

Van (Sanrakhan Evam Samvardhan) Adhiniyam, 1980

Date: 23rd August, 2024

Hizli, Kharagpur

Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with amendments made in 1988 and 2023

➤ The Act shall come into force on the **1st December, 2023**.

Applicability:

- **1A. (a): Land declared or notified as Forest** in accordance with IFA 1927.
 - **1A. (b):** Not covered in clause (a) but **recorded in Govt record as Forest.**
- **Exemption** to certain category of projects

Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with amendments made in 1988 and 2023

- **Restriction on the de-reservation of forests or use of forest land for non-forestry purpose, without prior approval** of Central Government (Page 2).
- **Penalty for Contravention:-** simple imprisonment may extend to 15 days
- **Offences by the Authorities and Government Departments:-** **by any department (HOD)**, by any authority, every person who, at the time of offence was committed (3 B, Page 3)

Non-forestry Activities (Page 2/3):

- **Cultivation** of tea, coffee, spices, rubber, palm and oil bearing plant.
- **Horticulture** crops or medicinal plants.
- Any purpose **other than re-afforestation**.
- **Not included** *work related to/ or ancillary* to conservation, development & Management of forest and wildlife.

Online Processing of Proposals

- Proposals are processed online through **Parivesh 1.0** and **Parivesh 2.0** portals
- Proposals from **15th July 2014** onwards are dealt in **Parivesh 1.0**
- Proposals from **22nd September 2022** onwards are dealt in **Parivesh 2.0**
- Parivesh 1.0 proposals are being migrated to Parivesh 2.0 by NIC

Approvals:

- **Stage-I** approval or ‘In-Principle Approval’
- **Stage-II** approval or ‘Final Approval’

Final diversion:

- Order by the State

Definitions (Page 6)

Linear Project:

Means project **involving linear diversion of forest land** for the purpose such as roads, pipelines, railways, transmission lines, slurry pipeline, conveyor belt etc.

Working Permission:

Means permission granted to the 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;

In-principal approval of the Proposal accorded by Regional Office (Rule 10, Page 12)

- All proposal involving **forest land up to 40 ha.**
- Hydro electric power projects of **up to 25 MW.**
- 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 exemption

In-principal approval of the Proposal accorded by Central Govt. (Rule 10, Page 12/13).

- All proposals, other than proposals mentioned under purview of Regional Office.
- **De-reservation**
- **Mining**
- Regularisation of **encroachment**
- *Ex- post facto* approval of violation of the provision of Adhiniyam

Aspects Considered During Examining Proposals (Rule 10, Page 13/14)

But not limited to:

- Proposal is not for **non- site specific purposes** such as agricultural, office or residential purpose, industry, institutes, rehabilitation of displaced person etc. (Page 38).
- **No other feasible alternatives** available
- Its **unavoidable**
- Required area is **minimum**
- **Direct & Indirect impact on “*Forest, Wildlife & Environment*”.**
- Mitigation measures for above, if any

Site Inspection Report

Examination of Area Required

- **Why in Forest?**
- **Whether no feasible alternatives available?**
- **Area proposed: why that much?**
- Detailed **Layout** with different components/ structures
- **Dimensions** of different components/ structures, (length & width)
- **Basis/ guidelines of proposed dimension/ area?**
- **Three alternate sites** should be considered

Example:

1. Water Pipeline with Tanks
2. BOP- Outpost

Working Permission (Rule 10, Page 15)

- The State Govt. or UT Admn, if so desires, **after obtaining “In-Principle” approval of linear proposals** and deposition of compensatory levies (CA cost & NPV), cost of Wildlife Management Plan and Soil & Moisture Conservation Plan, as applicable, notification of CA land as PF, FRA Certificate, may grant “working permission’ for commencement of project work before grant of “Final” approval.

Compensatory Afforestation (CA) on Non Forest Land (NFL)

- CA is to compensate the loss of **“Land by Land”** and loss of **“Trees by Trees”** (Chapter 2.1, Page 48)
- CA Land should be **compact, free from encumbrances**
- **CA Land Should not be isolated**: difficult to manage
- Preferably **contiguous** to the forest
- Preferably **in close proximity** of forest land being diverted.
- **Land contiguous to RF/PF and NP/WLS can be accepted irrespective of any size** (Chapter 2.2 (xi), Page 49).

