



PRS Capsule - November 2023

Key Highlights of PRS

▪ **Governance**

- Standing Committee submits report on the Bills seeking to replace three criminal laws
- Model Prisons and Correctional Services Act, 2023
- Digital Advertisement Policy, 2023 released
- UGC notifies regulations on campuses of foreign higher educational institutes in India
- Comments invited on the Draft National Pharmacy Commission Bill, 2023
- Cabinet approves continuation of scheme for Fast Track Special Courts for three years
- Cabinet approves the Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan

▪ **Economy**

- Cabinet approves terms of reference of the 16th Finance Commission
- RBI releases directions on information technology governance and risks
- SEBI approves changes to framework for index providers and social stock exchanges
- Cabinet extends free foodgrain scheme by five years
- Guidelines on support for R&D to startups and MSMEs in the mining sector notified
- Comments invited on amendments to mining rules concerning exploration licence
- Guidelines for Regulating Dark Patterns in E-commerce Notified

▪ **Environment**

- The Van (Sanrakshan Evam Samvardhan) Rules, 2023 notified
- Guidelines to specify forest land exemptions issued
- Conditions for surveys on forest lands notified

Governance

Standing Committee Submits Report on Bills Seeking to Replace Three Criminal Laws

The Standing Committee on Home Affairs submitted its report on the [Bharatiya Nyaya Sanhita, 2023 \(BNS\)](#), the [Bharatiya Nagarik Suraksha Sanhita, 2023 \(BNSS\)](#) and the [Bharatiya Sakshya Bill, 2023 \(BSB\)](#). The Bills were referred to the Standing Committee on Home Affairs in August 2023. The Committee has recommended changes to certain provisions of the three Bills.

▪ **Bharatiya Nyaya Sanhita, 2023:**

◦ **Offences Removed by the BNS:**

- The BNS removes offences related to adultery and same-sex sexual activities ([Section 377 of the IPC](#)). The Committee noted that in 2018, the [Supreme Court](#) had struck down the provision on adultery in the [IPC](#).
- Acknowledging the sanctity of marriage in Indian society, the Committee recommended retaining the section on adultery and applying it to all genders.
- It recommended retaining Section 377 to ensure that non-consensual sexual offences against men, transgenders, and acts of bestiality are penalised.

◦ **Mental Illness:**

- Under the IPC, any act performed by a person of unsound mind cannot constitute an offence. The BNS retains this provision, but replaces the term 'unsound mind'

with 'mental illness'.

- The **Committee noted that the definition of mental illness is wider compared to unsound mind**, as it includes conditions such as mood swings or voluntary intoxication.
- **Organised Crime:**
 - The BNS defines organised crime as a continuing unlawful activity. It is **carried out by three or more persons** acting alone or jointly as members or on behalf of a crime syndicate.
 - The Committee opined that there was no distinction between committing an offence and attempting to commit it.
 - It recommended **separating the two for clarity and proposed replacing 'group of three or more persons' with 'two or more persons'** to widen its scope.
- **Bharatiya Nagarik Suraksha Sanhita, 2023**
 - **Power to Investigate Cognisable Cases:**
 - Under the BNSS, **any officer in charge of a police station may investigate any cognisable case** within its jurisdiction without a Magistrate's order.
 - However, for grave offences, the Superintendent of Police (SP) or Deputy Superintendent of Police will be required to investigate the offence.
 - Recognising that the SP is in charge of the district and has a supervisory role, **the Committee recommended that subordinate officers should handle such investigations.**
 - **Undertrial Prisoners:**
 - Under the CrPC, if an undertrial has **spent half of the maximum period of imprisonment for an offence in detention**, he must be released on a personal bond. This does not apply to offences which are punishable by death.
 - BNSS adds that this provision will also not apply to: (i) offences punishable by life imprisonment, and (ii) persons who have proceedings pending in more than one offence.
 - The Committee suggested that **bail be granted to undertrials who have served the maximum sentence for the most serious offence they were charged with.** This will not apply if there are consecutive sentences for multiple offences.
 - **Police Custody:**
 - Under the [Criminal Procedure Code \(CrPC\)](#), a Judicial Magistrate may authorise the detention of an accused person for up to 15 days. **BNSS adds that the 15-day detention period may be carried out in parts during the initial 40, 60, or 90 days.**
 - The Committee noted that this clause could be susceptible to misuse by authorities, as it does not clarify why the custody was not taken in the first 15 days. **It recommended clarifying the clause.**
- **Bharatiya Sakshya Bill, 2023**
 - **Tampering of Electronic Evidence:**
 - Under the IEA, electronic records are admissible as secondary evidence. Under the BSB, electronic records are classified as primary evidence. **Primary evidence** includes the original document and its parts. **Secondary evidence** contains documents that can prove the contents of the original.
 - The Committee noted that it is essential to **safeguard the authenticity and integrity of electronic and digital records as they are prone to tampering.** It recommended mandating that all electronic and digital records collected as evidence must be securely handled and processed through a proper chain of custody.
 - **Admissibility of Electronic Evidence:**
 - As per the IEA, **the admissibility of electronic evidence must be authenticated by a certificate.** The Committee noted that the BSB specifies that electronic records must be proved by primary evidence, which would not require a certificate.
 - However, the BSB also retains the section from the IEA on the admissibility of electronic records, which requires authentication through a certificate. **The**

Committee recommended proving the admissibility of electronic records through the current certificate authentication.

