

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT PRINCIPAL BENCH, NEW DELHI.**

In OA NO. 829 of 2024

Public Action Committee & others.

...Applicants

Versus

State of Punjab & others.

...Respondents

**INDEX**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Date</b>	<b>Pages</b>
1.	Reply by way of Affidavit of Vidhya Sagari RU, IFS, Divisional Forest Officer, Patiala, Punjab on behalf of respondent No. 1 to 4 (in compliance of order dated (24.07.2024).		1-16
2.	Online proposal by the user agency as <b>ANNEXURE R-1.</b>	11.01.23	17
3.	Final approval as <b>ANNEXURE R-2.</b>	18.01.24	18-20

4	Handbook of guidelines for Forest (Conservation) Act 1980 as <b>Annexure R-3</b>	28.03.2019	21-23
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**SUBMITTED BY:-**

Place: **PATIALA**

Dated: **14/10/24**

  
Vidhya Sagari RU, IFS,

Divisional Forest Officer,  
Patiala, Punjab.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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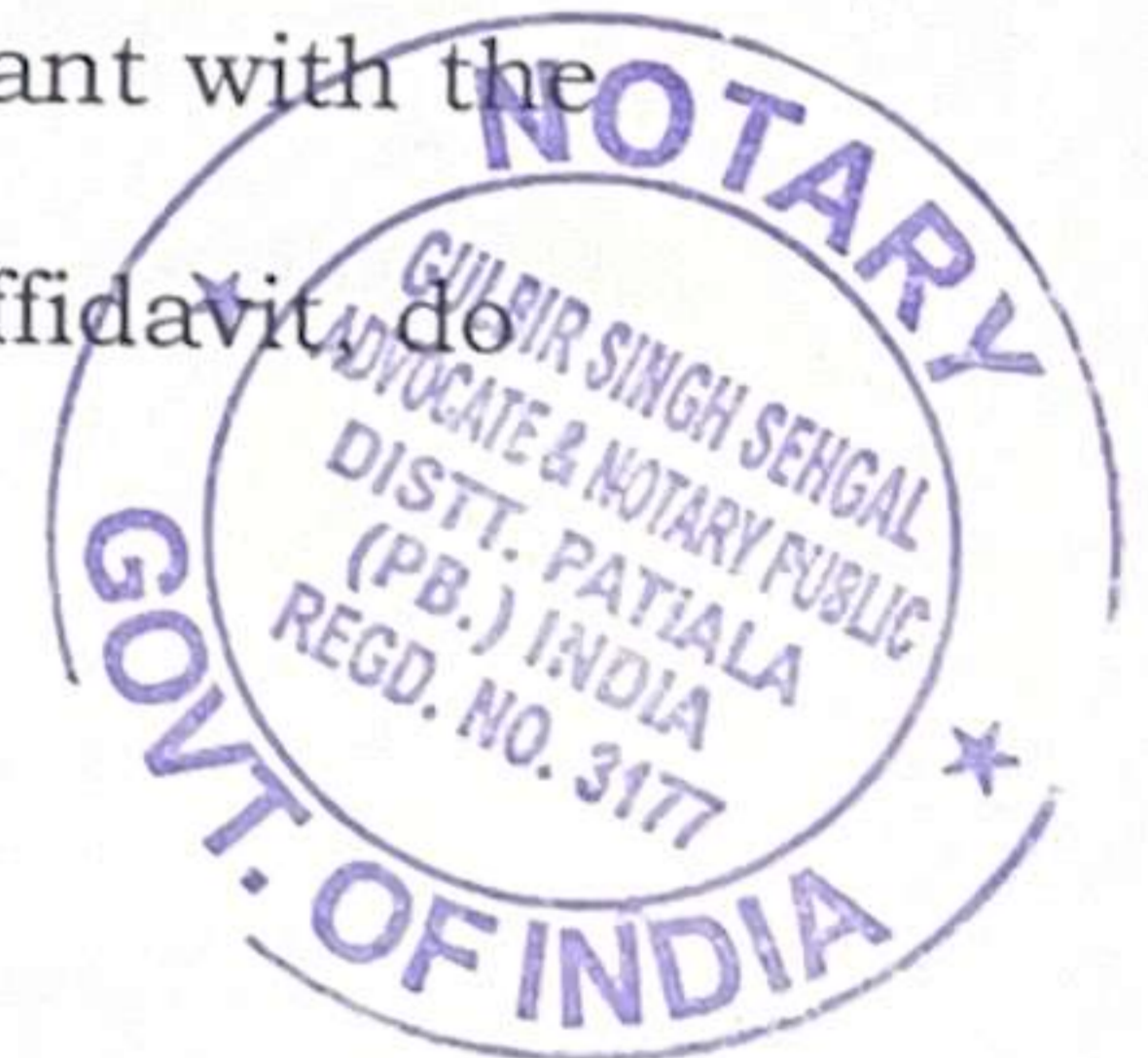
...Respondents

**Reply by the way of Affidavit of Vidhya Sagari RU,  
IFS, Divisional Forest Officer, Patiala, Punjab on  
the behalf of Respondent No. 1 to 4.**

\*\*\*\*

Respectfully Showeth:

I, the above named deponent, am conversant with the facts of the case and competent to swear this affidavit, do hereby solemnly affirm and declare as under:-



