

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

Indira Paryavaran Bhawan,

Aliganj, JorBagh Road,

New Delhi: 110003

Dated: 24th January, 2023

To

1. Secretary,
M/o Defence, Home Affairs, Coal,
Mines, Power, RT&H, PN&G, Steel, Railways,
Communications (DoT), Jal Shakti

2. Principal Secretary (Forests)
All States/UTs

Sub: Guidelines on the Accredited Compensatory Afforestation - reg.

Madam/Sir,

I am directed to the refer to the Forest (Conservation) Rules, 2022 notified by the Ministry on 28.06.2022 in suppression of Forest (Conservation) Rules, 2003 wherein under sub rule (3) of rule 11 inter alia it has been provided that a proactive mechanism for Accredited Compensatory Afforestation shall be established by the Central Government. In this connection, it is to inform that in pursuance of the provisions of said rules, draft guidelines were prepared and circulated on 15.09.2022 to the various Ministries, States/UTs and Integrated Regional Offices of the Ministry for their comments. After receipt of comments from the various Ministries, States/UTs and IRO, the draft guidelines were placed before the Advisory Committee in its meeting held on 9.12.2022 for their examination in light of comments received in the Ministry. The Minutes of the meeting of the FAC may be accessed at www.parivesh.nic.in.

Based on the recommendation of the Advisory Committee and approval of the same by the competent authority of the Ministry, the Central Government hereby notifies the guidelines on Accredited Compensatory Afforestation (copy enclosed).

The Guidelines on ACA envisages online submission, processing and approval of proposals pertaining to Accredited Compensatory Afforestation on a Centralized web portal. However, till a time such portal is developed and rolled out by the Ministry, the provisions of

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guidelines will be implemented in offline mode. After rolling out of web portal, the approvals and database pertaining to the ACAs processed and approved in offline will be made online by the authority/agencies concerned.

This issues with the approval of the competent authority.

Encl: As above.

Signed by Charan Jeet

Singh

Date: 24-01-2023 09:42:04

Yours faithfully,

(Charan Jeet Singh)

Scientist D

Copy to:

1. The PCCF (HOFF), All States/UTs
2. Regional officers, All IROs of the Ministry
3. Addl. PCCF & Nodal Officer (FCA), O/o PCCF, All State/UTs
4. Sr. PPS to Secretary/PPS to DGF&SS/PPS to Addl. DGF(FC)
5. Guard File

GUIDELINES ON THE ACCREDITED COMPENSATORY AFFORESTATION

Background

1. Compensatory afforestation (CA) is one of the crucial components facilitating the process of decision making under the Forest (Conservation) Act, 1980. It is mandatory that all proposals requiring prior approval of the Central Government under the Forest (Conservation) Act, for non-forestry use of forestland be accompanied with a comprehensive scheme of compensatory afforestation.
2. As per existing norms, user agency identifies the land for CA and submits the details of the same, as a part of the diversion proposal, along with undertaking to bear the cost of afforestation. Once the proposal is granted 'In-principle' approval by the Central Government under the Forest (Conservation) Act, 1980, the CA land is transferred and mutated in favour of the State Forest Department and subsequently it is notified as PF under the Indian Forest Act, 1927 or any other local laws. After '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.
3. 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.
4. No mechanism exists for incentivising the private land owners and Government/Institutions for raising afforestation over fallow parcels of land. Therefore, it is desirable to have a mechanism in place incentivising such private land owners or Government institutions for raising afforestation to increase trees outside forests (TOF).
5. To address the aforementioned difficulties, the Ministry has recently notified the Forest (Conservation) Rules, 2022 which inter-alia envisages formulation of an Accredited Compensatory Afforestation (ACA) mechanism to be used for obtaining prior approval under section 2 of the Forest (Conservation) Act, 1980. ACA is a system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act for raising of advance afforestation over non-forest land.
6. ACA has been proposed in accordance with the provisions given under sub rule 3 of rule 11-91/2012-FC(Pt.) I/36495/2022 11 of Forest (Conservation) Rules, 2022. Details of preconditions, mechanism and formulation of proposal are given as under:

Preconditions of raising ACA:

- i. Land on which the provisions of Forest (Conservation) Act, 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;
- 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.

