long term perspective. The objective is to create an enabling environment to motivate and facilitate people to plant trees on non forest/ private lands which will supplement and partner the efforts of the government in increasing forest and tree cover of the country from present 23.81 percent to 33 percent of the geographical area as envisaged in the National Forest Policy, 1988. These plantation efforts outside forests will also help in meeting the demand of various wood and non wood products from the forests; generation of employment in plantation, harvesting, processing and value addition of these products especially in rural areas apart from reducing pressure on the forests.

GUIDELINES:

1. **Preferred Tree and bamboo species under agro-forestry by farmers and not naturally available in neighbouring forests are to be invariably exempted from the transit permit and felling regulations.** As the regulatory mechanism is not uniform across various States/UTs, there is a need for simple uniform mechanism/procedure to regulate the transit rules of forest produce within the State, and also across various States. An indicative list (List-A), which is not exhaustive is enclosed. The State/UT Governments may include other species as required based on the local conditions.

2. **(i) Preferred Tree and bamboo species in areas where they are found in the neighbouring forests may be brought under the limited restrictive provisions for felling and transit to safeguard trees from such forests.** The concerned Gram Sabha may be authorized to regulate felling and transit of trees/timber grown under agro-farm forestry or private lands in the village in respect of such species. A Special/ Standing Committee of Gram Sabha or the Joint Forest Management Committee by whatever names called (as the case may be) to be constituted for the purpose which may authorize an office bearer to certify the origin of timber from trees felled in private non-forest lands for utilization of timber/such produce within the District. This may accordingly be recognized under the existing transit rules of the State.

   (ii) The Forest Department should issue permits based on the certificate of origin issued by authorized representative of such Committees of Gram Sabha/ JFMC for movement across Districts or States. The Forest Department should also initially guide the committee in technical matters and maintain an oversight mechanism. An indicative list (List-B), which is not exhaustive, is enclosed for this purpose. The State/UT Governments may include other species as required based on their conditions.

   (iii) In respect of trees grown on non forest lands in urban/ peri-urban areas, the permission for felling of trees will be issued by concerned DFO/ Tree Officer or any/ such other Authorised Officer as per the provisions of relevant Act(s). However, the process needs to be simplified and well publicized to encourage private initiative in greening of cities and surrounding areas.

3. **(i) The permission for felling and transit wherever required may be given in a time bound manner and this provision should be well publicized.** The permission involving the forest officials should be disposed of through transparent and time bound process. Such measures need to be continuously reviewed.

   (ii) Reviewing and streamlining the Transit Pass system in light of above recommendations is necessary to balance the need for reducing discretion and complexity, at the same time to maintain the utility of the document which will be an important link in the chain of custody process. Use of Information Technology should be encouraged in streamlining the process and making it more verifiable.

4. **Facilitation of Interstate movement and setting up of regional coordination mechanism:** Interstate movement of timber derived from agro forestry plantations or trees from non forest lands needs to be facilitated for benefitting tree growers to get best market price. The mechanism of lieu TP or other arrangements can be simplified by the Regional Coordination Committee of the States concerned, which should meet at regular intervals to facilitate interstate movement and resolve issues, if any. The produce/ timber obtained from non forest lands, which is to be transported from a State to other States may be covered under an appropriate mechanism through mutual consultation such as Nationally Valid Permit for such consignments. A database should be maintained by the agencies which are issuing such permits. Regional Offices of the Ministry may facilitate such coordination.

5. **Recording of Agro-forestry plantations:** There is no mechanism for recording of tree plantations outside forests. Transparent and simple methodology for maintenance of records of tree plantation on private land need to be worked out. This is important for maintaining a dynamic resource inventory. Such records will help in de-centralizing issuing of transit permits and facilitate harvesting of trees planted subsequently at village level. Information technology should be used for creation of registers/database and regular updating at the time of verification of felling requests and replanting. Registration of plantations should also be encouraged. Such database should be linked to existing forest and revenue recording system of the respective states. Online submission of tree plantation form to a designated nodal office may be tried to create plantation database.

6. **Preparing Manuals on agro-forestry in local and official languages of the States for public awareness.**

   (i) Manuals/brochures on growing preferred tree species alongwith relevant information on procedure for harvesting, transporting and marketing in simple local language may be prepared and made available to farmers/peoples in meeting such as Gram Sabha meetings, and also through website.

   (ii) The State Forest Departments should bring out a list of all the trees exempted from the requirements of felling and transit permission in the concerned State at the beginning of planting season for public information and publicise it through appropriate media.

7. All the records in respect of felling and transit of timber may be placed on website or other such public record system.

8. **OTHER MEASURES:**

(i) State/UT Governments are encouraged to have more simplified procedures than suggested above to further encourage people to take up farm/agro-forestry and send a copy of rules/regulations applicable within their jurisdiction, particularly after the simplification.

(ii) States/UTs must give effective publicity to the simplified procedures felling of trees and transit of forest produce thereof.

(iii) The forest officers should reach out to people and provide technical guidance in tree planting and maintenance.

(iv) States/UTs are requested to take initiatives in Research, Development and Extension and Education in following areas:

(a) Preparation/refinement of volume tables for preferred tree species both in irrigated/ non irrigated plantations,

(b) Preparation of suitable Agroforestry models including study of carbon sequestration potential,

(c) Assisting people/farmers in raising quality planting material and standardizing nursery stock,

(d) Coordinate to create viable partnerships with landowners/farmers/tree growers, wood based industries and financial institutions for expansion of trees outside forests,

(e) Promote plantations of high value trees and other plants such as Red Sanders, Sandalwood, Agarwood, etc. and plants of high medicinal values with active involvement of people especially local communities for creating better livelihood opportunities, income generation and helping in conservation of such species and keeping in mind national and international laws in place. A robust registration mechanism should be put in place for such high values tree species to conform to national and international norms.

(f) Suitable incentives for promoting tree planting may be considered.

****

LIST OF PREFERRED AGRO-FORESTRY SPECIES:

List 'A'

(a) Eucalyptus, Poplar, Subabul (*Leucaena* spp.), Casuarinas, *Ailanthus spp.*; Gamari (*Gmelina spp.),* Silver Oak *(Grevillea robusta),* Mulberry (*Morus alba),* Kadam (*Anthocephalus cadamba/ A.chinensis*), Babool (*Acacia nelotica) A. mangium; Acacia lenticularis, Sirris (Albizzia spp.), Neem (Azadirachta indica),* Rubber *(Hevea brasiliensis),* Toon *(Cedrela toona),* Imli (*Tamarindus indica), Grewia opositifolia,* Melia dubia, Jamun, (*Syzigium cumini*). This list may be revised from time to time and in accordance with the suggestion by the States.

(b) Horticultural tree species like Mango, Guava, Coconut, Cashew nut, Citrus, Areca nut, Kathal (*Artocarpus spp.), Zyiphus spp.* This list may be revised from time to time and in accordance with the suggestion by the States.

(c) NTFPs including Bamboo species.

List 'B'

Teak (*Tectona grandis), Terminalia spp.,* Jamun (*Syzigium cumini), Khair (Acacia catechu),* Pines, Semal *(Bombax ceiba), Schima wallichii,* Rosewood (*Dalbergia latifolia),* Shisham (*Dalbergia sissoo),* Padauk (*Pterocarpus dalbergioides*). This list may be revised from time to time and in accordance with the suggestion by the States.

ANNEXURE-XVI

Annexure - XVI

F. No. 8-14/2004-FP (Vol. 2)
Government of India
Ministry of Environment, Forests and Climate Change
Forest Policy Division

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj

Date: 18th November, 2014

To

The Chief Secretary
All State /UT Governments

Sub: **Guidelines for Felling and Transit Regulations for Tree Species Grown on Non-Forest/ Private Lands.**

Sir,

This is to inform that the 'Guidelines for Felling and Transit Regulations for Tree Species Grown on Non-Forest Private Lands' was issued to all State/ Union Territory (UT) Governments vide this Ministry's letter No. 8-14/2004-FP dated 15.12.2004 for augmenting the pace of tree plantation on private land. It was expected that the respective State/ UT Governments would take necessary steps for the implementation of the guidelines in order to achieve the target of National Forest Policy, 1988 to promote partnership of industry, voluntary organizations, institutions and individuals etc. in tree plantations. However, it is felt that required degree of simplification in felling and transit rules has not taken place.

Further, keeping in view the objectives of the National Forest Policy, 1988 which envisages that one-third of the total land area of the country should be under forest or tree cover and problems faced by the farmers and agroforesters in getting felling and transit permits for trees grown on private land, the Ministry of Environment and Forests had constituted a committee in July, 2011 to study the regulatory regime regarding felling and transit regulations for tree species grown on non-forest/ private land. The Committee had submitted its report to the Ministry in November, 2012, which was posted on the website of this Ministry for wider consultation and also circulated to State/ UTs for obtaining their comments/ suggestions.

After examination of the report, comments received in the matter and consultations with the stakeholder, the Ministry has decided to issue fresh guidelines to all State/UT Governments for simplification of felling and transit regulation of tree species grown on non-forest/private land, which is enclosed herewith for information and necessary action. It is requested that measures taken by the State/ Union Territory (UT) Governments in response to these guidelines may be communicated to this Ministry.

Yours faithfully,

Encl: as above

(Subhash Chandra)
Dy. Inspector General of Forests (Forest Policy)

Copy to:

1. The Principal Secretary (Forests), All States/UTs
2. The Principal Chief Conservator of Forests, All States/UTs
3. The Principal Secretary for Planning, Agriculture, Rural Development & Local Self Government, All States/UTs
4. PS to MoS(IC) EF&CC/ PPS to Secretary (EF &CC)/ PPS to DGF & SS/ PPS to ADGF (FC)
5. Guard File

F. No. 8-14/2004-FP (Vol. 2)
Government of India
Ministry of Environment, Forests and Climate Change
Forest Policy Division

Date: 18th November, 2014

GUIDELINES FOR LIBERALIZING FELLING AND TRANSIT REGIME FOR TREE SPECIES GROWN ON NON-FOREST/ PRIVATE LAND

I. BACKGROUND

1. There has been a long felt need to create enabling environment for massive tree plantation outside the natural forests as is also envisaged in the National Forest Policy, 1988 for achieving the national goal of 33% of geographical area of the country under forest or tree cover and also for meeting the growing demands of wood and non wood products including fuelwood, fodder, food and renewable bio-resources in view of the increasing population and developmental needs of the country.

2. In this regard, the Ministry of Environment and Forests had earlier issued guidelines on 'Felling and Transit Regulations for Tree Species Grown on Non-Forest Private Lands' vide letter No.8-14/2004-FP, dated the 15th December, 2004. However, it was felt that these guidelines did not bring out the desired results and the apprehensions persist that people may face difficulties in disposing trees grown on their lands in view of the rigid felling and transit rules and norms. The Ministry, therefore, constituted a Committee under the Chairmanship of Shri A.K. Bansal, former Additional Director General of Forests to study the current regulatory regime regarding felling and transit rules and norms for trees species grown on non-forest as well as private lands in June, 2011. The Committee's Report was placed on the website of the Ministry for inviting comments. In addition, all the States/UTs were also requested separately to send their suggestions/comments to the Ministry.

3. Meanwhile, the National Agroforestry Policy, 2014 has been promulgated by the Ministry of Agriculture, Government of India in February, 2014, which also calls for supportive regulatory framework for felling and transit of trees grown under Agroforestry and Farm forestry systems.

4. In pursuance of the goals of National Forest Policy, 1988 and under the concurrent jurisdiction of the Central Government, to issue directions on the subject of forests listed in the Concurrent list of the Constitution of India, the Ministry of Environment, Forests and Climate Change, after careful examination and consideration of the recommendations of the Committee, and especially considering the need for facilitating Agroforestry and various suggestions/comments received in this regard, issues, herewith the following guidelines.

5. Notwithstanding the above, the Government of States/ Union Territories (UTs) however, may come back to this Ministry for addressing any specific conflict/ problem related

to implementation of these guidelines, which might come into conflict with the objective of forest/ trees conservation.

II. OBJECTIVES:

These guidelines aim to bring in sufficient clarity and long-term certainty so that private land owners, farmers, land owning agencies, financial institutions, industries and others who control, possess and or own lands other than forest land etc. are encouraged to invest in tree plantations with a long term perspective. The objective is to create an enabling environment to motivate and facilitate persons to plant trees on non forest and/or private lands which will supplement and partner the efforts of the government in increasing forest and tree cover of the country from present 24.01 percent to 33 percent of the geographical area as envisaged in the National Forest Policy, 1988. These plantation efforts outside forests will also help in meeting the growing demand of various wood and non wood products from the forests; generation of employment in plantation, harvesting, processing and value addition of these products especially in rural areas apart from reducing pressure on the forests. The large scale tree plantation outside forest areas and forest lands under Agroforestry systems will lead the country towards self sufficiency in wood based products and reduce their import apart from associated benefits of climate change mitigation and enhancement of ecosystem services.