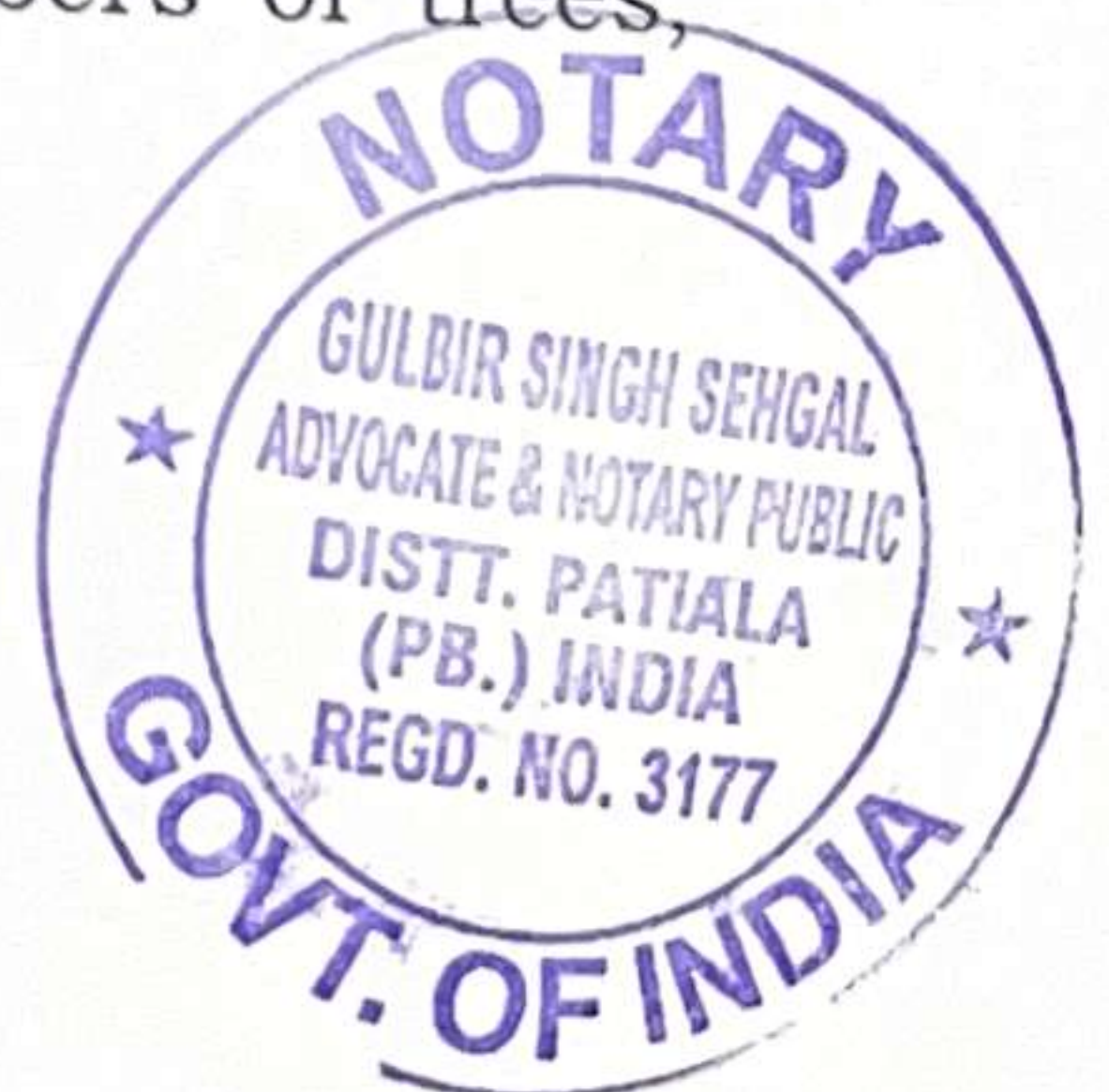
**PRELIMINARY OBJECTIONS**

1. That the applicants have not approached the Hon'ble Tribunal with clean hands, and has not disclosed the true facts and circumstances pertinent to adjudicate the matter in question.

*Cidhya*

2. That the entire process of getting final approval for diversion of forest land for non-forest purpose under Forest Conservation Act, 1980 (FCA) has been done in accordance with due process of law and nothing has been done as contrary to law.
3. That it is submitted that the Sirhind-Patiala Road km 7.800 to 29.551 Both Sides of about 21.751 km stretch falls under Forest Division, Patiala. It is pertinent to mention here that the User Agency i.e., M/s Executive Engineer Central Works Division PWD, has online applied the case for diversion on Parvesh Portal of MoEF & CC on dated 11.01.2023, for diversion of 22.59 hectare of forest land for non-forest purpose under FCA, 1980 vide proposal No. FP/PB/ROAD/414057/2023, citing reason for widening of this existing road, being a heavy traffic and black zone road, as submitted by the user agency (**Annexure R-1**). This entire proposal was assessed and surveyed by the concerned Range Officers of Patiala Forest Division and the total forest land of 22.59 hectare along with 7392 numbers of trees,

*Cidhu*



1733 under girth poles and 5730 number of plants were found affected under the diversion proposal.

4. That as per FCA 1980 guidelines, the above proposal was accepted by the Project Screening Committee on dated 28.02.2023 and after the thorough scrutiny, the same was recommended by Project Screening Committee on dated 10.03.2023 for In-Principle approval. The proposal got the In-Principle approval i.e., Stage I approval on dated 01.08.2023 from the Regional Office of Ministry of Environmental, Forest and Climate Change (MoEF&CC) at Chandigarh and after getting the In-Principle approval, the User Agency (M/s Executive Engineer Central Works Division PWD) submitted the necessary levies for Compensatory Afforestation as under :-

- CA – Rs. 3,72,28,702/-
- NPV – Rs. 3,06,57,115/-
- ACA – Rs. 1,97,56,496/-

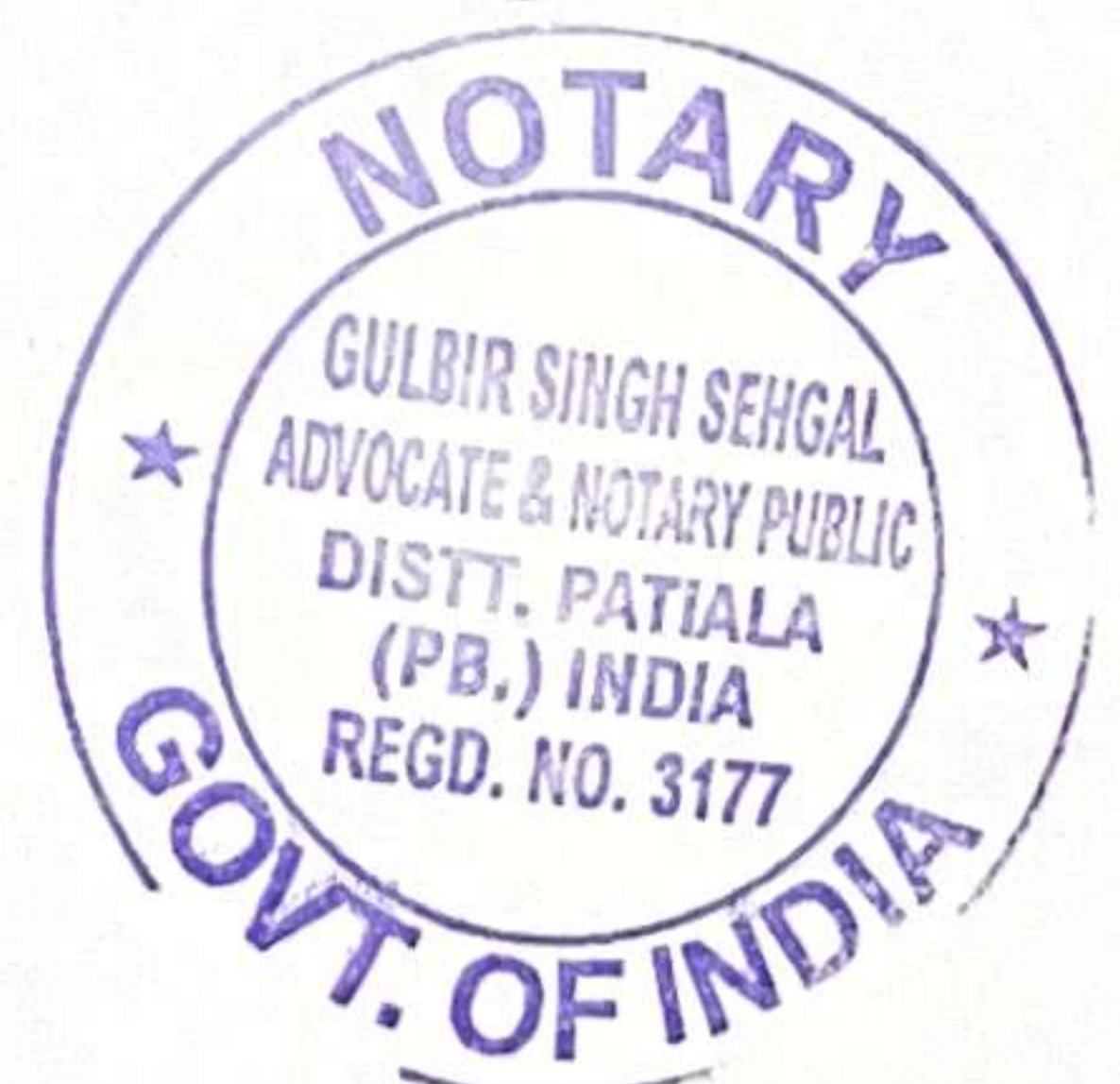


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Thereafter, a compliance report of the user agency regarding the same was submitted by Divisional Forest Officer to Nodal Officer FCA, SAS Nagar, Mohali on dated 04.01.2024. And, the final sanction/approval was granted vide approval No. FP/PB/ROAD/414057/2023 on dated 18.01.2024 (**Annexure R-2**) by the Deputy Inspector General of Forests (Central), MoEF&CC, RO, Chandigarh.