7. 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/or existing afforestation viz. maps, authenticated copies of revenue records, etc. and afforestation scheme and/or composition of existing afforestation, prepared on the basis of model scheme of the concerned State/UT;
- 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 awards 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 Forest (Conservation) Act, 1980.

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

- i. The User Agencies requiring forest land shall negotiate financial details with the person or agency holding ACA and enter into an agreement for required ACA area with the concerned agency;
- ii. ACA area agreed for trading between the 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 Forest (Conservation) Act, 1980;
- iii. Afforestation scheme implemented by the agency for a period of 5 years or scheme for maintenance of existing afforestation, as the case may be, 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 Forest (Conservation) Act, 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 1 of rule 11 of Forest (Conservation) Rules, 2022; 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 11-91/2012-FC(Pt.)

I/36495/2022 the entire patch is transferred to the Forest Department;

- vii. 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
- viii. The carbon credits or any other associated benefit earned from plantation raised under ACA will also accrue to the land owning agency.

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

- i. A system of proactive afforestation to be used for obtaining prior approval under section 2 (ii) of the Act by way of raising advance afforestation over a non-forest land free from any encumbrance;
- ii. The compensatory afforestation would be undertaken in advance which will obviate any delays that could be caused due to fund flow or administrative/technical procedures;
- iii. Proposed scheme will promote onset of flow of ecosystem goods and services in advance and also 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.

1/56707/2023

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

Indira Paryavaran Bhawan,
 Aliganj, Jor Bagh Road,
 New Delhi: 110003
 Dated: November, 2023

To

Addl. Chief Secretary (Forests)/Principal Secretary (Forests)
 All States Governments /Union territory Administrations

Sub: Creation of Accredited Compensatory Afforestation in Government owned non-forest lands – reg.

Madam/Sir,

I am directed to refer to the Western Coalfield Limited's letter no. Vkaulee/Nidey tak pari evam yo/2023/053 dated 20.06.2023 on the above subject and meeting of the Inter-Ministerial Monitoring and Coordination Committee held on 30.10.2023 in the MoEF&CC wherein issue related to use of ACA land as CA in lieu of diversion of forestland was also deliberated and to inform that after further examination of the matter, it is observed that while formulating the guidelines on Accredited Compensatory Afforestation, the matter related to transfer and mutation of government owned non-forest land was deliberated in detail by the MoEF&CC in consultation with the Ministry of Coal and various State Governments. Accordingly, the provisions, enabling the notification of such government lands as RF/PF without insisting for transfer and mutation, have been incorporated at para 6(ii) and 8(iv) of the guidelines dated 24.01.2023.

Further, the matter related to progress made in the creation of Accredited Compensatory Afforestation lands was also deliberated in a meeting held between Secretary, MoEF&CC and Secretary, M/o Coal on 12.10.2023 wherein, it was desired that pending the operationalization of the online module on ACA on PARIVESH, process for creation of ACA lands may be completed and taken on record in offline mode by the Forest Department concerned.

In view of the above, I am directed to request the State Governments and Union territory Administrations to create Accredited Compensatory Afforestation lands by completing the process in offline mode till a time the online module is operationalized and to comply with the enabling provisions provided under para 6(ii) and 8(iv) of the Guidelines dated 24.01.2023 regarding acceptance of government owned lands for ACA and its subsequent swapping for CA without insisting for transfer and mutation of such government owned lands.

Signed by

Charan Jeet Singh

Yours faithfully,

Date: 01-11-2023 16:03:10

(Charan Jeet Singh)
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Copy to:

1. The PCCF (HOFF), All States Govt./UT Administrations
2. Dy DG, All Regional Offices of the Ministry
3. Addl. PCCF & Nodal Officer (FCA), O/o PCCF, All State Govts/UT Administrations
4. Sr. PPS to Secretary/PPS to DGF&SS/PPS to Addl. DGF(FC)
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