III. GUIDELINES:

1. **Preferred Tree and bamboo species under agro-forestry by farmers and not naturally available in neighbouring forests are to be invariably exempted from the transit permit and felling rules.**

   (i)As the regulatory mechanism is not uniform across various States/UTs, there is a need for a simple uniform mechanism/procedure to regulate the transit rules of forest produce within the State, and also across various States. An indicative list (List-A), which is not exhaustive, is enclosed. The State/UT Governments may include other such species as required, based on their own local conditions.

   (ii)There should not be any requirement of permission for felling of trees and transit permits in case of important timber species like Teak (*Tectona grandis*), Shisham *(Dalbergia sissoo),* Padauk *(Pterocarpus dalbergioides)* and Pines etc. in the States and Union Territories where these species are not found in natural forests, but farmers and private land owners raise plantations of such species. These species should be included in List A by all such States and Union Territories, which have no natural forests/ forest plantations of these species. Similar exemptions should be applicable in those districts of a State where there are no natural forests of such species.

(iii) The Revenue and other State Acts/ Regulations/ Rules which inhibit tree felling and free movement of timber within and across the States also need to be suitably amended and liberalized by the concerned States.

(iv) In respect of preferred trees spp. grown on private lands in urban / metropolitan areas, the respective Tree Preservation Act(s), wherever applicable, will continue to apply. But the State/ UT Governments should see that the provisions of such Act(s) do not discourage private efforts in tree planting.

2. **(i) Preferred Tree and bamboo species in areas where they are found in the neighbouring forests may be brought under the limited restrictive provisions for felling and transit to safeguard trees from such forests.** The concerned Gram Sabha or equivalent institution at the village level, may be authorized to regulate felling and transit of trees/timber grown under agro-farm forestry on private or community lands, by whatever name called, in the village in respect of such species. A Special/ Standing Committee of Gram Sabha or the Joint Forest Management Committee or other such committees by whatever name called (as the case may be) to be constituted for the purpose, which may authorize at least two office bearers to certify the origin of timber from trees felled in private non-forest lands for utilization of timber/such produce within the District. This may accordingly be recognized under the existing transit rules of the State.

(ii) The Forest Department should issue permits based on the certificate of origin issued by authorized representative of such Committees of Gram Sabha/ JFMC or other such committees for movement across Districts or States. The Forest Department should also initially guide the committee in technical matters and maintain an oversight mechanism. An indicative list (List-B), which is not exhaustive, is enclosed for this purpose. The State/UT Governments may include other such species as required, based on their own local conditions.

(iii) In respect of trees grown on non forest lands/private lands in urban/peri-urban areas, the permission for felling of trees will be issued by concerned DFO/ Tree Officer or any/ such other Authorised Officer as per the provisions of relevant Act(s) and/or Rules. However, the process needs to be simplified and well publicized to encourage private initiative in greening of cities and surrounding areas.

(iv) The Government of States and UTs may decide the limit for neighborhood forests as per their circumstances and may review from time to time. The neigbourhood limit should take into account the practical considerations.

3. **(i) The permission for felling and transit wherever required may be given in a time bound manner and this provision should be well publicized.** The permission involving the forest officials should be disposed of through transparent and time bound process. Such measures need to be continuously reviewed.

(ii) Reviewing and streamlining the Transit Pass system in light of above recommendations is necessary to balance the need for reducing discretion and complexity, at the same time in maintaining the utility of the document which will be an important link in the chain of custody process. Use of Information Technology should be encouraged in streamlining the process and making it more authentic and verifiable.

4. **Facilitation of Interstate movement and setting up of regional coordination mechanism:**

(i) Inter-state movement of timber derived from agro forestry plantations or trees from non forest lands/private lands needs to be facilitated for benefitting tree growers to get best market price. Felling and transit permits may not be required for exempted species (List A) grown on non forest/private/ farm lands and logs/ timber/ pulpwood of these species, so that the same can be transported within and across all States and Union Territories without any timber transit permits. This will help growers to get not only the best possible price for timber produced by them without any difficulty but also develop our full potential of agroforestry.

(ii) The mechanism of lieu TP or other similar arrangements may be simplified by the Regional Coordination Committee of the States concerned, which should meet at regular intervals to facilitate inter-state movement and resolve issues, if any. The produce/ timber obtained from non forest lands/private lands, which is to be transported from a State to other States may be covered under an appropriate mechanism through mutual consultation such as Nationally Valid Permit for such consignments. A database should be maintained by the agencies which are issuing such permits as well as by those who are finally receiving it in the respective state.

(iii) There is an urgent need to move towards one simple and uniform nationally adopted transit permit system on electronic format. Regional Offices of the Ministry should facilitate such coordination among the States/ UTs within their jurisdiction.

5. **Recording of Agro-forestry plantations:**

(i) There is no mechanism for recording of tree plantations outside forests. Transparent and simple methodology for maintenance of records of tree plantation on private land needs to be worked out by the state government or through its authorized agencies. This is important for creating and maintaining a dynamic resource inventory. Such records will help in de-centralizing issuing of transit permits and facilitate harvesting of trees planted subsequently at village level. Information Technology should be used for creation of registers/database and regular updating at the time of verification of felling requests and replanting. Registration of plantations should also be encouraged. Such database should be linked to existing forest and revenue recording system of the

respective states. Online submission of tree plantation form to a designated nodal office, preferably at the district/division level, may be tried to create plantation database.

(ii) Maintenance of Records: All the records in respect of planting of trees, felling and transit of timber may be placed on website or other such computerized public record system including revenue and forest records.

6. **Preparing Manuals on Agroforestry in local and official languages of the States for public awareness.**

(i) Manuals/brochures on growing preferred tree species alongwith relevant information on procedure for harvesting, transporting and marketing in simple local language may be prepared and made available to farmers/peoples in meeting such as Gram Sabha meetings, and also through website.

(ii) The State Forest Departments should bring out a list of all the trees exempted from the requirements of felling and transit permission in the concerned State at the beginning of planting season for public information and publicise it through appropriate media. This should have the concurrence of the MoEF especially to confirm that such species are not threatened or come under the threatened list of any national statute including, Wildlife Protection Act, National Biodiversity Act or EXIM policy or under any International Convention or Treaty such as CITES, ITTO etc.

7. OTHER MEASURES:

(i) State/Union Territories Governments are encouraged to have more simplified procedures than suggested above to further encourage people to take up farm/agro-forestry and send a copy of rules/norms applicable within their jurisdiction, particularly after the simplification.

(ii) State/Union Territories Governments must give effective publicity to the simplified procedures felling of trees and transit of forest produce thereof in vernacular / local languages.

(iii) State/Union Territories Governments should facilitate felling and marketing of Teak, Shisham and other valuable timber species trees grown on the private lands of poorer sections of society including scheduled tribes and scheduled castes and encourage them to plant more Teak and other such valuable species which they will be permitted to fell and market the produce without difficulty.

(iv) State/Union Territories Governments should strengthen technical extension services for promoting Agroforestry plantations by using powerful electronics media such as television and radio as is the case for agricultural crops.

(v) State/Union Territories Governments should make appropriate rules or norms for registration of nurseries and certification of seed and seedlings and clonal planting

stock so that farmers get best quality planting stock of tree species to be planted in their private lands/non forest lands.

(vi) The forest officers should reach out to persons and provide technical guidance in tree planting and maintenance through suitable extension programmes including creation and strengthening of Van Vigyan Kendras.

(vii) States/UTs should take initiatives in Research, Development and Extension and Education with involvement of Indian Council of Forestry Research & Education (ICFRE) and other Central and State Forestry Research Institutions in following areas:

(a) Preparation/refinement of volume tables for preferred tree species both in irrigated/ non irrigated plantations for different bio-geographic regions,

(b) Preparation of suitable Agroforestry models appropriate to various bio-geographic regions with forecasting of yield(s) of various preferred species at harvestable period and likely income prospects from such planting models including study of carbon sequestration potential,

(c) Assisting persons/farmers in raising quality planting material and standardizing nursery stock,

(d) Coordinate to create viable partnerships with landowners/farmers/tree growers, wood based industries and financial institutions for expansion of trees outside forest areas/forest land. For providing good prices for privately grown timber under Agroforestry/ farm forestry it is necessary to promote Wood based Industries which primarily depend on such produce and these Wood based industries should be encouraged to tie up with the farmers for growing of raw materials and have a medium to long term forecast of their demand,

(e) Setting up of modern timber markets or upgrade existing timber markets in selected important towns to facilitate transparent timber trade so that farmers get competitive prices for the farm grown timber.

(f) Promote plantations of high value trees and other plants such as Teak, Red Sanders, Sandalwood, Shisham, Agarwood, etc. and plants of high medicinal values with active involvement of people especially local communities for creating better livelihood opportunities, income generation and helping in conservation of such species and keeping in mind national and international laws in place. A robust registration mechanism should be put in place for such high values tree species to conform to national and international laws and norms,

(g) Suitable incentives for promoting tree planting may be considered.

8. LIST OF PREFERRED AGRO-FORESTRY SPECIES:

List 'A' Tree species when exclusively grown on agriculture/ farm land and not naturally available in neighbouring forests:

(a) Khair (*Acacia catechu*), Babool (*Acacia nilotica*) Eucalyptus spp., Poplar spp., Subabul (*Leucaena* spp.), Casuarina spp., Ailanthus spp.; Gamari (*Gmelina arborea),* Silver Oak *(Grevillea robusta),* Mulberry (*Morus alba),*Sissoo (*Dalbergia sisso*), Kadam (*Anthocephalus cadamba/Anthocephalus chinensis) Acacia mangium; Acacia lenticularis, Sirris (Albizzia spp.), Neem (Azadirachta indica),* Rubber *(Hevea brasiliensis),* Toon*(Cedrela toona),* Imli (*Tamarindus indica), Grewia oppositifolia*, Meliadubia, Jamun, (*Syzigium cumini*), Teak (*Tectona grandis*), Khejri (*Prosopis cineraria*), Arjun (*Terminalia arjuna*), Indian willow*(Salix alba)*. This list may be revised from time to time and in accordance with the suggestion by the States.

(b) Horticultural tree species like Mango, Guava, Coconut, Cashew nut, Citrus, Areca nut, Kathal (*Artocarpus spp.), Zyiphus spp.* This list may be revised from time to time and in accordance with the suggestion by the States.

(c) NTFPs including Bamboo species.

List 'B' Tree species grown on non forest landwhere they are found in the neighbouring forests

Teak (*Tectona grandis), Terminalia spp.,*Jamun (*Syzigium cumini), Khair (Acacia catechu),* Pines*,* Semal*(Bombax ceiba), Schima wallichii,* Rosewood (*Dalbergia latifolia)*, Shisham (*Dalbergia sissoo)*, Padauk (*Pterocarpus dalbergioides*).This list may be revised from time to time and in accordance with the suggestion by the States.

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ANNEXURE-XVII

Annexure - XVII

F.No.8-14/2004-FP (Vol.2)
Government of India
Ministry of Environment, Forest and Climate Change
Forest Policy Division

Indira Paryavaran Bhawan,
Vayu Wing, 6th Floor,
Jor Bagh Road, Aliganj,
New Delhi-110003
Dated: 06th October, 2017

To

The Chief Secretary
All State/ UT Governments

Subject: Guidelines for felling and Transit Regulation for Tree Species Grown on Non-Forest/ Private Lands.

Sir

This is to inform that the "Guidelines for Felling and Transit Regulations for Tree Species Grown on Non-Forest Private Lands" was issued to all State/Union Territory (UT) Governments vide this Ministry's letter No. 8-14/2004-FP dated 18th November, 2014 for facilitating the promotion of cultivation and utilization of commonly used agro-forestry tree species grown by farmers in their agricultural fields.

2. In response to the advisory issued dated 18th November, 2014, 24 States/UTs have liberalized the Felling and Transit Regime to a great extent. In this context, the States are advised to consider that commonly grown agro-forestry tree species may be exempted from the requirement of the felling and transit permits. Some of the commonly grown species are: (i) Eucalyptus, (ii) Poplar (iii) Casuarina (iv) Subabul (v) Silver oak (vi) Acacia Mangium (vii) Melia Dubia (Malabar Neem) (viii) Khejri (Prospis spp.) (ix) Indian willow (Salix alba) and (x) Gamari (Gmelina Arborea), etc. The list is indicative and not exhaustive.

3. Liberalization of transit and felling regime in respect of Agroforestry species will help cultivation of these species in the agriculture fields and areas outside forests. Growing of trees outside forests will provide a boost to rural economy, local job creation and help country to achieve the national and global commitments.