5. It is pertinent to mention here that in the above diversion case total affected area is 22.59 hectare in order to compensate this area twice of this diverted area (**22.59 x 2**) = **45.18 hectare** has been proposed under Compensatory Afforestation (C.A) Scheme for plantation in which total number of 45180 plants will be planted in **village Dada PF, H.B No. 496 of Tehsil & District Hoshiarpur Forest Division**. It is also mentioned here that in order to compensate under girth poles and plants affected in this diversion case of 22.59 hectare an Additional Compensatory Afforestation (ACA) of 29.852 hectare in which 14926 Tall plants will be planted in **Bhangala Forest in Rup Nagar**

*(Signature)*



**Forest Division.** As per the guidelines of FCA, 1980 issued by the Ministry of Environment , Forests and Climate Change vide letter No. F.No 5-2/2017-FC dated 28.03.2019. In this way total numbers of 60106 plants will be planted in lieu of diversion of the above mentioned degraded forest land bank.

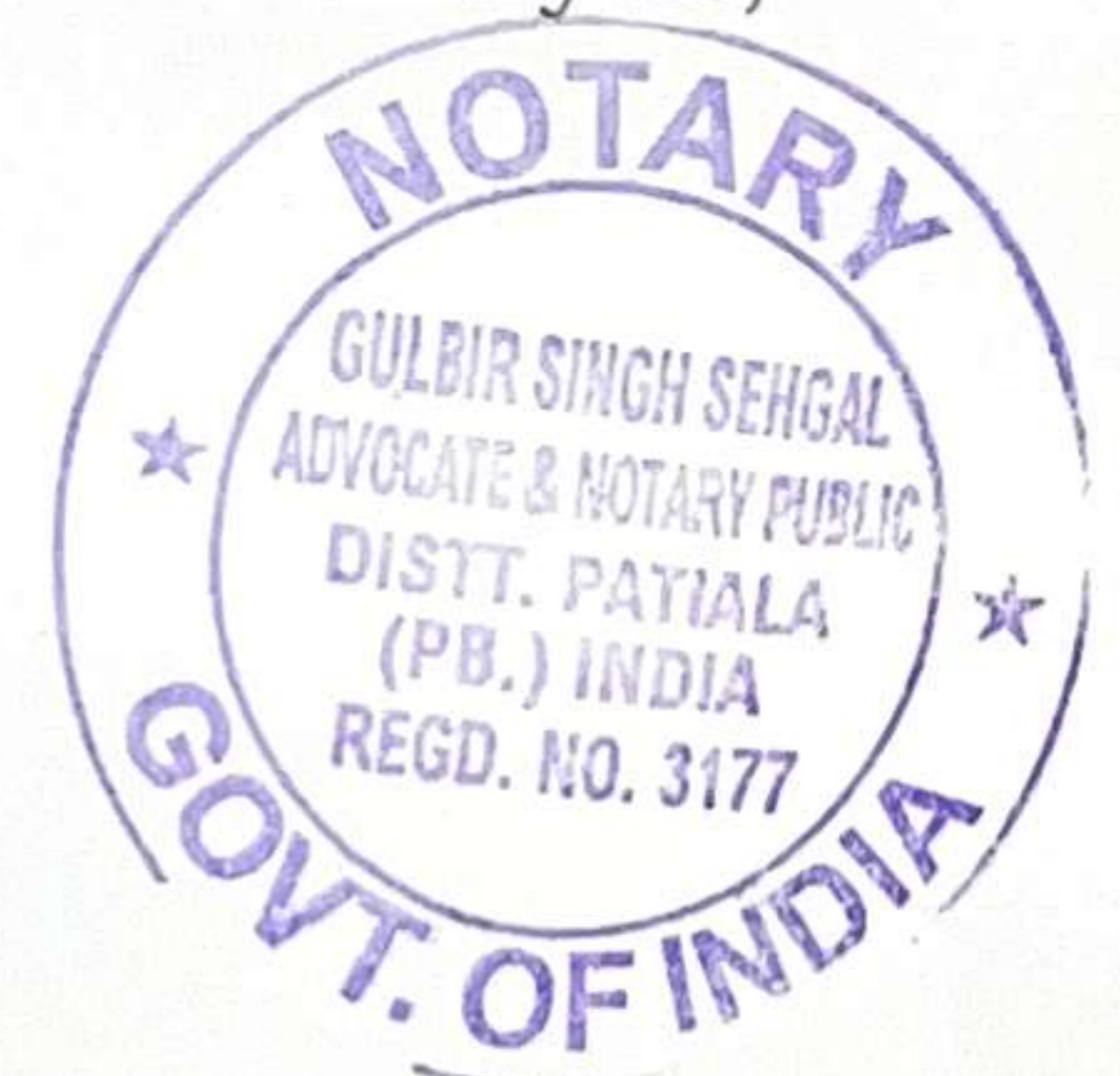
6. That due to non-availability of land bank of 75.032 hectare (45.18 Ha. in CA and 29.852 Ha. in ACA) degraded forest land as specified in FCA 1980 guidelines in Patiala Forest Division, Compensatory Afforestation (CA) of 45.18 hectare in **H.B No. 496 of village Dada PF, Tehsil & District Hoshiarpur Forest Division** and Additional Compensatory Afforestation (ACA) of 29.852 hectare in **Bhangala Forest in Rup Nagar Forest Division** has been proposed, as per Part -B Chapter 2 , Para 2.3 (IV) of the guidelines of FCA, 1980 issued by the Ministry of Environment , Forests and Climate Change vide letter No. F.No 5-2/2017-FC dated 28.03.2019 and for the sake of

*C. Singh*



brevity the specific page of handbook is attached as **Annexure R-3.**

7. That it is also pertinent to mention here that in the year 2021-2022, the Forest Division Patiala has done a Translocation of 99 trees in Forest Range Samana of Patiala Forest Division, with the expenditure of about Rs. 4,85,000 in two different forest diversion cases, **(1) Diversion of 3.7024 Ha. of forest land permission for development of Punjab section Km 135+056 to Km 397+712 of Delhi-Amritsar-Katra Expressway (Case No. FP/ PB/ ROAD/ 124978/ 2021) (2) Diversion of 3.892 ha. of forest land permission for upgradation and widening of Samana-Bhawanigarh Road from Km 3 to 15.80 both side in the state of Punjab (Case No. FP/PB/ROAD/122922/2021).** It is also submitted that the translocation of plants/under-girth poles is Specie-specific, Season-specific (can only be carried out in the months of January and December) and also Site-specific. Thus, taking account of all these factors considering cost benefit analysis,



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translocation was not found suitable in the present case. However, in order to compensate the plants/under-girth poles which are affected in this proposal of diversion of 22.59 hectare of forest land, plantation of 14926 tall plants is proposed under Additional Compensatory Afforestation (ACA) in 29.852 hectare in Rup Nagar Forest Division.

8. It is submitted that a similar OA No.1042 of 2024 relating to same stretch of road 22 KM long (Patiala-Sirhind Road KM 7.8 to 29.851 Both side) and with same facts is also pending before the Hon'ble National Green Tribunal at Principal Bench, New Delhi.



### REPLY ON MERITS

1. That para no. 1 of the application is admitted to the extent that any activity must have to be achieved while maintaining the ecological balance. Rest of the para is wrong and hence denied. It is pertinent to mention here that the

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entire process of getting final approval for diversion of forest land for non-forest purpose under Forest Conservation Act, 1980 (FCA) has been done in accordance with due process of law and nothing has been done as contrary to law.

