

SUPREME COURT ORDERS IN RESPECT OF PROTECTED AREAS

1. "..... In the meantime, we respondents Nos. 2 to 32 from ordering the removal of dead, diseased, dying or wing-fallen trees, drift wood and grasses, etc. from any National park or Game Sanctuary....."
(Supreme Court orders dated 14.02.2000 and 21.02.2000 in I.A. No. 548 in WP No. 202/1995)

2. ".....Pending further orders, no dereservation of forests/sanctuaries/ national parks shall be effected."
(Supreme Court orders dated 13.11.2000 in I.A. No. 2 in WP No. 337/1995)

- Note:-** This order was re-iterated by the Supreme Court on 09.02.2004 in IA No. 16.

3. "..... In the meantime, no permission under Section 29 of the Wildlife (Protection) Act, 1972 should granted without getting of the Standing Committee of Indian Board for Wildlife....."
(Supreme Court orders dated 09.05.2002 in I.A. No. 18 In WP No. 337/1995)

SUPREME COURT ORDERS DATED 30.10.2002 IN RESPECT OF COMPENSATORY AFFORESTATION FUND IN I.A. NO. 566 IN WP(C) NO. 202/1995

1. "The Union of India shallframe comprehensive rules with regard to the constitution of a body and management of the compensatory afforestation funds in concurrence with the Central Empowered Committee....."
2. Compensatory Afforestation funds which have not yet been realised as well as the unspent funds already realized by the States shall be transferred to the said body within six months of its constitution by the respective States and the user-agencies.
3. In addition to above, while according transfer under Forests (Conservation) Act, 1980 for change in user-agency from all non-forests purposes, the user agency shall also pay into the said fund the net value of the forest land diverted for non-forest purposes. The present value is to be recovered at the rate of Rs. 5.80 lakhs per hectare to Rs. 9.20 lakhs per hectare of forest land depending upon the quantity and density of the land in question converted for non-forest use. This will be subject to upward revision by the Ministry of Environment and Forest in consultation with Central Empowered Committee as and when necessary.
4. 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 and Forest with the concurrence of Central Empowered Committee.....
5. 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 States/Union Territories.
6. The amount received on account of compensatory afforestation but not spent or any balance amount lying with the States/Union Territories or any amount that is yet to be recovered from the user-agency shall also be deposited in this Fund.
7. Besides artificial regeneration (Plantations), the fund shall 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.
8. The user agencies especially the large public sector undertaking 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 Ministry of Environment and Forests with the concurrence of the Central Empowered Committee
9. Plantation must use local indigenous species since exotics have long term negative impacts on the environment.
10. 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.

Supreme's orders dated 1.08.2003 in I.A No. 826 & 859 in I.A. No. 566 in writ Petition (Civil) No. 202 of 1995 in the matter of compensatory afforestation fund regarding collection of Net Present Value (NPV)

" In the meantime, no approval shall be granted without imposing the condition indicated in this Court's order dated 30.10.2002 relating to the payment present value of the forest land."