4. The action taken in this regard may be communicated to this Ministry at the earliest.

Encl: As above

Yours faithfully,

(Noyal Thomas)
Deputy Inspector General of Forests (Forest Policy)
Tele fax: 011-24695323

Copy to:

1. The Principal Secretary (Forests), All States/UTs.
2. The Principal Chief Conservation of Forests & HoFFs' All States/UTs.
3. Guard File

ANNEXURE-XVIII

Annexure - XVIII

F.No.9-1/2016-FP (Vol.2)
Government of India
Ministry of Environment, Forest & Climate Change
Forest Policy Division

Indira Paryavaran Bhawan,
Vayu Wing, 6th Floor,
Jor Bagh Road, Aliganj,
New Delhi -110 003
Dated 09th October, 2017

To

The Principal Chief Conservator of Forests & HoFF's,
All States/ UTs

Sub: Pan India Card/ Transit Permit for inter-state movement of bamboo - reg.

Sir/Madam

I am directed to refer to the decisions of the meeting of PCCF & HoFFs of all States/ UTs held on 18.9.2017 regarding the amendment of Section 2 (7) of the Indian Forest Act, 1927 and Pan India Transit permit for movement of Bamboo. The minutes of the meeting have already been circulated to all the States/ UTs for information and necessary action.

2. In continuation of the above, the format for Pan India Permit for the transportation of bamboo throughout the country is enclosed. This will remove the hardships faced by farmers / traders while moving the Bamboo/Bamboo products across the country. The States/UTs may issue necessary directions for adoption of this national permit and if required the same may be incorporated in the respective transit rules of the States/UT's also.

3. The following operational guidelines may be adhered to in respect of the said permit:

(i) Permit to be issued in bilingual (English and Hindi/Regional Language)
(ii) Permit to be issued in four copies (one for DFO office, one for the trader, one for Range Office, one for concerned Conservator of Forests)
(iii) Pass to have a limited validity of 45 days from the date of issue.
(iv) No in lieu Transit Permit (T.P.) will be issued by other State. Only an endorsement to be made by the Check post of States in transit.
(v) Gradually this system can be shifted to an electronic national portal system.

4. This may be accorded priority and the action taken report may also be furnished to the Ministry.

Yours faithfully,

(Noyal Thomas)
Deputy Inspector General of Forests (Forest Policy)
Tele fax: 011-24695323

Copy to:

The Chief Secretary, All State/ UT Governments

Forest Department
Name of State

Transit Permit for inter-state movement of all species of Bamboo within the Country

1. Details of Issuing Authority
   a) Name of Officer :
   b) Designation of Official :
   c) Office Address with Telephone No.:
   d) Email and Mobile Number :

2. Permit No._____

3. Details of the person(s)/entity to whom the permit is granted:-
   a) Name :
   b) Aadhar Number/
      Registration No. in case of a firm) :
   c) Address :
   d) Email and Contact details :

4. Date of issue :

5. Details of Produce :

S.No	Produce	Quantity in number / weight as applicable	Source of Origin	Remarks, if any
1	Bamboo Species: (i) (ii) (iii)			
2	Bamboo produce: (i) (ii) (iii)			

6. Route(s) by which bamboo produce will be transported:
7. Mode of Inter-State transport:
8. Details of Final Destination:
9. Marking through Transit by the concerned States:
10. Date of expiry of permit is 45 days from the date of issue (Date to be indicated):

DIVISIONAL FOREST OFFICER,
_____Forest Division
(Name, Date and Seal)

ANNEXURE-XIX

F.No.8-14/2004-FP (Vol.3)

Annexure - XIX

Government of India
Ministry of Environment, Forest & Climate Change
Forest Policy Division

Indira Paryavaran Bhawan,
Vayu Wing, 6th Floor,
Jor Bagh Road, Aliganj,
New Delhi -110 003

Dated 23 January, 2018

To

The Principal Chief Conservator of Forests & HoFF's,
All States/ UTs

Sub: Pan India Card/ Transit Permit for inter-state movement of commonly grown agro-forestry species - reg.

Sir/Madam

I am directed to refer to the Ministry's letter of even number dated 6.10.2017 and the minutes of the meeting held with the PCCF&HoFF's of all the States/ Union territories on 19.12.2017 in the Ministry regarding promotion of agroforestry in the country.

2. Requirement of felling and transit permits is found to be one of the major impediments in the growth of agroforestry sector in India. Even though, in many States the felling regime have been liberalized the inter-state transit of timber is a major problem being faced by the growers. This is a great disincentive and hence the growers are not keen to raise trees on their farm lands. Hence there is a need to revisit the existing felling/transit regime and substitute the same with a simple mechanism to promote growing of trees on private/non forest land. At the same time we need to address the inter-state movement of timber sourced from commonly grown tree species on private land.

3. To remove such impediments and also with a view to create an enabling environment for raising plantations on all available lands and also for augmenting the pace of tree plantation on private land, the Ministry of Environment, Forest and Climate Change issued Model Guidelines for Liberalizing Felling and Transit Regime for Tree Species grown on Non-forest/Private land on 18th November, 2014 requesting all States/UTs to take necessary action followed by various Advisories. In the advisory dated 6.10.2017, the states/UTs were requested to consider exempting the following ten commonly grown agroforestry species from the requirement of felling and transit permit:-

(i) Eucalyptus, (ii) Poplar (iii) Casuarina (iv) Subabul (v) Silver oak (vi) Acacia Mangium (vii) Melia Dubia (Malabar Neem) (viii) Khejri (Prospis spp.) (ix) Indian willow (Salix alba) and (x) Gamari (Gmelina Arborea), etc.

4. Recently an advisory for Pan India Transit Permit for inter-state movement of bamboo has been issued to all the States/Uts on 9.10.2017. On the similar lines a draft Pan India Transit Permit for inter-state movement of commonly grown agroforestry species initially with 10 indicated species are issued for consideration and suggestions for finalising the Pan India Transit inter-state movement of agroforestry species.

5. The following operational giuidelines may be adhered to in respect of the said Pan India Permit:

(i) Permit to be issued in bilingual (English and Hindi)
(ii) Permit to be issued in four copies (one for DFO office, one for the trader, one for Range Office, one for concerned CF)
(iii) Pass to have a limited validity of 45 days from the date of issue.
(iv) No in lieu T.P. will be issued by other State. Only an endorsement to be made by the Check Post of States in transit.
(v) Gradually this system can be shifted to an electronic National Portal System

6. This may be accorded priority and the action taken report may also be furnished to the Ministry.

Encl; as above.

Yours faithfully,

23/1

(Noyal Thomas)
Deputy Inspector General of Forests (Forest Policy)
Tele fax: 011-24695323

Copy to:

The Chief Secretary, All State/ UT Governments

3980

Forest Department.....

Name of State/UT.....

Transit Permit for inter-state movement of ten commonly grown agroforestry species *{(i) Eucalyptus, (ii) Poplar (iii) Casuarina (iv) Subabul (v) Silver oak (vi) Acacia Mangium (vii) Melia Dubia (Malabar Neem) (viii) Khejri (Prospis spp.) (ix) Indian willow (Salix alba) and (x) Gamari (Gmelina Arborea)}* **within the Country**

1. Details of Issuing Authority
   a) Name of Officer :
   b) Designation of Official :
   c) Office Address with Telephone No.:
   d) Email and Mobile Number :

2. Permit No._____

3. Details of the person(s)/entity to whom the permit is granted:-
   a) Name :
   b) Aadhar Number/
      Registration No. in case of a firm) :
   c) Address :
   d) Email and Contact details :

4. Date of issue :

5. Details of Species/Produce :

*(may attach a separate sheet)

S.No	Produce	Quantity in number / weight as applicable	Source of Origin	Remarks, if any
1	Species: (i) (ii) (iii)			
2	Timber: (i) (ii) (iii)			
	Produce: (i) (ii) (iii)			

6. Route(s) by which timber of indicated species/produce produce will be transported:

7. Mode of Inter-State transport:
8. Details of Final Destination:
9. Marking through Transit by the concerned States:
10. Date of expiry of permit (validity of permit is 45 days from date of issue)
    Date to be indicated:

DIVISIONAL FOREST OFFICER,
_____Forest Division
(Name, date and Seal)

ANNEXURE-XX

Annexure - XX

F. No. 8-14/2004-FP
Government of India
Ministry of Environment, forest and Climate Change
Forest Policy Division

Indira Paryavaran Bhawan
Vayu Wing, 6th Floor
Jor Bagh Road, Aliganj
New Delhi- 110003

Dated 1st January, 2020

To

The Chief Secretary
All State/UT Governments

Sub: Achieving National Forest Policy goal of one-third of country's geographical area under Forest and Tree Cover: relaxation of regulatory regimes for felling and transit of tree species grown on non-forest/ private lands-regarding

Sir,

Ministry of Environment, Forest and Climate Change had issued Guidelines for Felling and Transit Regulations for Tree Species Grown on Non-Forest/ Private Lands vide letter of even number dated 18.11.2014 (copy enclosed) followed by various advisories/ reminders for promotion of tree outside forests in the country. Further an advisory dated 6.10.2017 was also issued to all States/UTs to consider initially exemption of at least 10 commonly grown agro-forestry tree species from the regulatory regimes (copy enclosed).

2. Ministry also constituted an Expert Committee in 2018 to develop strategies to increase green cover outside recorded forest areas (TOF). Recommendations of the Expert Committee, *inter-alia*, includes recommendations for rationalizing and easing out of felling and transit prescriptions on wood and wood products coming out from agroforestry, farm forestry and tree cropping areas. Ministry circulated the report of Expert Committee to all States/UTs on 27.11.2018 for its implementation for promotion of trees outside forests.

3. In response to the various Guidelines and Advisories issued by Ministry, 27 major States/UTs have already exempted a number of agro-forestry tree species from the transit and felling regime. As per information furnished by States, most of the States & UTs have exempted a large number of common agroforestry tree species and bamboo from the requirement of felling and transit permits. However, some States and UTs are yet to relax the felling and transit regulations for tree species grown on non-forest private lands by making suitable amendments in their Tree Preservation Acts and Felling and Transit Regulations/Rules.

4. Section 41 of the Indian Forest Act, 1927 empowers the State/UT Governments to make rules to regulate transit of forest produce. Sub-section 41 (3) of IFA, 1927 reads as:-

"The state Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area."

5. Hence, it is requested that State/UT Governments may exercise the power granted under section 41(3) of the Indian Forest act, 1927 for exempting agroforestry tree species, bamboo and medicinal trees etc. grown on non-forest/ private lands from the requirement of felling and transit permit as advised by this Ministry following due process. States which are having their own Forest Acts, may bring necessary amendments in their State Acts and Rules for exempting tree species grown on non-forest/private lands.

6. The achievement of National Forest Policy goal of one-third of country's geographical area under Forest and Tree Cover is critically dependent upon rapidly enhancing tree cover outside forests, and as such farmers and other private individuals/organisations need to be incentivized.

7. In view of above, all States/ UTs Governments are once again requested to take necessary steps for exempting agroforestry tree species, Bamboo and medicinal trees grown on non-forest/ private lands from the requirement of felling and transit permits for promotion of tree and bamboo cultivation by farmers and others in private lands for increasing the income of farmers and others.

Encl. as above

Yours faithfully,

1/1/2020

(Noyal Thomas)
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ANNEXURE-XXI

Draft Guidelines for Tree Management in Non-Forest Areas

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1. **Preamble**

WHEREAS the protection, growth, and management of trees in non-forest areas are essential for maintaining ecological balance, mitigating climate change, and enhancing the quality of life for communities.

AND WHEREAS tree management in non-forest areas significantly impacts biodiversity, ecosystem services, air quality, water conservation, and public health.

AND WHEREAS there is a need for uniform, scientific, and transparent guidelines for managing trees outside designated forest areas to ensure sustainable development while maintaining green cover for ecological stability.

The [Government of State/ UT Administration] hereby issues the following guidelines to regulate and facilitate the protection, pruning, felling, transplantation, and health monitoring of trees in non-forest areas under Section [Relevant Section Number] of the [Relevant Act/Policy]:

2. Objectives

1. To establish a **comprehensive framework** for tree management, encompassing protection, and growth in non-forest areas.
2. To **regulate and facilitate** tree pruning, felling, and transplantation while ensuring environmental protection and sustainable development.
3. To enable the **integration of data** across States/UTs for enhanced transparency and to support national-level research.
4. To establish **"Tree Census"** as a critical planning tool for effective management and decision-making.