2. That the contents of para no. 2 of the application are correct to the extent that the project of four-laning of the Sirhind-Patiala Road (22 Km stretch) has begun with felling of 7392 trees and few number of trees have already been felled till date. Rest of the para is wrong and hence denied. It is further wrong and denied that the process of felling of trees is being done without applying the mind by the Forest Department. Further, it is also pertinent to mention here that in the year 2021-2022, the Forest Division Patiala has done a Translocation of 99 plants/under-girth poles against two forest diversion cases, **(1) Diversion of 3.7024 Ha. of forest land permission for development of Punjab section Km 135+056 to Km 397+712 of Delhi-Amritsar-Katra Expressway (Case No. FP/PB/ROAD/124978/2021) (2) Diversion of 3.892 ha.**

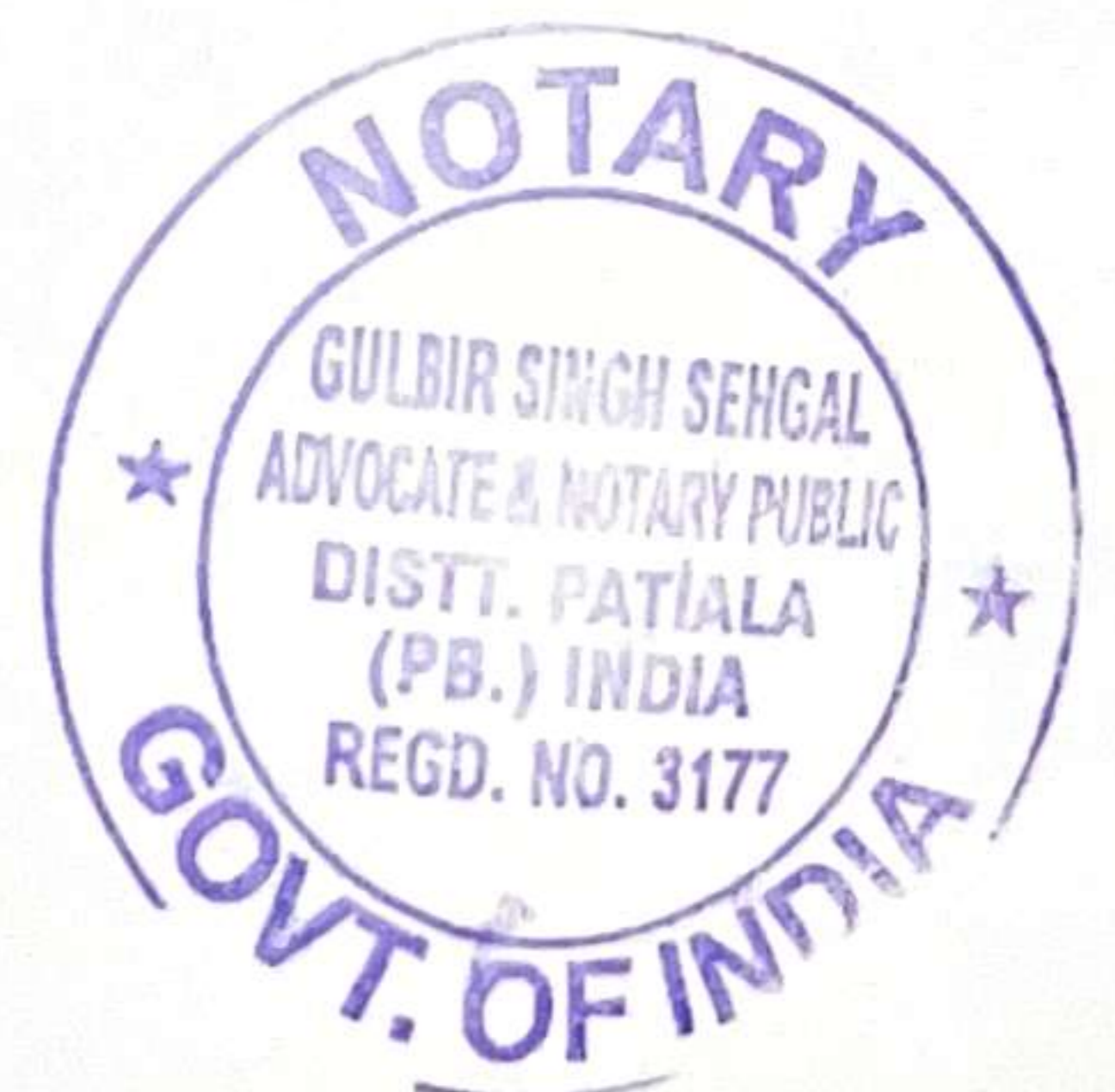
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**of forest land permission for upgradation and widening of Samana-Bhawanigarh Road from Km 3 to 15.80 both side in the state of Punjab (Case No. FP/PB/ROAD/122922/2021)** in Forest Range Samana of Patiala Forest Division, with the expenditure of about Rs. 4,85,000. It is also submitted that the translocation of plants/under-girth poles is Specie-specific, Season-specific (can only be tried in the months of January and December) and also Site-specific. Thus, taking account of all these factors, translocation was not considered appropriate in the present case.

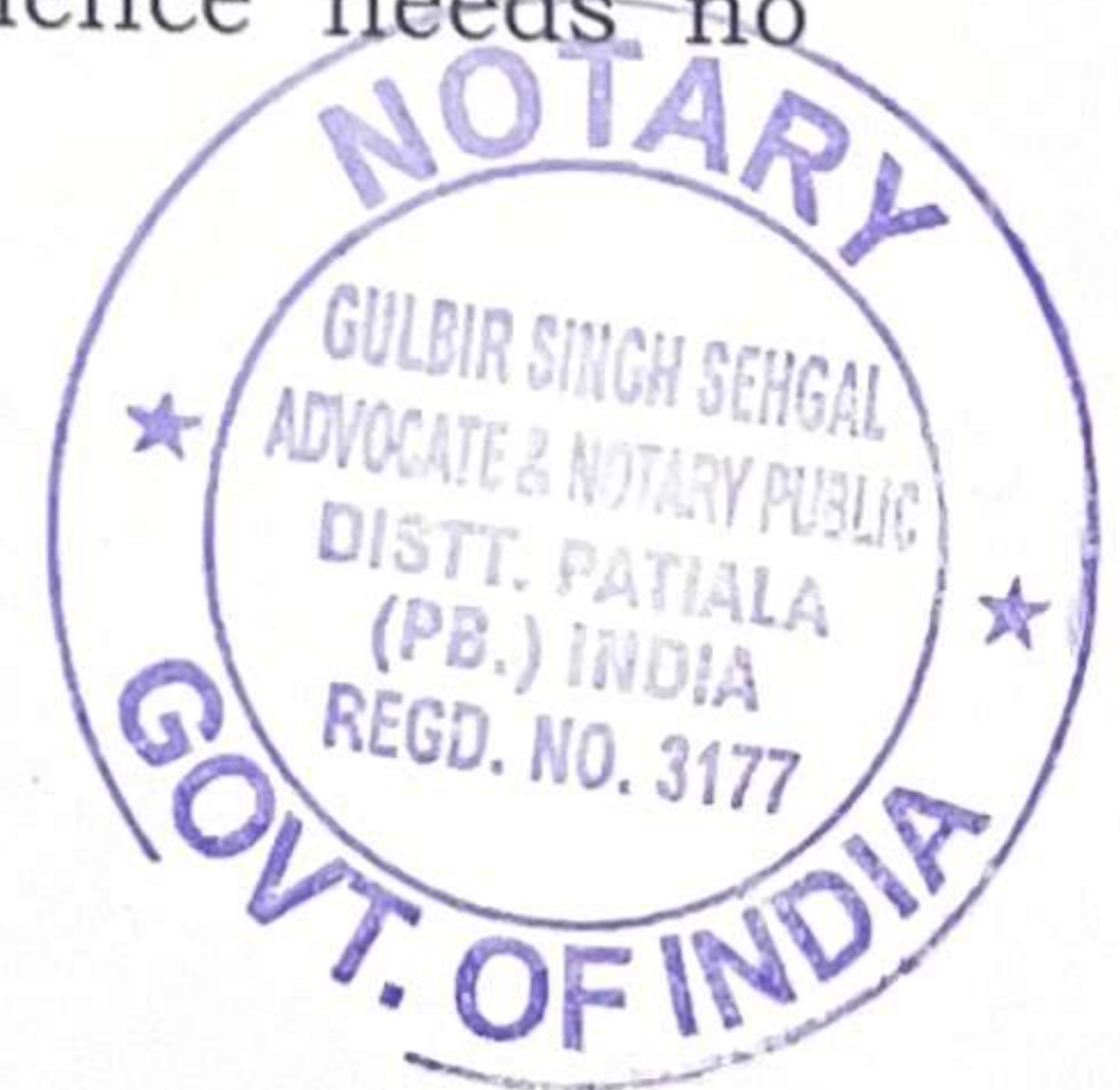
3. That the contents of para no. 3 of the application are correct to the extent that the replying respondent no. 1 is going to do Compensatory Afforestation in Hoshiarpur and Ropar as no degraded forest land is left for plantation along the proposed road after widening of road, rest of the para is wrong and hence denied. It is wrong and denied that the Forest Department or the State Government has violated any provision of any code or law with respect to forest