Compensatory Afforestation (CA) on Non Forest Land (NFL)

- CA land proposed should be of **good quality, able to generate and compensate the Ecosystem Goods and Services (EG&S)** lost from non-forestry use. (Chapter 2.2, (xiii), Page 50).
- **Minimum Size:**
Non-Forest Land (NFL) for CA of less than 10 ha shall not be accepted. If accepted, 20 years maintenance is to be charged (Schedule-II (4), Page no. 26).

No Compensatory Afforestation (CA)

- **No CA** for re-diversion of forest land **within RoW of roads**, outside the PA
- **No CA** in lieu of repair and maintenance or blacktopping of the forest roads prior to 1980, outside the PA.
- For **PA area**, permission from Standing Committee of the State Board for Wildlife will be required.

(Chapter 2.2 (v), Page 49).

Compensatory Afforestation of DFL (Rule 13 (5), Page 19)

S. N.	Items	Provision
1.	Clearing of natural grown tress in forest land for reforestation	Cost of plantation of 10 times the number of trees likely to be felled subject to minimum 100 tress planted
2.	Diversion of Forest land up to 1 ha.	
3.	Underground mining without surface rights.	
4.	Renewal of mining lease.	No CA

CA on Degraded Forest Land (DFL)

- **In exceptional cases**, when CA land is not available and **Certificate has been given by State Govt.** CA on DFL may be considered **twice in extent** to the proposed area for diversion **in case of Central Govt. Agencies or CPSU** on case to case basis.
- **In exceptional cases**, when CA land is not available and **Certificate has been given by State Govt.** CA on DFL may be considered twice in extent to the proposed area for diversion **in case of State Public Undertaking for captive coal blocks** on case to case basis.
- **Provided, in case the User Agency using both Forest Land & Non Forest Land for the project, above exceptions shall not be applicable.**

(Rule 13, Page 18)

Management of Compensatory Afforestation (CA)

- The land shall be **demarcated** by concrete pillars of suitable size and **free from all encumbrance**.
- Shall be **notified as PF**.
- The **CA work shall start within Two (2) years** of issuance of final order.

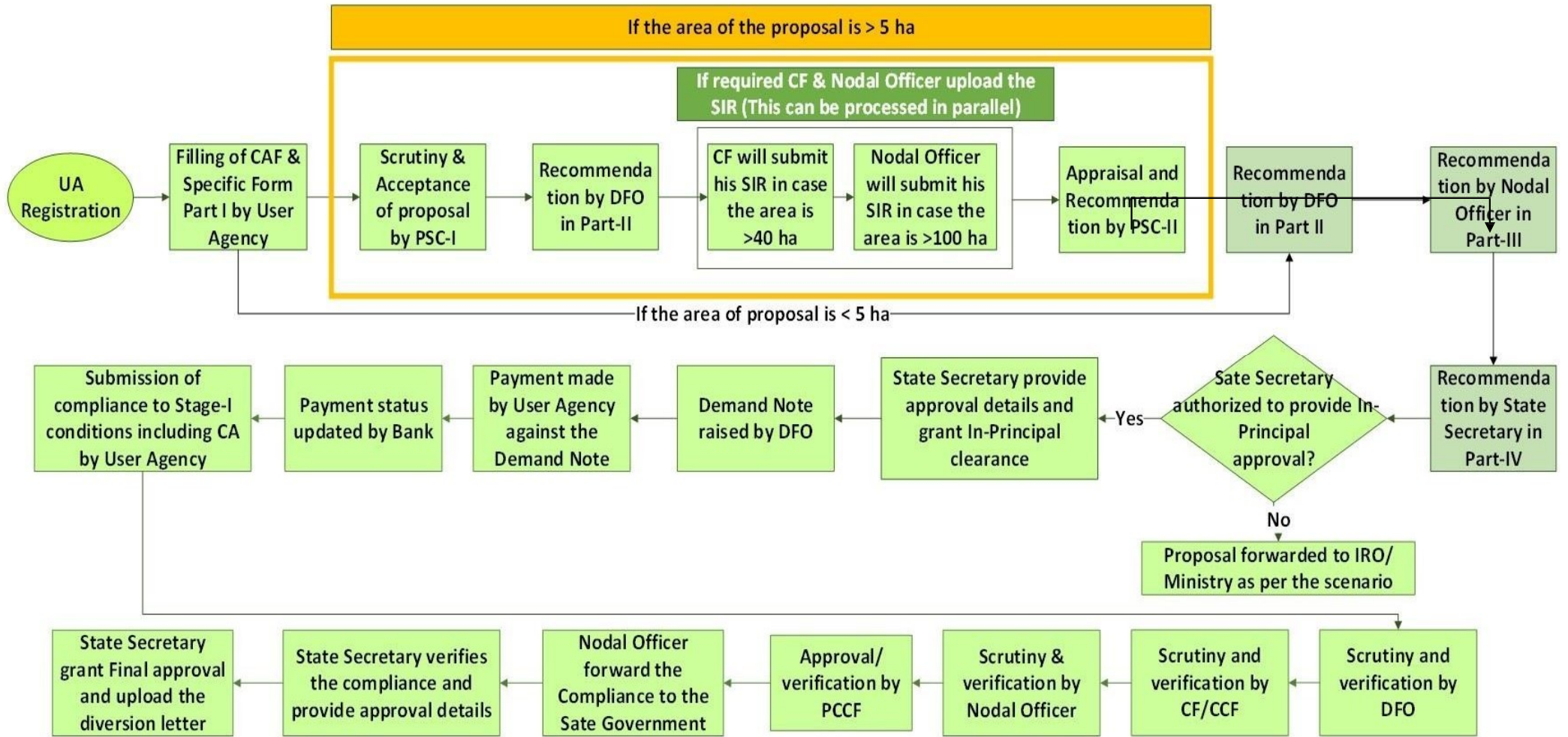
(Rule 14, Page 20 of Adhiniyam)