5. To address the specific needs of areas undergoing a **transition from rural to urban** landscapes and to implement steps for preserving tree cover during this process.
6. To foster **capacity building** through structured training and certification programs for manpower involved in tree management activities.
7. To ensure **optimisation of ecosystem services** provided by trees, including air and water purification, soil conservation, biodiversity enhancement, and climate regulation.
8. To promote **scientific plantation of trees**, focusing on site-specific native and climate-resilient species to improve ecological balance and optimize benefits.
9. To enhance **carbon sequestration** capacity by protecting existing trees, restoring degraded lands, and implementing afforestation programs in alignment with national and international climate goals.
10. To create and expand **green job opportunities** by formalizing roles in tree management, timber production, and ecological restoration projects.
11. To support the **formalization of timber production** on a national scale, ensuring sustainable practices and alignment with global standards.
12. To **promote certification** under the Indian Forest and Wood Certification Scheme (IFWCS) for trees grown outside forest areas, **enhancing the marketability** and global acceptance of tree-based products.
13. To **strengthen the capacity and operational efficiency** of agencies responsible for implementing these guidelines through resource allocation, training, and institutional support.
14. To increase **public and private sector participation** in tree management through collaborative efforts, incentives, and awareness campaigns.
15. To provide **economic opportunities** for farmers, landowners, and communities through sustainable agroforestry, urban forestry, and community-managed tree plantations.

16. To **converge action** under the provisions of extant legal framework for tree management like Forest Policy (1988), National Working Plan Code (2023), Biological Diversity Act (2002), relevant State/UT tree protection laws, the Van (Sanrakshan Evam Samvardhan) Adhiniyam (1980), etc.
17. To ensure **Ease of Doing Business** by streamlining approvals, reducing bureaucratic hurdles, and leveraging technology for transparent and efficient processes.
18. To improve **Ease of Living** by integrating tree management into urban planning, enhancing green spaces, and creating a healthier environment for citizens.
19. To promote **Technological Integration** across all aspects of tree management, including GIS mapping, IoT-enabled monitoring, digital portals for approvals, and data-driven decision-making.

3. Applicability and Scope

3.1 These guidelines shall apply to all tree management activities in non-forest areas, including urban, rural and transitional landscapes within the jurisdiction of [Name of State/UT].

I. **Urban Areas**: These include municipal limits [and any area defined as per extant of [Name of State/UT] Acts].

II. **Rural Areas**: These include areas not falling in Urban areas.

III. **Transition Areas**: These include peri-urban zones, urbanizing rural areas, and other fringe areas undergoing rapid socio-economic and land-use change.

IV. **Eco-Sensitive Zones (ESZs):** Management of tree in areas notified as Eco-sensitive zone around protected areas.

3.2 The specific implementation and operational requirements for these guidelines shall be decided by the [Name of State/UT] government, considering the ecological and socio-economic conditions of the region. The

4. Definitions

1. **Adoption of Tree** means the voluntary commitment by an individual, group, or organisation to care for a tree by ensuring its regular maintenance, protection, and survival, as per guidelines specified by [Name of State/UT or relevant authority].
2. **Compensatory Plantation** means the mandatory planting of trees to offset the loss caused by felling or transplantation, in accordance with prescribed ratios or norms determined by [Name of State/UT].
3. **Felling** means as per section [Relevant Section Number] of the [Relevant Act/Policy] or the act of cutting down or uprooting a tree, partially or entirely, for purposes such as development, construction, or agricultural activities.
4. **Heritage Tree** means a tree recognized for its exceptional ecological, cultural, historical, or aesthetic value, based on parameters such as age, size, rarity, or association with a historical event, and identified by the [Tree Authority or Relevant Body]. Special conservation measures shall apply to such trees.
5. **Ministry** means Ministry of Environment, Forest and Climate Change, Government of India.
6. **Pruning** means as per section [Relevant Section Number] of the [Relevant Act/Policy] or the selective removal of parts of a tree, such as branches with girth more than [as decided by State/UT] cm for improving its health, safety, or appearance.

7. **Self-declaration** means that the applicant declares the details of their activities, such as pruning, felling, or transplantation of trees, based on their knowledge and understanding of the guidelines.
8. **Transition Areas** means areas undergoing rapid change from rural to urban, where tree management efforts are required to address environmental and development challenges.
9. **Transplantation** means the relocation of trees to another site to conserve them or mitigate their removal due to development or infrastructure projects.
10. **Tree** means definition as per section [Relevant Section Number] of the [Relevant Act/Policy] or a woody perennial plant with a well-defined trunk or stem, a minimum girth at breast height (GBH) of [As decided by State/UT] cm (measured at 1.37 meters from the ground) and a minimum height of [As decided by State/UT] meters.
11. **Tree Authority** means the apex body constituted in Section [Relevant Section Number] of the [Relevant Act/Policy] to oversee tree management activities, review these guidelines, preparation of Annual Capacity Building Plan and recommend periodic revisions based on annual appraisals.
12. **Tree Census** means as per section [Relevant Section Number] of the [Relevant Act/Policy] or a systematic enumeration of trees conducted to support planning and decision-making.
13. **Tree Officer** means the designated officer responsible for facilitating and regulating tree-related activities, including pruning, felling, transplantation, and monitoring, as defined in Section [Relevant Section Number] of the [Relevant Act/Policy].

5. Special protection under [Name of Act of State/UT]

i. Species in rural/urban/transition areas enlisted in Annexure-[relevant number] shall be given special protection on the following grounds:

a) **Low Regeneration**: Species with limited natural regeneration capacity, requiring targeted conservation efforts.

b) **Threat of Extinction**: Species identified as critically endangered or vulnerable, based on ecological assessments or national/international listings.

c) **Habitat Protection**: Species playing a critical role in the protection and sustenance of habitats for endangered fauna.

d) **Social, Cultural, or Religious Importance**: Species of significant value to communities for their cultural, religious, or traditional practices (subject to expansion of the list based on consultation with stakeholders).

ii. All proposals or policy decisions involving species included in these lists shall require the prior approval of the Tree Authority, ensuring due consideration of ecological, social, and cultural factors.

6. Exclusion of tree species from [Name of Act of State/UT]

a. Species in rural/urban/transition areas enlisted in Annexure- [relevant number] are exempted from the requirement of seeking permission for pruning and felling under section [relevant section of Act allowing the exclusion] of [Name of Act of State/UT], based on the reasons specified in Column-[relevant column number] of the Annexure.

b. The grounds for exclusion may include, but are not limited to:

I. **Invasive Species**: Species identified as invasive and detrimental to native ecosystems.

II. **Agroforestry Species**: Species commonly grown as part of agroforestry systems to support agricultural productivity.

III. **Declared Agroforestry Areas**: Trees raised in areas self-declared for agroforestry purposes, encouraging sustainable land use practices.

c. This exemption is designed to facilitate agroforestry practices, mitigate risks associated with invasive species, and promote sustainable management of tree resources.

7. Data Integration and Promotion of Research

a) **Centralized Data Platform :** A centralized platform shall be developed for the comprehensive management of data on tree-related activities in the [Name of State/UT]. This platform shall include, but is not limited to:

i. Tree census data.

ii. Receiving and processing applications for pruning, felling, and transplantation activities.

iii. Receiving and processing grievances and appeals related to tree management.

iv. Maintaining records of meetings and decisions of the Tree Authority.

v. Tracking offences, violations, and enforcement actions under the relevant Act.

vi. Research Papers and Reports: A repository of research papers, case studies, and reports published on topics like tree management, biodiversity conservation, carbon sequestration, and ecosystem services.

vii. Third-Party Audits: Data from third-party audits of tree management activities, including evaluations of compliance, performance, and survival rates of planted or transplanted trees.

a) Transparency:

i. The collected data shall be anonymized to protect sensitive information and made publicly accessible to research institutions, universities, environmental organizations, and the public.

ii. Data shall include details of approved and rejected applications, grievances resolved, offence reports, compensatory plantation progress, and third-party audit results.

iii. Tree Authority shall facilitate greater collaboration, improve accountability, and support data-driven research and decision-making in the tree management sector.

b) National Integration:

i. The [Name of State/UT] shall integrate its data into State and national research platforms with the assistance of the Ministry.

ii. Tree authority shall seek necessary assistance of the Ministry to facilitate comprehensive analysis at the national level to provide policy inputs that can contribute to coordinated efforts in tree conservation, carbon sequestration, biodiversity protection, and sustainable development.

iii. The integrated platform shall be leveraged by Tree Authority to support knowledge sharing and alignment with national goals like afforestation programs and climate resilience initiatives.

c) Public Access to Research Outputs:

i. Research papers, policy briefs, case studies, and other outputs based on the collected data shall be made available on the centralized platform.

ii. Tree authority shall encourage knowledge dissemination, public awareness, and innovation in tree management practices.

iii. Collaborations with national and international research institutions shall be promoted to expand the impact and scope of studies related to tree management.

d) Periodic Review of Data Quality and Use:

i. The Tree Authority shall periodically review the quality of data and the effectiveness of its use in research, policymaking, and public awareness.

ii. Feedback from third-party audits, research organizations, and public users shall be incorporated to improve the platform's utility and accuracy.

e) Promotion of Citizen Science and Crowdsourced Data:

i. The platform shall integrate crowdsourcing mechanisms to collect additional data on tree health, species diversity, and plantation survival rates from citizens.

ii. Citizen's participation shall be encouraged through mobile applications and web-based tools, allowing individuals to contribute observations and feedback.

iii. Verified crowdsourced data shall complement institutional data, ensuring a more comprehensive understanding of tree management efforts across the [Name of State/UT].

8. Training and Certification of Manpower

a) The **[Name of Institution]** of [Government of India/State Government/UT Administration] shall organize or authorize Government/Private organizations to conduct **training programs with certification** for developing a skilled workforce in tree management-related activities. These programs shall focus on roles such as:

   i. Arborists.

   ii. Tree doctors.

   iii. Gardeners.

   iv. Skilled workers for tree pruning, transplantation, pest management, and other tree management-related activities.

b) **Training modules** shall be developed in collaboration with reputed institutions such as the **Indian Institute of Forest Management (IIFM)**, **State Forest Research Institutes**, and other specialized organizations. The modules shall include theoretical and practical components tailored to meet the requirements of tree management in both rural and urban areas.

c) **Tree Officers**, support staff, and other stakeholders involved in tree management activities shall receive regular training under an **Annual Capacity Building Plan (ACBP)**. The plan, devised by the Tree Authority, shall focus on the following:

   i. Digital tools for application processing and tree data management.

   ii. GIS mapping for tree census, monitoring, and spatial planning.

   iii. IoT applications for real-time monitoring of tree health and compliance activities.

   iv. Best practices for pest control, transplantation techniques, and tree health management.

d) Certification programs shall ensure a standardized skillset among professionals involved in tree management. Certified personnel shall be preferred for roles in public and private sector tree management projects.

e) Training programs shall promote green jobs and encourage participation from diverse sectors, including unemployed youth, women, and marginalized groups, to create equitable opportunities in tree management-related activities.

f) Feedback mechanisms shall be incorporated into the training process to improve program quality and align future modules with evolving technological advancements and on-ground challenges.

9. Tree Management Activities

a) Interventions in Transit Areas:

I. Identification of Transition Areas:

a) The identification of transition areas (zones undergoing rapid change from rural to urban landscapes) shall be mandated by the Tree Authority in collaboration with Urban Local Bodies (ULBs) and panchayats.

b) Transition areas may include peri-urban zones, fringe areas of growing towns and cities, and rural zones with significant infrastructure or development projects.

c) GIS mapping, land-use data, and demographic trends shall be used to identify regions requiring targeted tree management interventions.

II. Identification of Green Patches for Retention:

a) As part of the transition planning process, the identification of green patches to be retained shall be made integral to land-use planning and development.

b) Green patches may include:

a. Existing parks, community forests, and ecologically sensitive areas.

b. Significant tree clusters that provide vital ecosystem services or have cultural, religious, or social importance.

c. Natural green corridors essential for biodiversity and wildlife connectivity.

c) These green patches shall be earmarked for preservation in master plans, development plans, and land-use conversion proposals.

III. Special Measures for Transition Areas:

a) Retained green patches shall be protected through:

a. Legal provisions under the [Name of State/UT Act].

b. Buffer zones around green patches to minimize construction-related impacts.

c. Integration of compensatory plantation programs within retained areas to enhance tree cover.

b) Urban planning authorities shall ensure the continuity of ecosystem services by incorporating green patches into urban green spaces, public parks, and biodiversity corridors.

IV. Oversight and Support:

a) The Tree Authority, in collaboration with ULBs, shall monitor the implementation of green patch retention plans and ensure compliance with guidelines.

b) Technical and financial assistance for preserving green patches shall be provided through CAMPA funds, CSR initiatives, or other schemes.

b) Tree Census:

I. Purpose

A Tree Census shall be conducted periodically by the Tree Authority to:

1. Collect comprehensive tree-related data for informed decision-making.

2. Strengthen the implementation of the Biological Diversity Act, 2002 (amended from time to time), by aligning tree census data with biodiversity conservation priorities.

3. Enhance the biodiversity data generated under the People's Biodiversity Register (PBR) by identifying tree species with ecological, cultural, and medicinal significance.