*idk*



diversion case. It is pertinent to mention here that for this whole project of widening of the Sirhind-Patiala Road, proper legal recourse has been adopted via proper channel. Firstly, prior approval from the Ministry of Environment, Forest and Climate Change (MoEF&CC) for the diversion of 22.59 hectare of forest land for non-forestry purpose has been taken as per FCA, 1980 and the approval was granted on dated 01.08.2023. After the approval, its compliance report has been submitted through State Government's Stage-I to MoEF&CC on dated 04.01.2024 and then finally, the MoEF&CC has given the Final Approval on dated 18.01.2024. It is submitted that the Indian Road Congress Code SP-21, 2009 guidelines for landscaping and plantation are not related to the replying respondents, hence needs no reply.

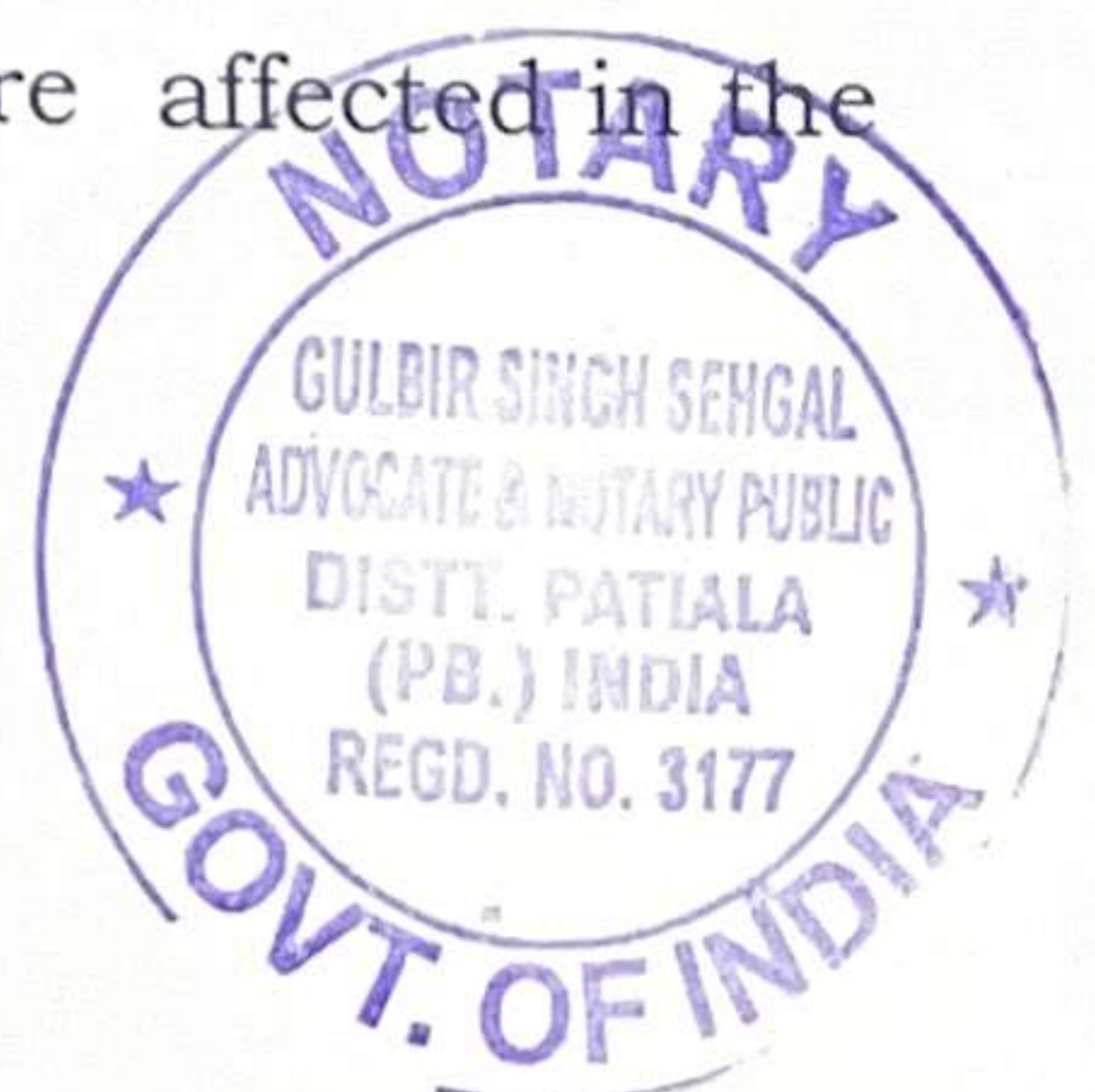
4. That the contents of para no. 4 of the application are not related to the replying respondents, hence needs no reply.