- CA plantation should develop forest of **min canopy density of 0.4 in 5th year** and **mature with min canopy density of 0.7**

(Rule 13, Page 18 of Adhiniyam)

Processing of Proposal: State Level Clearance/Workflow

State Level Clearance/Workflow



Time Line for Processing Proposals (Sch. I Page 24)

Processing Authority		Area (ha)/ Working Days			
		Up to 5*	5 to 40*	40 to 100*	More than 100*
	Project Screening Committee	0	30	30	30
State level	DCF/DC	10	10	10	20
	SIR by DCF/CF/ CCF/NO	5	5	20	20
	Nodal Officer/ PCCF	5	10	15	15
	State Govt	10	15	15	15
	Sub- Total	30	70	90	100

Time Line for Processing Proposals (Sch. I Page 24)

Processing Authority	Area (ha)/ Working Days			
	Up to 5*	5 to 40*	40 to 100*	More than 100*
A. State Level	30	70	90	100
B. RO	15	35	50	50
Sub- Total (A +B)	45	105	140	150
C. MoEFCC	50	50	60	60
Sub- Total (A +C)	80	120	150	160

Time Line for Grant of Final Approval (Sch. I Page 25)

Level	Activity	Time (Days)
State Level	Issue of demand note for payment Compensatory Levies by UA	2
	Approval of demand note by NO	3
	Payment Compensatory Levies by UA and submission of Certificate	5
	Examination of Compliance Report by DFO/CCF	5
	Examination of Compliance Report by NO and forwarding to RO/MoEFCC	10
	Sub- Total	25
RO/MoEFCC	Examination of Compliance Report by RO/MoEFCC and according Stage- II approval	20
	Total	45

General Clarification

- The **Act are not applicable on tree, Plantation and afforestation raised on Private lands** except notified Private Forest (Chapter 1.1 (iv), Page 30).
- **Diversion is only “Right to use”** granted to UA without any changes in ownership and legal status (Chapter 1.2 (ix), Page 30).
- **Temporary Use of Forest Land: Emergent nature, public purpose, unavoidable.** Should not exceed for a period of 2 weeks in a single approval (Chapter 1.7, Page 37).
- **Project involving both forest and non-forest land. No work should be started on non-forest land till approval of the Central Government** (Chapter 1.9, Page 38).
- **Payment of CA, NPV, WLMP, SMCP, CAT etc into CAMPA Account, online.**
- Establishment of Zoo on forest land, other than PA (Chapter 1.17, Page 41).
- Tusser Cultivation (Vanya Silk Cultivation) (Chapter 1.20, Page 44).