II. Data Integration Mechanism

A. Incorporation of National Biodiversity Authority (NBA) and IFWCS Data into Tree Census:

Relevant Data from PBRs maintained by Biodiversity Management Committees (BMCs) under the Biological Diversity Act, 2002 and relevant data of certified plantations under IFWCS shall be incorporated shall be integrated into the tree census process, including:

a) Species of biodiversity significance (endemic, endangered, or threatened).

b) Trees supporting keystone species, pollinators, or rare fauna.

c) Culturally or medicinally important tree species.

B. Use of Tree Census Data to Enhance PBRs:

Data collected during the tree census shall be shared with BMCs to strengthen biodiversity documentation in PBRs, focusing on:

a) Comprehensive mapping of tree species diversity.

b) Identification of under-documented species(Trees, shrubs, herbs, climbers etc.) or areas.

c) Information on species distribution, tree density, and ecological significance.

d) Identification of Sacred Groves for their protection.

C. Mutual Data Sharing:

The Tree Authority, Indian Forest and Wood Certification Council and BMCs shall establish a formal data-sharing mechanism to ensure seamless integration of biodiversity-related information, facilitating:

a) Updates to tree census and PBR records.

b) Avoidance of duplication in data collection efforts.

D. Crowdsourcing Participation

c) Public Involvement:

a. Crowdsourcing platforms shall encourage citizens, NGOs, schools, and other stakeholders to contribute to both tree census and

biodiversity data.

d) Submissions shall focus on:

a. Tree species, location, and health status.

b. Biodiversity-specific attributes, such as traditional uses, ecological importance, or habitat associations.

e) Cross-Verification of Data:

a. Crowdsourced data shall be verified by Tree Officers in consultation with BMCs and biodiversity experts to ensure consistency with PBRs and NBA norms.

III. **Frequency and Scope**

A. Guided by Biodiversity Priorities*:*

a) The frequency and scope of the tree census shall align with biodiversity priorities, focusing on:

a. Ecologically sensitive areas, such as transition zones, urban green patches, and degraded landscapes.

b. Tree species critical for biodiversity conservation under NBA guidelines.

B. Alignment with National Working Plan Code, 2023 *(*NWPC 2023*)*:

a) Tree census activities **shall align** with NWPC 2023 by prioritizing species diversity, native species, and carbon sequestration goals.

b) Tree Census Data **shall be utilized** to plan sustainable agroforestry and urban greening initiatives, ensuring compliance with national and global biodiversity commitments.

C. Use of Census Data for Conservation Strategies*:*

a) Tree census data shall guide conservation strategies in compliance with the Biological Diversity Act, 2002, prioritizing:

a. Retention of green patches in areas facing urbanization.

b. Protection of vulnerable or keystone species.

D. Use of Tree Census Data for Enhancing Objectives of the Biological Diversity Act, 2002

a) Identification of High-Value Trees and Areas:

   a. The tree census shall help identify:

      i. Species listed by the NBA for protection.

      ii. Areas with high biodiversity value that require focused conservation.

b) Policy and Planning Support:

   a. Tree census data shall support the creation of conservation plans, plantation drives, and compensatory measures in compliance with the BIOLOGICAL DIVERSITY ACT, 2002.

c) Sustainable Use and Benefit Sharing:

   a. The data shall inform decisions regarding sustainable use of tree resources, ensuring compliance with Access and Benefit-Sharing (ABS) provisions under the BIOLOGICAL DIVERSITY ACT, 2002.

E. Integration with Digital Systems

a) Centralized Database:

   a. The centralized tree census database shall integrate biodiversity-related information from PBRs, enhancing accessibility for policymakers, researchers, and planners.

b) GIS and Mapping Tools:

   a. Tree census data shall be mapped with biodiversity hotspots using GIS tools, enabling:

   b. Identification of species overlap and ecological patterns.

   c. Prioritization of areas for conservation under the BIOLOGICAL DIVERSITY ACT, 2002.

c) Open Data for Collaboration:

   a. Anonymized tree census data shall be shared with BMCs, State Biodiversity Boards, and research institutions to promote collaboration and transparency.

F. Roles and Responsibilities

a) Tree Authority:

   a. Ensure tree census activities align with BIOLOGICAL DIVERSITY ACT, 2002 provisions and biodiversity goals.

   b. Share collected data with BMCs for integration into PBRs.

b) Biodiversity Management Committees (BMCs):

   a. Provide relevant biodiversity-related data from PBRs for integration into the tree census.

   b. Validate crowdsourced biodiversity data during the census process.

c) State Biodiversity Board (SBB):

   a. Oversee coordination between the Tree Authority and BMCs to ensure compliance with objectives of BIOLOGICAL DIVERSITY ACT, 2002 (amended from time to time).

d) Indian Forest and Wood Certification Council (IFWCC):

   a. Oversee coordination with the Tree Authority and BMCs to ensure compliance with objectives of NWPC 2023.

G. Transparency and Public Accessibility

a) Data collected through the tree census and under the provisions of the BIOLOGICAL DIVERSITY ACT, 2002 and IFWCS shall be made publicly accessible while ensuring compliance with the Access and Benefit-Sharing (ABS) provisions.

b) Sensitive biodiversity data shall be shared responsibly, ensuring protection of traditional knowledge and resources.

c) Heritage trees:

I. Definition of Heritage Trees:

A Heritage Tree is a tree that meets one or more of the following criteria:

a) Age: The tree is [X years or older], as determined by the [Name of State/UT].

b) Size: The tree has a significant girth or canopy spread beyond [Y meters],

depending on species and region.

c) Cultural, Historical, or Religious Significance: The tree is associated with historical events, cultural traditions, or religious practices.

d) Ecological Importance: The tree supports biodiversity, serves as a keystone species, or provides critical ecosystem services.

II. Identification and Registration

Tree Census and Identification:

a. Heritage Trees shall be identified during the tree census process through collaboration with Biodiversity Management Committees (BMCs), local communities, and relevant authorities.

b. Community members, NGOs, and individuals may nominate trees for heritage status through the [Name of State/UT e-portal].

III. Verification and Approval:

a) Nominations for Heritage Trees shall be verified by Tree Officers in consultation with experts (e.g., ecologists, arborists) and the Biodiversity Management Committee.

b) Verified trees shall be designated as Heritage Trees and added to the Heritage Tree Registry, maintained by the Tree Authority.

IV. Heritage Tree Registry:

a) The registry shall include details such as:

a. Species, age, size, and location (with geotagging).

b. Historical, cultural, or ecological significance.

c. Conservation measures and status.

b) The registry shall be publicly accessible for research, education, and awareness.

V. Preservation and Conservation Measures

a) Protection from Damage:

   a. Heritage Trees shall be protected from felling, pruning, or any activity that may harm their health or structure, except in cases where pruning is essential for:

   b. Public safety (e.g., dangerous branches).

   c. Tree health (e.g., pest or disease management).

   d. Any permitted activity involving a Heritage Tree shall require prior approval from the Tree Authority.

VI. Buffer Zones:

a) A buffer zone of [X meters] around Heritage Trees shall be established to prevent encroachments or construction activities that may damage the tree or its root system.

VII. Maintenance and Monitoring:

a) Tree Officers shall monitor the health and stability of Heritage Trees through regular inspections and reports.

b) Maintenance activities, such as pest control, fertilization, and structural support, shall be carried out by trained arborists under the supervision of the Tree Authority.

VIII. Biodiversity Conservation:

a) Heritage Trees identified as keystone species or hosting rare flora/fauna shall have targeted conservation plans to protect associated biodiversity.

IX. Community Participation and Awareness

a) Role of Communities:

   a. Local communities, NGOs, and educational institutions shall be

encouraged to participate in the protection and promotion of Heritage Trees.

b. Awareness campaigns, workshops, and events shall be organized to educate citizens on the ecological and cultural importance of Heritage Trees.

X. Adoption of Heritage Trees:

a) Individuals or organizations may adopt Heritage Trees to assist in their care and maintenance under the guidance of the Tree Authority.

XI. Recognition of Contributions:

a) Communities, individuals, or groups actively involved in the protection of Heritage Trees shall be recognized with awards or incentives.

XII. Integration with Other Frameworks

A. Compliance with Biological Diversity Act, 2002*:*

a. Heritage Trees identified as ecologically significant shall be integrated into the People's Biodiversity Registers (PBRs) maintained under the Biological Diversity Act, 2002.

b. Activities involving Heritage Trees shall comply with the Access and Benefit-Sharing (ABS) provisions of the Biological Diversity Act, 2002.

B. Heritage and Tourism Promotion*:*

a. A Heritage Trees with cultural or historical significance may be included in local heritage and eco-tourism programs to promote awareness and sustainable economic benefits.

C. Financial Assistance and Incentives

a) Funding for Conservation:

a. State and Central government funds, along with CSR initiatives, shall support the conservation of Heritage Trees.

b. A specific budget shall be allocated for maintenance, monitoring, and awareness programs.

b) Incentives for Protection:

a. Private landowners hosting Heritage Trees shall receive incentives, such as:

i. Tax rebates for maintaining Heritage Trees.

ii. Financial support for tree care and maintenance.

XIII. Enforcement and Penalties

a. Illegal Activities:

iii. Unauthorized felling, pruning, or damage to Heritage Trees shall be penalized under the relevant [Name of State/UT Act].

iv. Penalties may include fines, restoration costs, and criminal proceedings for damaging public property.

XIV. Accountability Mechanism:

a. The Tree Authority shall be responsible for enforcing protection measures and ensuring compliance with Heritage Tree guidelines.

d) Compensatory Plantation

I. Key Principles for Compensatory Plantation

A. Plantation Ratio*:*

a. Against every tree felled or transplanted, a minimum of 5 saplings shall be planted and maintained for [Number of years decided by State/UT] years. Number of saplings to be planted shall be decided based on the species of tree felled or transplanted based on its ecological value.

B. Air Pollution Mitigation*:*

a) Air pollution-abating species shall be mandatory in high AQI zones.

b) Plantation shall be prioritized within the same landscape to offset local environmental losses.

C. Native Species Preference*:*

a) Species selection shall follow NWPC 2023 guidelines, ensuring ecological

and economic sustainability.

b) Native and regionally adapted species shall be prioritized in areas with lower AQI values or ecological sensitivity.

D. Certification and Sustainability*:*

a) All compensatory plantations **shall align** with IFWCS standards, ensuring sustainable management and certification readiness.

b) Certified plantations **shall contribute** to marketable wood products, agroforestry initiatives, and urban green credits.

E. Survival Rate Compliance*:*

a) Applicants shall ensure a survival rate of at least [X% as decided by the State/UT] of the planted trees during the maintenance period, subject to monitoring and inspections.

II. Security Money Deposit for Tree Felling

A. Purpose of Security Deposit*:*

b) To ensure compliance with compensatory plantation obligations, applicants seeking permission for tree felling shall deposit security money for each tree felled.

c) The deposit shall act as a financial guarantee for the plantation, maintenance, and survival of trees during the mandated period.

B. Amount of Security Deposit*:*

a) The amount of security money shall be determined by the Tree Authority based on:

   a. The number of trees to be felled.

   b. Species type (e.g., endangered or high-value trees may require higher deposits).

   c. Estimated costs for plantation, maintenance, and monitoring.

C. Payment and Record-Keeping*:*

b) Applicants shall deposit the security money before the approval of felling permissions.

c) The payment details shall be linked to the applicant's application ID in the [Name of State/UT e-portal] for transparency and tracking.

D. Release of Security Deposit*:*

a) The security money shall be released in phases over the maintenance period, based on compliance reports submitted by the applicant.

b) The release mechanism shall include:

a. [X%] released after successful plantation.

b. [Y%] released after meeting survival rate targets in the first [X years].

c. Final [Z%] released upon the completion of the maintenance period with proof of compliance.

E. Forfeiture of Security Deposit*:*

a) Non-compliance with compensatory plantation obligations shall result in forfeiture of the security deposit, which shall be utilized by the Tree Authority for:

a. Replantation activities.

b. Maintenance of surviving trees.

III. Implementation and Monitoring

A. Plantation Responsibility*:*

a) The applicant shall undertake plantation and maintenance activities, or delegate them to authorized agencies approved by the Tree Authority.

B. Monitoring Mechanism*:*

a) Tree Officers shall monitor the plantations periodically through field inspections, geotagging, and reports submitted by the applicant.

b) Inspections shall verify:

a. The number of trees planted.

b. Maintenance activities undertaken (e.g., watering, pest control).

c. Health and survival status of trees.

C. Compliance Reports*:*

a) Applicants shall submit compliance reports periodically, including evidence of plantation and maintenance activities such as:

a. Photographs of planted areas.

b. Geotagged locations of trees.

c. Records of watering, mulching, and pest control activities.

D. Third-Party Audits*:*

a) The Tree Authority may engage third-party agencies to audit the plantations and ensure compliance with guidelines.

IV. Penalties for Non-Compliance

A. Forfeiture of Security Deposit*:*

a. In cases of non-compliance, the security deposit shall be forfeited in part or full to compensate for unmet obligations.