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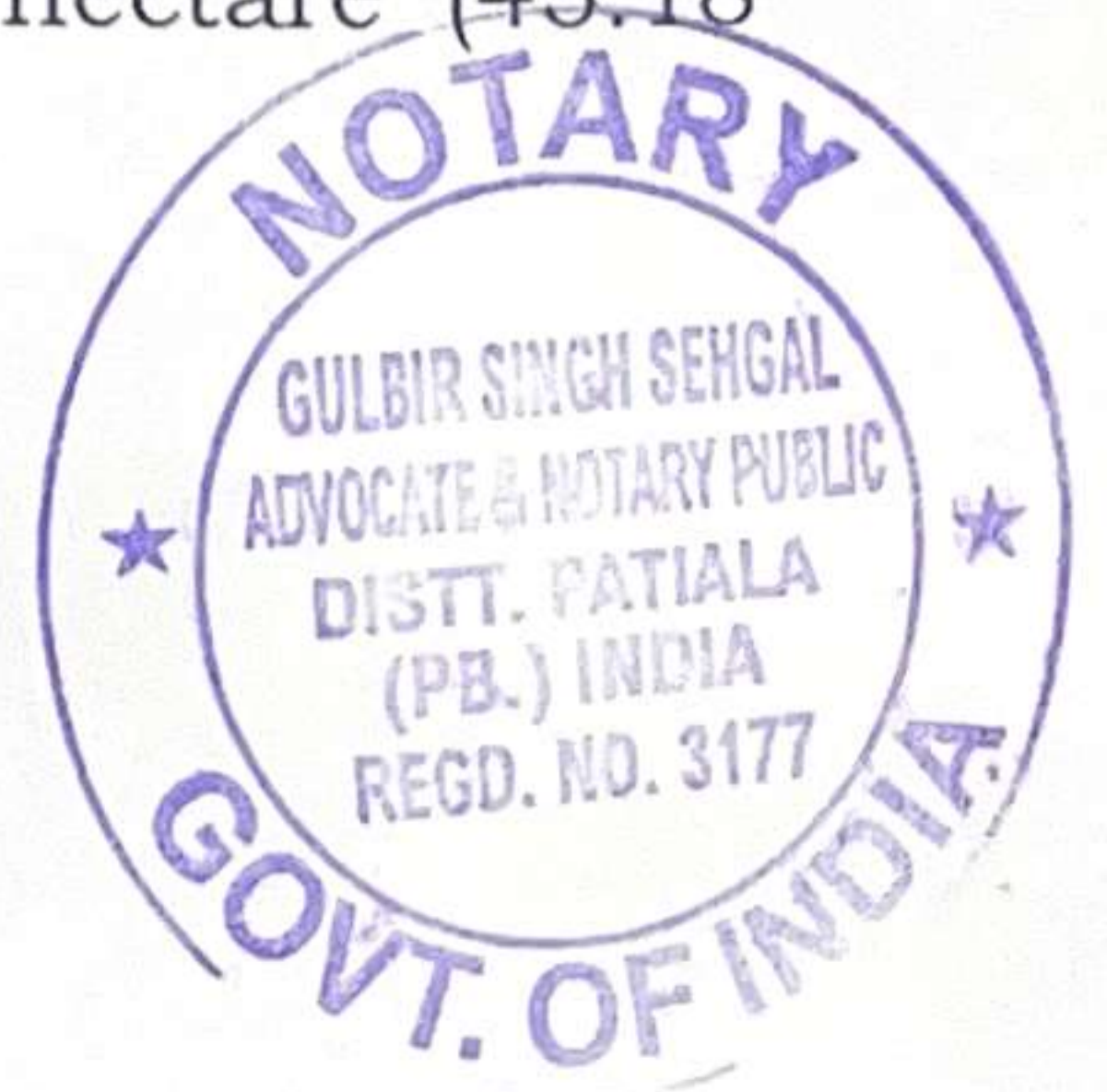
5. That the contents of para no. 5 of the application are not described properly, hence denied. The main objection raised in this para is regarding the number of trees assessed by the Forest Department to be axed for widening of road, which is false, vague and baseless, hence denied. As per the Forest Survey of India (FSI) a tree is defined as "A large woody perennial plant having a single well defined stem (bole or trunk ) and more or less definite crown. It also includes bamboos, palms, fruit trees etc. and excludes non perennial non woody species like banana and tall shrubs or climbers. For the purpose of assessing growing stock and tree cover , only those trees having diameter at breast height (dbh) of 10 cm or more are measured ".It is submitted that as per various standing instructions issued by the department from time to time , those trees with circumference more than 30cm have been considered as trees of various girth classes and those with circumference 30cm and below were included as undergirth poles and plants in the diversion case. According to which 7392 trees, 1733 undergirth poles and 5730 plants were affected in the

*Cidhup*



diverted area. The Forest Department has not left any tree or plants standing in the diverted area unaccounted for and have proposed Compensatory Afforestation for all the trees, undergirth poles and plants affected in the diversion case as per law. Thus, the Forest Department has made no discrepancy while assessing/calculating the number of trees to be felled. It is pertinent to mention here that in the above diversion case total affected area is 22.59 hectare in order to compensate this area twice of this diverted area **(22.59 x 2) = 45.18 hectare** has been proposed under Compensatory Afforestation (C.A) Scheme for plantation **H.B No. 496 of village Dada PF, Tehsil & District Hoshiarpur Forest Division.** It is also mentioned here that in order to compensate under girth poles and plants affected in this diversion case of 22.59 hectare an Additional Compensatory Afforestation (ACA) of 29.852 hectare in **Bhangala Forest in Rup Nagar Forest Division** has been proposed, as per the policy and guidelines of FCA, 1980. The Compensatory Afforestation has been proposed in 75.032 hectare (45.18

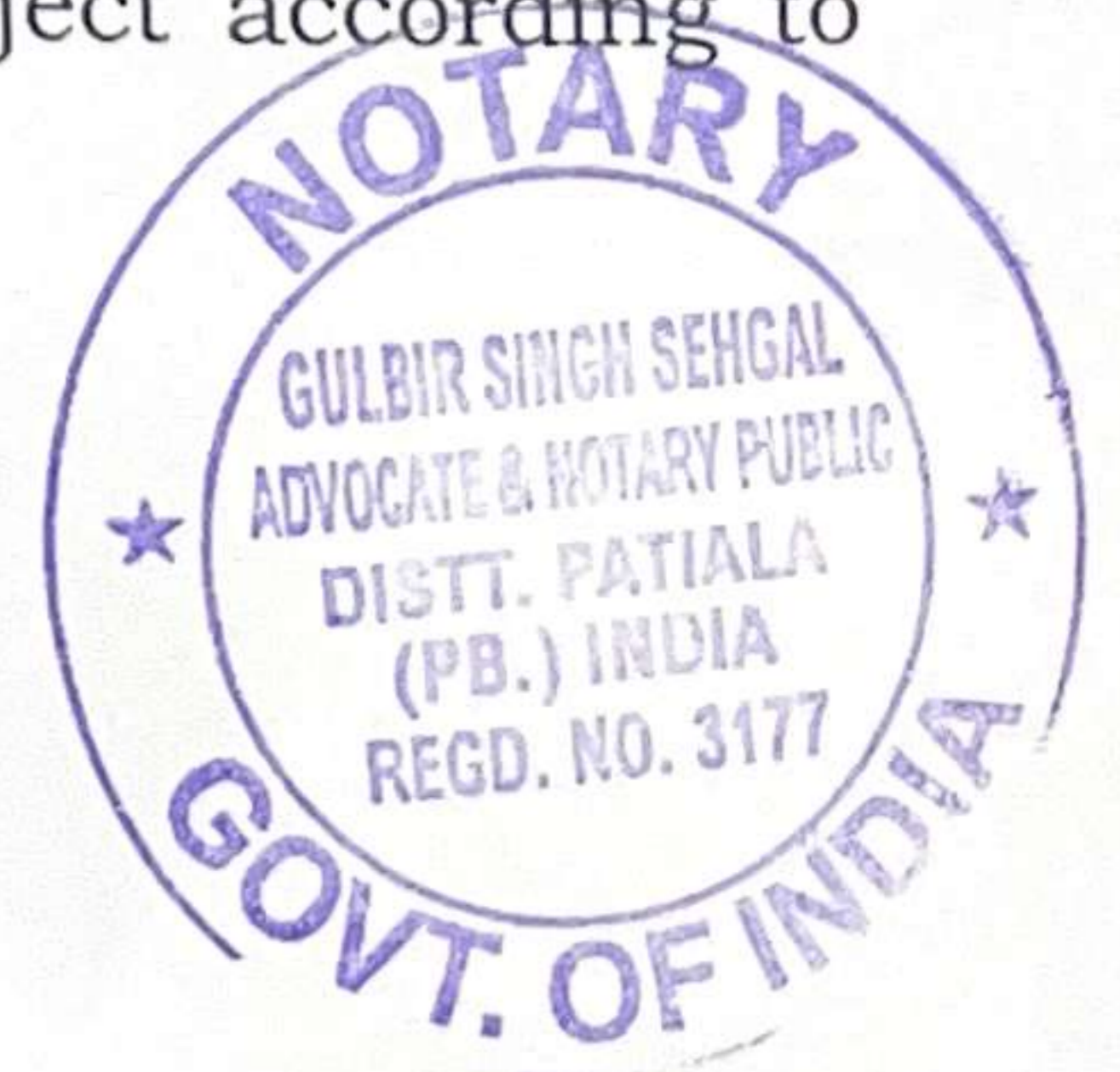
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Ha. in CA and 29.852 Ha. in ACA) compensating for both trees and plants affected under diversion.