Cost of Wildlife Management Plan (WLMP) & SMCP

- Wildlife Management Plan & SMC Plan should be submitted along with Stage- I compliance.
- In case of delay in preparation of plan, **lump sum amount of 2% and 0.5% of project cost** against WLMP & SMCP respectively may be proposed.
- Both WLMP and SMCP should be **approved by appropriate authority**.
- Implementation should not be delayed beyond 2 years

(Chapter 1, Page 47)

Net Present Value (NPV)

- New Rate will be applicable on all the cases that were granted Stage-I approval prior to 06.01.2022 and after 06.01.2022 (3.3, Page 57).
- NPV shall be charged on **Eco-class and Canopy Density** mentioned on Part-II
- The latest ISFR of FSI may be followed for determination of density (Page 59).
- **10 times** NPV shall be charged in the case of **National Park** and **5 times** in the case of **Sanctuary** (3.4, Page 57).

(Chapter: 3)

Exemption considered under the Adhiniyam and General Approval (Chapter 4)

Following Proposals have been **exempted** under the purview of the Adhiniyam

- Located **within 100 km of LOC, LAC**. Proposed for construction of strategic linear project of national importance & security (Section 2, Page 2 and 4.1 (iv), Page 61).
 - **Up to 0.1 ha** for providing connectivity to the road/railside amenities.
 - **Up to 10 ha** for Security related infrastructure.
 - **Up to 5 ha** for Security related infrastructure and public utilities project (12 categories) in the **LWE affected districts**. (Page 61)
- **Proposals will be processed by State Govt.**

General Approval for use of Forest Land within RoW

General approval is accorded, **in the already diverted forest land in RoW of roads** for non- forestry use for laying of UG drinking water pipelines, OFC cable (both UG & OG), telephone lines, electricity cable, CNG/PNG, slurry pipelines and petroleum and crude oil pipelines.

State Govt/ authorized NO will accord approval. (4.2, Page 65)

Repair and maintenance as well as upgradation/ widening of roads constructed in forest lands

The up-gradation of roads, without widening, constructed in forest areas **prior to 25th October 1980**, from '**Kutcha to Pucca**' is permissible without attracting the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and **black topping and bituminous work of forest roads** (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) is permitted **subject to fulfillment of the applicable Terms & Conditions.**

(Chapter 11.5, Page 103)

Mining Projects (Chapter 7)

- Approved Mining Plan
- Pre and Post Mining Plan
- **Justification** of new mining
- **Mine Closure Plan**: reclamation of forest land, including afforestation
- **Monitoring of Compliance**: at least once in a year. Upload report on Parivesh Portal (7.2 (17), Page 82)

Guidelines on Specific Projects

S. N.	Chapter	Subject
1.	Chapter 5	Transfer/ Re-diversion
2.	Chapter 6	Survey and Investigation
3.	Chapter 7	Mining Projects
4.	Chapter 8	Wind Energy
5.	Chapter 9	Irrigation and Hydro- Electric projects
6.	Chapter 10	Transmission lines
7.	Chapter 11	Infra Projects- road, railway lines etc
8.	Chapter 12	Diversion proposals in and around PAs

Important Points: Part-I by User Agency

- Name of User Agency & **Nature/Legal Status** of User Agency.
- **Total Area** involved in forest land as well as non-forest land.
- **Area Calculation** Statement with Layout/ dimensions.
- **Justification** for locating the project in forest land.
- Details of **at least three alternatives** with sufficient explanation.
- **KML file** should only boundary demarcation, **no shaded** file is acceptable.
- **Geo-referance map** with GPS co-ordinate of diverted land.
- **No. of years**, diversion proposed
- Details of court case & violation if any.
- **Undertaking** for NPV, CA, Addl. CA and Tree felling.

Important Points: Part-II by DFO

- **Area of Proposed forest land** in Part-I and Part-II are **same**.
- **Canopy density** of forest land should be properly recorded (some mentioned 0.001).
- If Proposal involved tree felling, tree enumeration list with species, to be provided.
- **SIR**, should be in detailed covering aspects of **no feasible alternatives available, unavoidable, minimum area, direct & indirect impact on “*Forest, Wildlife & Environment, mitigation measures, location details etc.*”**
- **CA details** (Topo map, Geo-co-ordinates, KML, CA estimate and CA suitability certificate).
- **All estimates** is to **countersigned** by the concerned CCF. **Escalation** for maintenance
- **Boundary Pillars estimates**, as per Working Plan approved rate
- **Recommendation** with proper justification.

Thank You !