B. Replantation Requirements*:*

a. The applicant shall be required to undertake replantation activities or bear the additional costs for compensatory plantations by the Tree Authority.

C. Fines and Restrictions*:*

a. Repeat violations shall attract penalties and restrictions on future tree felling permissions.

V. Integration with Tree Census

A. Digital Integration*:*

a. Details of compensatory plantations shall be integrated into the centralized tree census database, ensuring transparency and enabling future monitoring.

b. Real-Time Updates:

i. Compliance submissions and monitoring reports shall update the database, allowing the Tree Authority to track plantation progress.

e) Tree Adoption:

1. Tree adoptions shall be promoted for:
    a. Conservation: Promote long-term care and maintenance of trees by involving citizens.
    b. Awareness: Enhance understanding of the importance of trees in combating climate change, improving biodiversity, and mitigating air pollution.
    c. Community Engagement: Strengthen collaboration between citizens, local bodies, and the government in tree management activities.
2. Tree adoption shall be encouraged for:
    a. Existing Trees: Trees in public spaces, parks, roadside areas, and community lands.
    b. Newly Planted Trees: Trees planted as part of afforestation, compensatory plantation, or other greening initiatives.
    c. Heritage Trees: Trees with historical, cultural, or ecological significance.
    d. Sacred groves: As identified by NBA
3. Eligibility for Tree Adoption
    a. Any individual, community, NGO, corporate entity, or educational institution may adopt a tree.
    b. Applicants shall demonstrate their willingness and capacity to undertake regular care and monitoring of the adopted tree.

4. Responsibilities of the Adopter
    a. Maintenance:
        i. Regular watering, mulching, and pruning as required.
        ii. Pest and disease management using eco-friendly methods.
    b. Health Monitoring:
        i. Periodically monitor the health and growth of the tree.
        ii. Report any issues, such as pest infestations, diseases, or structural damage, to the Tree Officer.
    c. Documentation:
        i. Maintain a record of care activities and submit periodic updates to the Tree Officer.
    d. Sustainability Measures:
        i. Adopt measures to enhance the tree's ecological contributions, such as adding organic compost or supporting pollinator habitats.

5. Role of Tree Officer
    a. Approval and Assignment:
        i. Review applications and assign trees for adoption based on location, species, and adopter capacity.
    b. Support and Guidance:
        i. Provide technical advice on tree care practices, pest management, and pruning techniques.
    c. Monitoring:
        i. Conduct periodic inspections to ensure adopters comply with care requirements.

6. Agreement Terms
    a. Adopters shall sign a formal agreement outlining:
    b. The period of adoption (minimum [X years]).
    c. The care and maintenance responsibilities.
    d. Provisions for monitoring and reporting by the Tree Officer.
    e. Non-compliance penalties, including possible reassignment of the tree.
7. Incentives for Adoption
    a. Recognition:
        i. Certificates of appreciation and awards for exceptional care of adopted trees.
        ii. Public acknowledgment during environmental campaigns or events.
    b. Access to Resources:
        i. Subsidized tools, fertilizers, and technical support from local authorities.
8. Tree Adoption in Special Cases
    a. Heritage Trees:
        i. Additional care protocols shall be outlined for adopters of heritage trees.
        ii. Expert consultations and government support shall be provided to ensure preservation.
    b. High AQI Zones:
        i. Priority shall be given to adopting trees in pollution-sensitive areas, with adopters encouraged to report on the tree's contributions to air quality improvement.

9. Monitoring and Reporting
    a. Geotagging:
        i. Adopted trees shall be geotagged for accurate tracking and monitoring.
    b. Inspections:
        i. Tree Officers shall inspect adopted trees periodically to verify care and compliance.
    c. Adopter Reports:
        i. Adopters shall submit regular reports on the tree's health, care activities, and any challenges faced.
10. Penalties for Non-Compliance
    a. Neglect or Harm:
        i. Adopters failing to fulfill their responsibilities or causing harm to the tree shall face penalties, including:
        ii. Fines as determined by the Tree Authority.
        iii. Reassignment of the tree to another adopter.
    b. False Reporting:
        i. False claims about tree care activities shall result in penalties and potential disqualification from future adoption programs.

f) Pruning

I. Types of pruning

Pruning activities are classified into Minor and Major Pruning based on the extent of intervention and its potential impact on the tree's structure and health:

a) Minor Pruning
    a. Minor pruning refers to low-impact activities that do not significantly

alter the tree's structure, health, or canopy. These activities generally involve routine maintenance.

b. Following types of minor pruning shall be permissible:

i. Crown Cleaning:

1. Purpose: Removal of dead, diseased, or weak branches.
2. Typical Use: Routine maintenance to improve tree health and appearance.
3. Impact: Minimal; no significant alteration to the canopy or tree health.
4. Examples: Clearing dry branches, trimming minor overgrowth.

ii. Light Crown Thinning:

1. Purpose: Selective removal of small branches to improve air circulation and light penetration.
2. Typical Use: Aesthetic improvement or reducing minor shade impact.
3. Impact: Minimal; limited to removing up to [X%] of the canopy volume.

iii. Emergency Minor Pruning:

1. Purpose: Immediate removal of small branches causing obstruction or minor safety risks (e.g., hanging branches over pathways).
2. Impact: Localized and minimal; does not significantly affect tree structure or health.

b) Major Pruning

a. Major pruning involves more extensive intervention, often altering

the tree's canopy, structure, or height. These activities require careful assessment to avoid long-term damage to the tree.

b. Following types of minor pruning shall be permissible:

i. Crown Thinning (Substantial):

1. Purpose: Reduction of medium to large branches to improve light and air penetration or reduce wind resistance.
2. Typical Use: Structural pruning for larger trees or where wind resistance is a concern.
3. Impact: Moderate; removal of [X%-Y%] of the canopy volume with potential stress to the tree.

ii. Crown Raising:

1. Purpose: Removal of lower branches to increase vertical clearance for pedestrians, vehicles, or infrastructure.
2. Typical Use: Urban roadside trees, parks, or areas near infrastructure.
3. Impact: Moderate; affects the tree's structural balance and root-shoot ratio.

iii. Crown Reduction:

1. Purpose: Significant reduction in the height or spread of the tree for safety or structural reasons (e.g., near buildings or power lines).
2. Typical Use: Managing tree size to prevent interference with infrastructure or structural risks.
3. Impact: Significant; requires professional assessment to prevent harm to the tree.

iv. Pollarding:

1. Purpose: Regular removal of all upper branches to encourage controlled regrowth.
2. Typical Use: Trees in urban streetscapes or for ornamental purposes.
3. Impact: High; alters tree physiology and requires ongoing maintenance.

v. Emergency Major Pruning:

1. Purpose: Urgent removal of large branches or limbs posing immediate danger to life, property, or traffic (e.g., post-storm intervention).
2. Impact: Significant; may compromise tree structure and health if done improperly.

II. **Permission Requirements**

Pruning Type	**Major/Minor pruning**	**Permission Requirement**	**Authority**
Crown Cleaning	Minor	Self-declaration (urban/rural areas)	Not applicable
Light Crown Thinning	Minor	Self-declaration (urban/rural areas)	Not applicable
Crown Thinning	Major	Permission required	Tree Officer
Crown Raising	Major	Permission required	Tree Officer
Crown Reduction	Major	Permission required	Tree Officer in consultation with Tree Authority

Pollarding	Major	Permission and consultation required	Tree Officer in consultation with Tree Authority
Emergency Pruning (Minor)	Minor	Self-declaration post-facto	Not applicable
Emergency Pruning (Major)	Major	Self-declaration post-facto	Tree Officer

III. Decision-Making Criteria

a) Minor Pruning

a. Self-Declarations:

i. Minor pruning shall not require prior permission but must follow the self-declaration process, particularly in urban areas, through the [Name of State/UT e-portal].

ii. The applicant shall ensure that the activity does not exceed thresholds defined for Minor Pruning (e.g., up to [X% canopy reduction]).

b. Compliance Monitoring:

i. Tree Officers shall monitor compliance for self-declared activities through randomized inspections.

b) Major Pruning

a. Assessment by Tree Officers:

i. The Tree Officer shall assess applications based on:

1. Necessity of pruning (e.g., public safety, infrastructure clearance).
2. Tree species, health, and ecological value.
3. Extent of intervention and potential impact on the tree's long-term health.

ii. Site Inspections:

1. Major pruning may require site inspections, particularly for activities like crown reduction or pollarding.

c) Tree Authority Consultation:

a. For sensitive cases, such as pollarding or pruning of heritage trees/protected species, the Tree Officer shall consult Tree Authority (e.g., arborists, ecologists) before granting approval.

d) Approval Conditions:

a. Permissions for major pruning shall include conditions such as:

i. Pruning limits (e.g., percentage of canopy or branch size).

ii. Required follow-up care to minimise stress to the tree.

g) Felling

I. Types of Felling

Tree felling is categorized based on its purpose, impact, and context:

Type of Felling	Purpose	Impact
Selective Felling	Removal of specific trees for safety, timber harvesting, or management.	Localized impact; minimal disruption if well-managed.
Clear Felling	Complete removal of trees in a defined area for land-use change (e.g., infrastructure projects).	Significant loss of green cover; high ecological impact requiring compensatory measures.
Salvage Felling	Removal of dead or damaged trees due to natural disasters, pest infestations, or disease.	Limited; primarily addresses already compromised trees.

Emergency Felling	Immediate removal of trees posing danger to life, property, or traffic.	Situational; urgent response required with post-facto review and compensatory measures.
Felling of Exempted Species	Removal of invasive species or trees grown for agroforestry purposes.	Minimal impact when regulated; focuses on managed timber production or ecological restoration.
Felling in High AQI Zones	Removal of trees in areas with high air pollution for critical safety or development reasons.	High impact; requires strict compensatory plantation to mitigate the loss of air pollution-abating species.

II. Permission Requirements:

The following table summarizes the permissions required for different felling activities and corresponding compensatory plantation obligations:

Type of Felling	**Condition**	**Permission Requirement**	**Authority**	**Compensatory Plantation Requirement**
Selective Felling	Single or few trees for safety or timber use or land use modification	Permission required if not covered under Indian Forest and Wood Certification Scheme	Tree Officer	Against every tree felled or transplanted, minimum of 5 saplings shall be planted and maintained for [Number of years decided by State/UT] years. Number of saplings to be planted shall be decided based on the species of tree felled or transplanted based on its ecological value.

Clear Felling	Complete removal for land-use change	Permission required if not covered under Indian Forest and Wood Certification Scheme	Tree Officer on advice of Tree Authority	Mandatory; large-scale replantation, preferably in the same landscape or nearby area, focusing on native/pollution-abating species.
Salvage Felling	Removal of dead or pest-infested trees	Self-declaration in rural areas; permission in urban areas	Tree Officer	Same number of tree to be planted at the same site if the tree is completely dead; for partially affected trees, compensatory plantation be mandated.
Emergency Felling	Danger to life, property, or traffic	No prior permission; self-declaration within [X days] if not covered under Indian Forest and Wood Certification Scheme	Not applicable (Tree Officer to review post-facto)	Mandatory; felling in urban/high AQI zones requires replantation on-site or nearby area.
Felling of Exempted Species	Agroforestry or invasive species	Self-declaration (mandatory reporting for agroforestry) if not covered under Indian Forest and Wood Certification Scheme	Not applicable	Mandatory for invasive species removal; applicants must replant in the cleared area following standard spacing norms.

Felling in High AQI Zones	In areas with high pollution levels	Permission required with strict conditions	Tree Officer on advice of Tree Authority	Mandatory; on-site or nearby plantation focusing on air pollution-abating species, with higher survival accountability.

III. Decision-Making Criteria

A. Criteria for Tree Officers

a. Assessment of Necessity:

   a. The Tree Officer shall evaluate the application based on:
   b. Justification for felling (e.g., public safety, development, or timber use).
   c. Availability of alternatives (e.g., pruning or transplantation).
   d. Ecological impact, including effects on local biodiversity and air quality.

b. Species Consideration:

   i. Protected species: Approval only if no viable alternative exists.
   ii. Exempted species: Approval with self-declaration and adherence to compensatory plantation requirements.

c. Environmental and Social Impact:

   i. Assess the tree's contribution to:
      1. Air quality: Felling in high AQI zones must avoid removing trees critical to pollution abatement.
      2. Community use or cultural significance: Protected or heritage trees require additional review.

d. Site Inspection:

   i. For major felling applications, the Tree Officer shall conduct

site inspections to verify tree health, necessity, and feasibility of alternatives. For rest of the applications, authorised representatives can conduct the site inspections.

e. Approval Conditions:

i. Felling permissions shall include conditions such as:

1. Compensatory plantation ratios and maintenance timelines.
2. Specific obligations for replantation near the site of felling.