6. That the contents of para no. 6 of the application are wrong and hence denied, except of the fact that the land along roadsides from where trees and shrubs are going to be axed, comes under District Patiala and Shri Fatehgarh Sahib. It is pertinent to mention here that due to non availability of degraded forest land bank of 75.032 hectare (45.18 Ha. in CA and 29.852 Ha. in ACA) in Districts of Patiala and Fatehgarh Sahib as specified in FCA 1980 guidelines, Compensatory afforestation (CA) of 45.18 hectare will be taken up by the State Forest Department over degraded forest land in **H.B No. 496 of village Dada PF, Tehsil & District Hoshiarpur** and also Additional Compensatory afforestation (ACA) of 29.852 hectare will also be taken up by the State Forest Department over degraded forest land in **Bhangala Forest in Rup Nagar Forest Division**. Thus, making the project fully sustainable with nature. Preparation of the DPR of the project according to

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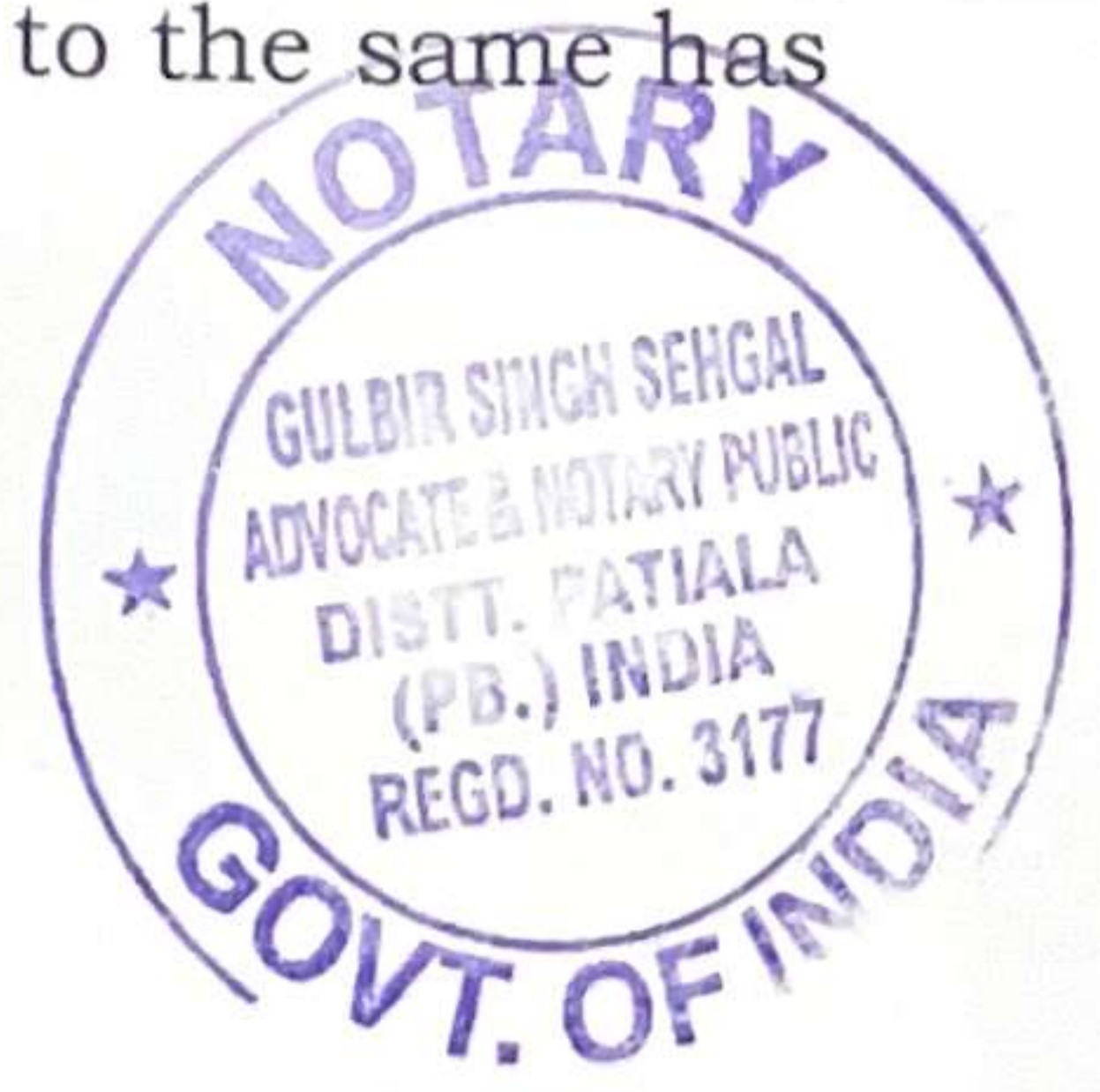
IRC: SP-21, 2009 is not related to the department of replying respondents.

7. That the contents of para no. 7 of the application being a case which has been referred to and an order which has been produced of the Hon'ble Tribunal, which is not denied as matter of record, hence needs no reply. However, it is pertinent to mention here that the facts and circumstances varies from case to case. The conclusion/judgment drawn out from one case could not be applied to the other case in a true sense. The Hon'ble Tribunal in para no. 6 of its order has itself stated that "cutting of trees should only be allowed if inevitable and subject to suitable compensatory norms".

Which is totally correlating with the present case in hand.

8. That the contents of para no. 8 of the application are wrong and hence denied. The reply to the same has been given in detail in the previous paras and the same has not been repeated here for the sake of brevity.

9. That the contents of para no. 9 of the application are wrong and hence denied. The detailed reply to the same has



*Cidh*

been given in detail in the previous paras and is not been repeated here for the sake of brevity.

Prayer clause is wrong and hence denied.

Keeping in view of the above, it is most humbly and respectfully prayed that the application filed by the applicants may kindly be dismissed with costs in the interest of justice.

Place: PATIALA

Date: 14/10/24



Deponent

Vidhya Sagari RU, IFS,  
Divisional Forest Officer,  
Patiala, Punjab.



Verification

Verified that the contents of the reply by way of affidavit from Para No. 1 to 8 of preliminary objections and Paras No. 1 to 9 on merits are true and correct to the best of my knowledge and nothing has been concealed therein.

Place: **PATIALA**

Date: **14/10/24**



Deponent

Vidhya Sagari RU, IFS,  
Divisional Forest Officer,  
Patiala, Punjab.



The Contents of this affidavit document have been read over to the deponent He/She has accepted the true & correct.

Attested As Identified  
  
NOTARY PUBLIC  
PATIALA INDIA

14 OCT 2024

This Documents has been registred  
at Serial No. **68**  
this day of **14 OCT 2024**

**Proposal Details****Proposal No.:**

FP/P3/ROAD/414057/2023

**Single Window No.:**

SW/115091/2023

**CAF No.:**

CAF/112936/2023

**Project Name:**

permission for Rehabilitation/Upgradation of 2 Lane to 4 Lanning of Patiala-Sirhind road Km 7.800 -29.551 B/S Distt: Patiala &amp; Fatehgarh Sahib

**State:**

PUNJAB

**Project Category:**

Construction / Widening of Road including approach road to roadside establishments including bridges

**Area (in ha):**

22.59

**Division(s):**

Patiala Division

**Proposal Submission Date:**

11/01/2023

**Application received at State :**

N/A

**Application received at IRO :**

28/03/2023

**Application received at MoEF&CC :**

N/A

**Proponent Name :**

EXECUTIVE ENGINEER CENTRAL WORKS DIVISION PWD

**Scenario :**

Scenario 2

**Demand/Payment:**

N/A

**Additional Demand/Payment:**

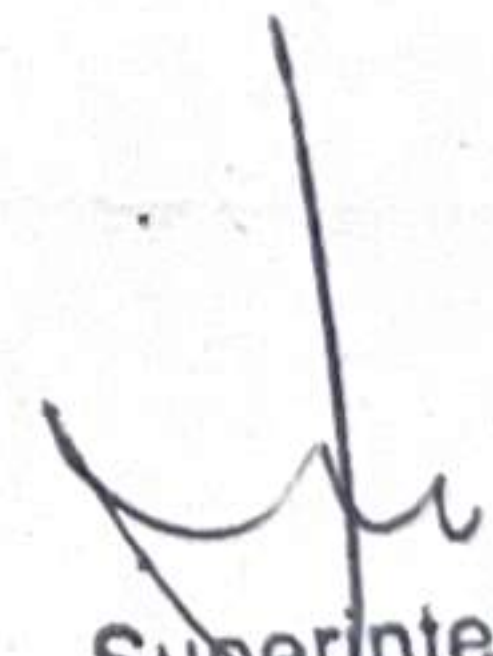
N/A

**In-Principle Approval:**

Granted

**Final Approval:**

Granted

  
Superintendent  
Divisional Forest Officer  
Patiala Forest Division  
Patiala



सत्यमेव जयते

Government of India

Ministry of Environment, Forest and Climate Change

Regional Office, Chandigarh



Online Proposal No.: FPPB/ROAD/414057/2023

Dated: 18/01/2024



To,

The Additional Chief Secretary (Forests),  
Government of Punjab, Mini Secretariat,  
Sector-9, Chandigarh

Subject:

Proposal for non-forestry use of 22.59 ha of forest land under Forest (Conseravation) Act, 1980 in favour of M/s EXECUTIVE ENGINEER CENTRAL WORKS DIVISION PWD for Patiala Division in PATIALA Forest Division, District (PUNJAB)(FP/PB/ROAD/414057/2023) – reg.  
Ref: State Government's Stage-I Compliance report dated 04.01.2024.

Sir/Madam,

Kindly refer to the subject cited above and letter under reference for seeking prior approval in accordance with section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 22.59 ha. of forest land for non-forestry purpose. In this proposal, *In-principle* approval was granted by this office's letter of even number dated 01.08.2023, whose compliance report was received through State Government's Stage-I Compliance report dated 04.01.2024. After careful examination of the received compliance, I am directed to convey *FinalApproval* for the above-mentioned project, subject to the following conditions:

## 1. General Conditions

S. No	Conditions
1.1	<p>1. Legal status of the forest land shall remain unchanged.</p> <p>2. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State Forest Department.</p> <p>3. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in <i>H.B No. 496 of village Dada PF, Tehsil</i></p>

S. No	Conditions
	<p><i>and district Hoshiarpur</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided.</p> <p>4. As per the proposed CA Scheme, Additional Compensatory afforestation (ACA) shall be taken up by the State Forest Department over degraded forest land in <i>Bhangala Forest in Rup Nagar Forest Division</i> at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided.</p> <p>5. The Divisional Forest Officer shall ensure that the approved CA/ACA site (s) will not be changed without the approval of Competent Authority.</p> <p>6. The Nodal Officer (State CAMPA) Authority shall ensure that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.</p> <p>7. The State Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency.</p> <p>8. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less.</p> <p>9. The forest land shall not be used for any purpose other than that specified in the proposal.</p> <p>10. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Government will ensure that the increased amount is deposited.</p> <p>11. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land.</p> <p>12. The forest land proposed to be diverted shall, under no circumstances, be transferred to any other agency, department, or person without approval of the Central Government.</p> <p>13. The layout plan of the proposal shall not be changed without prior approval of Central Government.</p> <p>14. The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved.</p> <p>15. Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests &amp; wildlife.</p> <p>16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.</p> <p>17. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan)Adhiniyam, 1980 and action would be taken as per para 1.16 of the consolidated guidelines and clarifications on Van (Sanrakshan Evam Samvardhan)Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan)Rules, 2023, MoEF&amp;CC.</p> <p>18. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.</p>

**2. Standard conditions**

S. No	Conditions
2.1	<p>1. User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.</p> <p>2. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.</p> <p>3. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.</p>


**3. Specific Conditions**

S. No	Conditions
3.1	The Ministry may suspend/cancel this approval if the implementation of any of the above conditions is not satisfactory. The State Government will ensure compliance of these conditions through the Forest Department.

**Copy To**

1. Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh, Aliganj, New Delhi. ([ramesh.pandey@nic.in](mailto:ramesh.pandey@nic.in))
2. Principal Chief Conservator of Forests, Punjab, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab. ([pccfpunjab@gmail.com](mailto:pccfpunjab@gmail.com))
3. Chief Executive Officer, CAMPA, Forest Complex, Sector-68, SAS Nagar, Mohali, Punjab([ceo.puncampa@gmail.com](mailto:ceo.puncampa@gmail.com))
4. The Divisional Forest Officer, Forest Division & District Patiala & Fatehgarh Sahib, Punjab([dfopta@gmail.com](mailto:dfopta@gmail.com)).
5. The Executive Engineer, Executive Engineer, PWD B&R, Mohali, SAS Nagar.([eecwdmohpwpdpb@gmail.com](mailto:eecwdmohpwpdpb@gmail.com)).

**Your's faithfully****(Raja Ram Singh)**Dy. Inspector General of Forests (Central),  
MoEF&CC, RO, Chandigarh

  
 Superintendent  
 Divisional Forest Officer  
 Patiala Forest Division  
 Patiala

F. No. 5-2/2017- FC  
Government of India  
Ministry of Environment, forests and Climate Change  
(FC Division)

Indira Paryavaran Bhawan,  
Aliganj, Jor Bag Road,  
New Delhi - 110003.

Dated: 28<sup>th</sup> March, 2019

To:  
The Principal Secretary/Secretary (Forests),  
All State/UT Governments.

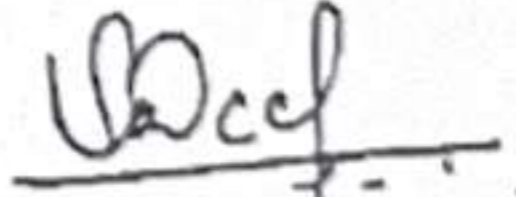
Sub: Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8<sup>th</sup> March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: [www.parivesh.nic.in](http://www.parivesh.nic.in)

This issue with the approval of competent authority.

Yours faithfully,

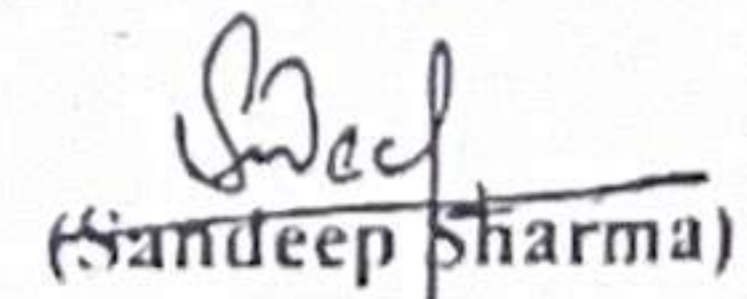


(Sandeep) Sharma

Assistant Inspector General of Forest (FC)

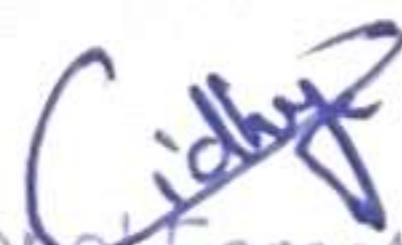
Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MIIA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.



Assistant Inspector General of Forest (FC)

Attached



Divisional Forest Officer  
Patiala Forest Division  
Patiala


## 2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition 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'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

### 2.3 Land for CA:

- (i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.
- (ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format
- (iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.
- (v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.
- (vi) In cases where non-forest land for CA is to be acquired by the User Agency through outright purchase from the individual owners, uploading/ submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage- I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority in the State Government stating that land identified for CA will be transferred


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and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

#### 2.4. Clarification:

- (i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.
- (ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.
- (iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.
- (iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.
- (v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.
- (vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.
- (vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

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