B. Criteria for Tree Authority

a) Review of Large-Scale Applications:

a. The Tree Authority shall assess:

i. Applications involving clear felling or multiple trees.

ii. Felling requests for protected or heritage trees.

iii. Applications in ecologically sensitive areas or high AQI zones.

b) Expert Consultation:

a. The Tree Authority shall consult arborists, ecologists, or biodiversity committees for:

i. Assessing ecological and environmental impacts.

ii. Evaluating the feasibility of alternative solutions.

c) Public Engagement:

a. For significant felling requests, particularly in public or community areas, the Tree Authority shall seek feedback from local stakeholders to ensure transparency.

d) Approval Criteria:

a. Approvals shall prioritize alternatives to felling, such as pruning, transplantation, or redesigning development plans.

b. Conditions shall include detailed compensatory plantation plans and

survival accountability.

C. Emergency and Exempt Felling

a. Emergency Felling:

i. In emergencies, such as storm damage or hazardous tree risks, felling shall not require prior permission but must be declared within [X days] post-facto.

b. Exempted Species:

ii. Self-declarations for agroforestry or invasive species shall mandate:

1. Proper reporting and record-keeping.
2. Replantation in cleared areas using standard spacing norms.

D. Monitoring and Enforcement

a) Post-Felling Inspections:

a. Tree Officers shall inspect sites to ensure compliance with conditions and plantation requirements.

b) Technology Integration:

a. GIS and IoT-based tools shall be employed to track felling activities and monitor compensatory plantations.

c) Public Reporting:

a. Citizens shall report unauthorized felling via the [Name of State/UT e-portal], triggering immediate inspections and necessary actions by the concerned officers.

h) Transplantation:

a) Tree transplantation shall be prioritized for following objectives:

a. Preservation: Minimize ecological disruption by relocating trees instead of felling them.

b. Sustainability: Ensure transplanted trees survive and thrive in their

new locations.

c. Compensation: Mandate compensatory plantation to restore green cover and ecosystem services.

d. Emergency Readiness: Facilitate rapid and responsible decision-making in urgent cases requiring tree transplantation.

b) Tree transplantation shall be prioritized in following conditions:

a. Development Projects: When trees obstruct infrastructure development or urban expansion.

b. Heritage and Protected Trees: To conserve culturally, ecologically, or historically significant trees.

c. High AQI Zones: For maintaining green cover and pollution mitigation in areas with poor air quality.

d. Emergency Situations: When a tree poses a risk to life, property, or critical infrastructure.

c) Permission Requirements

Condition	**Permission Requirement**	**Authority**	**Compensatory Plantation Requirement**
Single Tree Transplantation	Permission required if not covered under Indian Forest and Wood Certification Scheme	Tree Officer	Mandatory; minimum 1:3 ratio for transplanted trees.
Large-Scale Transplantation (Multiple Trees)	Permission required if not covered under Indian Forest and Wood	Tree Officer in consultation with Tree Authority	Mandatory; minimum 1:5 ratio, with adjustments for survival rates or high-value species.

	Certification Scheme with detailed plan		
Heritage/Protected Trees	Permission required with expert consultation if not covered under Indian Forest and Wood Certification Scheme	Tree Officer in consultation with Tree Authority	Mandatory; higher ratio (e.g., 1:7 or more) for significant ecological or cultural value.
Emergency Transplantation	No prior permission; post-facto declaration required	Tree Officer in consultation with Tree Authority	Mandatory; one tall seedling at the original site and rest of plantation at compensatory plantation site (minimum 1:3 ratio).

d) Decision-Making Criteria

a. Tree Officer to undertake following assessments:

i. Necessity Assessment:

1. Transplantation shall only be approved if:

a. Felling is not avoidable, and relocation is feasible.

b. Alternatives such as redesigning infrastructure or pruning are impractical.

ii. Species and Ecological Value:

1. Priority shall be given to preserving:

a. Native or regionally significant species.

b. Trees with high environmental or biodiversity value.

iii. Site Feasibility:

1. The proposed transplantation site shall be evaluated for:

a. Soil compatibility, water availability, and light conditions.

b. Proximity to the original site for ecological continuity.

iv. Compensatory Plantation:

1. Ensure that compensatory plantation plans accompany all applications, even if the transplantation is successful.

e) Monitoring Obligations:

a. Transplanted trees shall be monitored for compliance with survival targets and maintenance obligations.

f) Tree Authority Responsibilities:

a. Evaluate detailed plans for relocating multiple trees, including:

i. Proposed transplantation methods.

ii. Mitigation measures for environmental impact.

b. Heritage/Protected Trees:

i. Consult arborists, ecologists, or biodiversity experts to ensure that transplantation minimizes damage to the tree's ecological or cultural significance.

c. Alignment with Ecological Goals:

i. Ensure transplantation plans align with local and regional greening or biodiversity objectives, particularly in high AQI zones.

d. Approval Conditions:

i. Mandate survival and compensatory plantation conditions, with penalties for non-compliance.

g) Steps for transplantation:

a. Pre-Transplantation Feasibility Study

i. A mandatory feasibility study shall include:

1. Soil, water, and light availability at the new site.
2. Assessment of the tree's size, root health, and age.
3. Availability of equipment for safe relocation.
4. The feasibility study report shall guide decision-making for approval.

b. Execution Process

i. Preparation:

1. Root pruning and preparation of the root ball to minimize damage.
2. Pruning of branches to reduce water loss during transplantation.

ii. Relocation:

1. Use of specialized equipment for safe transport and replanting.
2. Immediate replanting at the prepared new location.

iii. Post-Transplantation Care

1. Mandatory Care Period:

a. Regular watering, mulching, and pest control shall be mandatory for at least [X years] post-transplantation.

b. Fertilizers and growth enhancers may be used to ensure tree recovery.

h) Monitoring and Reporting:

a. Periodic inspections and survival reports shall be submitted to the Tree Officer, including geotagged photos and health updates.

i) Emergency Transplantation

a. Emergency transplantation shall be resorted when a tree poses an immediate risk to life, property, or infrastructure and same can't be restored at the same site.

b. Post-Facto Reporting:

   i. A report shall be submitted to the Tree Officer within [X days], detailing:

      1. The reason for transplantation.
      2. Transplantation site and method used.
      3. Plantation of one tall seedling at the original site.

c. Tall Seedling Requirement:

   i. A tall seedling (minimum [X feet]) shall be planted at the original site of the tree.

   ii. The seedling shall be maintained for at least [X years] to ensure survival.

i) Compensatory Plantation

I. Mandatory for All Transplantation:

a) Compensatory plantation shall be mandatory in all cases, regardless of transplantation success.

II. Quantum of Plantation:

a. Standard Ratios: Minimum 1:5 for large-scale transplantation; 1:3 for single trees.

b. Adjustments: Ratios may be reduced based on high survival rates of transplanted trees or limited space availability.

III. Species Selection:

a) Native and pollution-abating species shall be prioritized, particularly in high AQI zones.

IV. Monitoring and Compliance

a. Survival Accountability:

i. The applicant shall ensure a survival rate of at least [X%] for both transplanted trees and compensatory plantations.

b. Inspection Mechanisms:

i. Tree Officers or authorised officers/agencies shall conduct periodic inspections of transplanted trees and compensatory plantations.

c. Use of Technology:

i. GIS-based geotagging and IoT sensors shall monitor tree health and plantation progress.

d. Penalties for Non-Compliance:

i. Non-compliance with transplantation or compensatory plantation requirements shall attract penalties, including fines and additional plantation mandates.

e. Public Engagement

i. Campaigns shall promote the importance of transplantation as an alternative to felling.

ii. Communities shall be encouraged to assist in monitoring transplanted trees and maintaining plantations.

j) Maintaining the Health of Existing Trees

I. Responsibilities for Tree Maintenance

Tree Owners' Responsibilities: Tree owners, including private landowners, institutions, and local authorities, shall ensure:

a. Regular watering during dry periods.

b. Application of mulch to conserve soil moisture and maintain root health.

c. Pruning for structural stability and removal of dead or weak branches.

d. Timely treatment of pest infestations or diseases.

e. Reporting of significant tree health concerns to the Tree Officer through the [Name of State/UT e-portal].

f. Removal of concretisation, if any, and ensuring area within 1-2 m radius or 10-15 sq. m. of the tree, whichever is possible, to remain free of concretisation.

II. Community Participation:

Communities, including resident welfare associations (RWAs), NGOs, and local groups, shall assist in maintaining trees in public spaces by:

a. Participating in tree care activities, such as removal of concretisation, watering and pest control.

b. Organizing tree adoption programs for long-term care.

c. Reporting maintenance needs or emergencies related to trees.

III. Government Servants and Tree Officers:

Designated government servants and Tree Officers shall oversee the maintenance of trees in their jurisdictions, including:

a. Conducting regular inspections and follow-ups.

b. Providing technical support to tree owners for pest management and pruning.

c. Coordinating maintenance activities in public spaces with the help of municipal bodies and forest departments.

IV. Maintenance of Specific Tree Types

A. Heritage Trees*:*

a. Heritage Trees shall receive special care through monitoring, structural support, and treatment of diseases or pests.

b. Maintenance activities shall be carried out under the supervision of trained arborists.

B. Urban and Roadside Trees*:*

a. Urban and roadside trees shall be pruned to prevent obstruction to

traffic, signage, or power lines.

b. Regular inspections shall ensure the stability and safety of these trees.

C. Transplanted Trees*:*

a. Transplanted trees shall be monitored for a period of [X years], with care activities such as watering, mulching, and pest control conducted to ensure successful establishment.

V. Public Reporting:

a. Citizens shall report maintenance needs or issues (e.g., fallen branches, pest infestations) via the [Name of State/UT e-portal].

b. Reports shall be addressed within [X working days] by the Tree Officer or designated personnel.

VI. Emergency Maintenance

A. Emergency Response*:*

a. Tree Officers shall prioritize emergency maintenance for trees affected by:

1. Storm damage or natural disasters.
2. Pest outbreaks or diseases threatening surrounding vegetation.
3. Public safety concerns, such as leaning trees or falling branches.
4. Concretisation of trees

B. Tree Ambulance Services*:*

a. Tree ambulances shall be deployed for urgent interventions, including:

1. Treatment of diseased or damaged trees.
2. Structural bracing and cabling for weak or leaning trees.

VII. Training and Awareness

A. Capacity Building*:*

1. Regular training programs shall be organized for Tree Officers, arborists, and volunteers to enhance their skills in tree maintenance techniques.

B. Public Awareness Campaigns*:*

1. Awareness drives shall educate citizens on proper tree care practices and the importance of tree maintenance for environmental sustainability.

VIII. Funding and Incentives

A. Financial Support*:*

a. Maintenance activities shall be supported through State, Central, and CSR funding.

B. Incentives for Tree Owners*:*

a. Tree owners may receive incentives, such as tax rebates or subsidized maintenance services, for maintaining healthy trees on their property.

10. Submission and processing process of applications:

a) Submission of Applications

I.General Provisions

i. All applications for pruning, felling, transplantation, and tree adoption shall be submitted digitally through the [Name of State/UT e-portal].

ii. Applications may be submitted through self-declaration for activities that do not require prior approval, or by filing an application seeking approval for activities requiring formal assessment.

II.Submission Guidelines for Different Activities

A. Pruning Application

a. Self-Declaration for Minor Pruning:

1.Applicability:

a. Self-declaration is allowed for minor pruning of branches within [X cm diameter] or [Y% of canopy], except in restricted periods (e.g., high AQI).

2.Submission Process:

i. Applicants shall submit a self-declaration via the portal, including:

i. Tree species, size, and location.

ii. Extent of pruning (e.g., percentage of canopy).

iii. Confirmation that the activity does not harm tree health or ecosystem services.

ii. No additional documents are required for minor pruning under self-declaration.

b. Application for Approval for Major Pruning:

1. Applicability:

i. Major pruning beyond the defined thresholds or pruning during restricted periods shall require prior approval.

2. Submission Process:

i. The application shall include:

1. Tree species, size and location.
2. Justification for pruning (e.g., safety, infrastructure).
3. Extent of pruning requested (e.g., canopy percentage or branch size).
4. Supporting photographs showing the current condition of the tree.

B. Felling Application

a. Self-Declaration for Exempted Species (Agroforestry):

1.Applicability:

- Self-declaration is allowed for felling exempted species grown under agroforestry systems.

2.Submission Process:

i. Applicants shall declare the following (If data is available on National Transit Permit System or any other portal of State, same can be linked to this self declaration directly):

i. Total number of trees felled.

ii. Species and size of felled trees.

iii. Quantity of timber produced.

iv. Intended use of timber (e.g., commercial, personal).

v. Shapefile of area

b. Application for Approval for Other Species:

1.Applicability:

i. Felling of non-exempted species, trees in sensitive areas, or trees under special protection shall require prior approval.

2.Submission Process:

i. The application shall include:

a. Tree species, size, and health status.

b. Justification for felling (e.g., safety, development).

c. Impact assessment on local biodiversity.

d. Compensatory plantation plan, including:

1. Number and species of replacement trees.

2. Location for plantation.

3. Supporting photographs of the tree(s).

c. Self-Declaration for Invasive Species and Dangerous Trees:

1.Applicability:

i. Removal of invasive species or dangerous trees posing immediate risk to public safety or ecosystems.

2.Submission Process:

i. Applicants shall declare:

i. Number of trees felled

ii. Shapefile of area cleared in case of block felling

iii. Self-declaration of plantation at the same location or in the cleared area using recommended species and standard spacing.

C. Transplantation Application

a. Self-Declaration for Invasive Species and Dangerous Trees:

1.Applicability:

i. Removal of invasive species or dangerous trees posing immediate risk to public safety or ecosystems.

2.Submission Process:

i. Applicants shall declare:

i. Number of trees felled
ii. Shape file of area cleared in case of block felling
iii. Self-declaration of plantation at the same location or in the cleared area using recommended species and standard spacing.

b. Application for permission:

1. The application shall include:

a. Tree species, size, and health status.

b. Current location of the tree(s)

c. Proposed location of the tree(s)

d. Justification for transplantation (e.g., development, infrastructure).

e. Feasibility report, covering:

i. Soil, water, and light conditions at the proposed site.

ii. Suitability for the tree's growth.

iii. Suitability of tree to be transplanted based on species, girth, etc.

f. Care and monitoring plan, specifying:

i. Pre- and post-transplantation care.

ii. Timeline for monitoring transplanted tree health.

g. Supporting photographs of the tree and proposed site.

D. Tree Adoption Application

a. Application for Tree Adoption:

1.Applicability:

i. Individuals, groups, or organizations interested in adopting trees for care and maintenance.

b. Submission Process:

i. The application shall include:

a. Details of the tree(s) to be adopted (species, location, size).

b. Plan for care and maintenance, including watering, pruning, and pest management.

c. Proposed duration of adoption (minimum [X years]).

ii. Applicants shall submit a statement of commitment, agreeing to:

i. Regular monitoring of the tree(s).

ii. Periodic submission of updates on the tree's health.

E. General Guidelines for Submission

a. Integration with Tree Census Data:

ii. Applicants shall use pre-existing tree census data, selecting relevant trees with pre-populated details such as species, size, and location.

iii. Missing or updated tree data may be added as part of the submission for review by the Tree Officer.

b. Predefined Responses:

i. The e-portal shall offer predefined options for common application fields such as:

1. Reasons for pruning, felling, or transplantation.

2. Extent of activity (e.g., percentage of canopy or number of trees).

3. Compensatory plantation plans.

c. Language Options:

i. The portal shall support vernacular languages to ensure accessibility for all applicants.

d. Submission Support:

a. The e-portal shall provide guidance for applicants through FAQs, instructional videos, and step-by-step forms.

e. Notifications:

a. Applicants shall receive automated notifications upon submission, confirming receipt of the application.

F. Special Conditions

a. Restricted Periods (High AQI):

i. During periods of high AQI in urban areas, self-declaration for pruning and felling shall not be permitted, except for emergency cases (e.g., dangerous trees).

ii. All pruning and felling during such periods shall require prior approval.

b. Seasonal Allowances:

i. During the growing season, heavy pruning up to [X% canopy] may be allowed under self-declaration to ensure rapid recovery and continuous ecosystem services.

b) Guidelines for Processing Applications:

I. General Provisions

a. Applications for tree-related activities (pruning, felling, transplantation, and adoption) shall be processed digitally through the [Name of State/UT e-portal] to ensure transparency, efficiency, and accountability.

b. Tree Officers shall be responsible for reviewing applications and ensuring compliance with relevant regulations.

c. A clear timeline will be set for processing applications, and mechanisms for deemed approval and deemed rejection will be implemented in case of delays by either the Tree Officer or the applicant.

II. Processing of Applications Seeking Permission

a. Steps in Application Processing

i. Submission and Acknowledgment:

ii. Upon submission, applicants shall receive an automatic acknowledgement and a unique application ID for tracking the status of their application.

iii. The application will be logged in the system with a timestamp, starting the processing time.

b. Preliminary Review by Tree Officer:

i. Tree Officers shall verify the completeness and accuracy of the application within [X working days].

ii. If the application is complete, Tree Officers will proceed with the review; if incomplete, they will notify the applicant to provide the necessary information.

iii. The processing time clock will pause during the waiting period for the applicant to submit additional information and resume once the missing details are provided.

c. Verification by Authorized Agencies and Government Servants:

i. Tree Officers may engage authorized agencies (e.g., forest departments, municipal bodies) or government servants (e.g., revenue officers, urban planners) for verification of specific details within [Y working days].

ii. A report from the verifying authorities shall be provided within [Y working days] to keep the process moving efficiently.

d. Consultation with Relevant Authorities:

i. For sensitive cases (e.g., involving special protection species or ecologically significant areas), the Tree Officer may consult the Biodiversity Management Committees (BMCs), Tree Authority or other relevant authorities, as required by the Biological Diversity Act, 2002.

ii. This consultation process shall not exceed [Z working days].

iii. Wherever consultation is not done, the local BMC shall provided access to information about the details of permission granted for felling trees within its jurisdiction on the portal itself.

e. Site Inspection (if Required):

i. Site inspections, if needed, will be scheduled within [A working days] of complete application receipt, with an inspection report submitted within [B working days].

f. Decision on Approval:

a. Based on the application details and verification reports, Tree Officers will approve or reject the application within [C working days] from the receipt of complete information or site inspection.

III. Timelines:

a. Processing Time Calculation:

i. The total time to process an application shall be calculated from the date of submission to the final decision.

ii. The timeline will pause during any delay in submission of information by the applicant.

iii. The Tree Officer will ensure that the total processing time does not exceed [X+Y+Z+A+B+C working days], barring exceptional circumstances in which those should be communicated to applicant in advance.

IV. Deemed Approval Mechanism

a. If the Tree Officer does not process the application within the prescribed timeframe of [X+Y+Z+A+B+C working days] from the date of submission or receipt of the last required document, the application shall be deemed approved.

b. The applicant will be notified of the deemed approval and granted permission to proceed with the activity.

c. Exceptions to this deemed approval will apply if there is a valid reason for delay (e.g., external consultations or legal procedures) and the applicant is notified accordingly.

V. Deemed Rejection Mechanism

a. Deemed Rejection:

i. If the applicant fails to submit the required information or correct any discrepancies in the application within [X working days] of being notified, the application shall be deemed rejected.

ii. Applicants will receive a notification of deemed rejection, explaining the reason for the rejection (e.g., incomplete application, incorrect details).

iii. Applicants may re-submit the application with the necessary details or corrections, starting the process over.

b. Incorrect Information:

iv. If the applicant provides false or misleading information, the application will be rejected and the applicant may face penalties.

v. Penalties may include:

1. Fines or levies under the [Name of State/UT Act].

2. Suspension of application privileges for repeat offenders.

VI. Processing of Self-Declarations

a. Automatic Logging and Verification:

iv. Self-declarations will be automatically logged into the system, and tree details will be cross-referenced with existing data.

b. Randomized Inspections:

i. The system will schedule randomized weekly inspections to verify self-declared activities. These inspections will focus on: Pruning limits, felling regulations, and plantation commitments.

c. Post-Action Reporting:

v. After completing self-declared activities, applicants will submit a post-action report with supporting evidence, such as photos and plantation details.

d. Penalties for False Declarations:

vi. Incorrect or false self-declarations will result in penalties, including:

1. Fines as per the Act
2. Suspension of self-declaration privileges, and
3. Mandatory corrective actions prescribed extant rules/directions of Tree Authority.

VII. Adoption of Trees

a. Upon submission, the applicant shall receive an acknowledgement with a unique application ID to track the status of their application.

b. Preliminary Review by Tree Officer:

i. The Tree Officer shall review the application to ensure:

- Completeness of the information provided.
- Feasibility of the care and maintenance plan.
- Suitability of the applicant based on prior records (if applicable).

c. Verification of Tree Details:

i. The Tree Officer shall verify the tree details submitted in the application by cross-referencing with the tree census database or conducting a site visit if required.

d. Approval or Rejection of Application:

i. Approval Conditions:

a. If the application is complete and the proposed plan is deemed suitable, the Tree Officer shall approve the application within [X working days].

b. The applicant will be notified of the approval and provided with an Adoption Agreement for signing.

ii. Rejection Conditions:

a. Applications shall be rejected if the submitted information is incomplete, the care plan is inadequate, or the applicant fails to meet eligibility criteria.

b. The applicant shall be notified of the reasons for rejection and may reapply with corrections.

e. Transparency and Communication:

a. Applicants will receive notifications at each step of the application process, ensuring transparency in decision-making.

11. Community participation and engagement:

1. Role of Communities:

a. Communities, including local self-governments, NGOs, schools, resident welfare associations (RWAs), and environmental groups, shall be actively engaged in tree-related activities, such as:

b. Tree plantation drives.

c. Pruning, transplantation, and adoption programs.

d. Reporting and monitoring activities using crowdsourced data.

2. Capacity Building:

a. Training programs shall be organized for communities to build awareness and technical skills for activities like pruning, pest control, and tree care.

b. Certified training programs may be offered to interested community members to enhance their involvement in tree adoption, monitoring, and plantation.

3. Crowdsourcing of Data:

a. Community members shall be encouraged to upload data on tree health, survival, and plantation through a user-friendly app or portal, ensuring active participation in tree census activities.

4. Tree Adoption Programs:

a. Community members and organizations shall be encouraged to adopt trees under structured programs to promote long-term care and maintenance.

b. Partnerships may be established with schools, colleges, and corporates to create collaborative tree adoption campaigns.

5. Local Celebrations:

a. Tree-related events/festivals such as Van Mahotsav and environment days shall promote community involvement through plantation drives, competitions, and awareness campaigns.

6. Internship and Volunteer Services:

a. Internship Opportunities:

i. Students, graduates, and professionals may apply for internships in tree management projects such as:

- Monitoring tree census and survival rates.

- Organizing community outreach and plantation programs.
- Researching native species and carbon sequestration potential.

ii. Interns shall receive certificates for their contributions, with recognition for outstanding performance.

b. Volunteer Programs:

i. Individuals or groups shall be encouraged to volunteer for:

1. Tree plantation drives and maintenance activities.
2. Data collection for tree census and monitoring.
3. Awareness campaigns and environmental education in schools and communities.

ii. Volunteer hours may be counted for credits in educational institutions or community service programs (e.g., MyBharat).

c. Collaboration with Institutions:

i. Partnerships shall be established with universities, colleges, and NGOs to facilitate internships and volunteering opportunities.

ii. Dedicated portals or platforms may be created to register and manage interns and volunteers.

12. Financial Sources, Assistance and Incentives:

a. Administrative Charge for Tree-Related Permissions:

i. An administrative charge of Rs. [as decided by the State Government/UT Administration] per tree shall be levied for each permission related to felling, pruning, transplantation, and tree adoption.

b. The funds collected shall be exclusively utilized for:

   i. Research on tree species and plantation strategies.

   ii. Extension activities to promote awareness and skill-building.

   iii. Training programs for stakeholders and communities.

   iv. Adoption of advanced technology for monitoring and data integration.

   v. Regular monitoring and evaluation activities.

c. Funding financial gap:

   i. State, Central, and External Funding sources shall be utilized to address gaps in funding for activities such as:

      - Large-scale tree plantation.
      - Training and capacity-building programs.
      - Technological advancements for monitoring (e.g., GIS, IoT tools).

   ii. Proposals for external funding may include collaborations with CSR initiatives, international grants, and public-private partnerships.

d. Technical Assistance for Seedlings:

   i. The Divisional Forest Officer (DFO) shall ensure the availability of technical assistance for raising seedlings.

   ii. DFO shall establish mechanism for coordinate with nurseries to provide quality seedlings for plantations on government, private, and community lands.

e. Incentives for Tree Plantation and Maintenance:

   i. Incentives shall be provided to communities, private landowners, and local bodies to encourage tree plantation and maintenance activities:

1. Incentives may include financial rewards, free seedlings, or tax rebates for maintaining a specific number of trees on private land.
2. Community-led plantation drives shall be rewarded based on survival rates of the planted trees.

f. Community Fund Utilization:

i. Part of the administrative charges and external funding may be allocated to establish community-based funds for:

1. Village or urban greening projects.
2. Awareness and education campaigns.
3. Maintenance of adopted or planted trees.

g. Transparency in Fund Utilization:

i. A transparent mechanism shall be established to track and publicly disclose the utilization of funds generated through administrative charges and external funding sources.

ii. Regular audits shall ensure accountability in fund usage for tree-related activities.

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