Model Prisons and Correctional Services Act, 2023

The **Ministry of Home Affairs** adopted the Model Prisons and Correctional Services Act, 2023 and circulated it to the state governments. [The Model Act, 2023](#) aims to modernise the administration and management of prisons and align it with prison reforms. It covers the organisation, classification, management, administration, and welfare of prisons and prisoners.

Key Features of the Model Act Include:

- **Classification of Prisoners:**
 - The Model Act constitutes a Committee for the classification and security assessments of prisoners. Prisoners may be classified under broad categories including: (i) **civil**, (ii) **criminal**, (iii) **convicted**, and (iv) **undertrial**.
 - Within these categories, prisoners may be **further classified into sub-categories and lodged separately**. Sub-categories include: (i) **drug addicts**, (ii) **first-time offenders**, (iii) **foreign prisoners**, (iv) **prisoners suffering from mental illness**, and (v) **prisoners sentenced to death**. Prisons may also have separate sections for male, females, and transgender individuals.
- **Undertrial Review Committee:**
 - The Model Act requires the establishment of an **Undertrial Review Committee** in every district. The Committee will be headed by the [District and Sessions Judge](#).
 - It will meet periodically and review the cases of prisoners eligible for bail in all prisons of the district. It will make necessary recommendations for each case.
- **Special Watch and Surveillance Measures:**
 - Prisons and Correctional Institutions will ensure special watch and surveillance measures on inmates to prevent organised crime and gang activity.
 - To address this concern, **prisons and correctional services may gather intelligence from prisoners** and monitor them in coordination with the Intelligence Wing of the state/UT police department.
 - The state/UT will also **ensure the integration of appropriate technology (including CCTV systems, and biometrics)** to effectively manage, secure, and supervise prisons.
- **Healthcare:**
 - All prisoners will have access to adequate and gender-responsive health care facilities as prescribed. **The government may transfer any prisoner with mental illness from the place of detention to a mental health establishment** in the state/UT, with permission from the Mental Health Review Board.

Digital Advertisement Policy, 2023 Released

The Ministry of Information and Broadcasting has released the Digital Advertisement Policy, 2023. It provides the framework for the **Central Bureau of Communication (CBC)** to undertake advertisement campaigns on digital media. The CBC is the nodal agency for advertisements by ministries, departments, undertakings, and autonomous bodies of the central government.

Key Features of the Policy Include:

- **Eligibility for Empanelment:**
 - Entities offering advertising services must meet certain eligibility criteria for empanelment with CBC. These include being **at least one year old and in continuous operation (six months for social media) and having a minimum unique user base of 2.5 lakh per month** for website and 5 lakh for OTT and digital audio platforms.
- **Process of Empanelment:**
 - Private entities offering such services **will be empanelled through auction for a period of three years**. Government entities may be empanelled directly subject to acceptance of the rate discovered through auction.
- **Performance Criteria:**

- The Policy also specifies the performance metrics that will be used to evaluate advertisements. These include clickthrough rates, view-through rates (for OTT platforms), and listen-through rates. These rates are the number of interactions with advertisements per 1,000 impressions.

UGC Notifies Regulations on Campuses of Foreign Higher Educational Institutes in India

The [University Grants Commission \(UGC\)](#) notified the “University Grants Commission (Setting up and Operation of Foreign Higher Educational Institutions in India) Regulations, 2023”. These regulations apply to foreign [Higher Educational Institutions \(HEIs\)](#) that seek to establish a campus in India to offer courses.

Key Features of the Regulations Include:

▪ **Eligibility:**

- To establish a campus in India, a foreign HEI must be: (i) **ranked within the top 500 global rankings at the time of application**, (ii) **ranked within the top 500 in the subject-wise category of global rankings**, or (iii) **have expertise in a particular subject area**.

▪ **Procedure for Approval:**

- To start a campus in India, prior approval of UGC will be required. The interested institution **must provide the following information** along with the application:

(i) permission from the Governing Body to establish campuses in India

(ii) details about the proposed location, infrastructural facilities, and fee structure

(iii) latest accreditation or quality assurance report from a recognised body

(iv) approach to ensure consistency in the quality of education and recognition of qualifications between the main campus and the Indian campus.

- The UGC will constitute a Standing Committee to assess each application. **The Committee will make recommendations to the UGC within 60 days of receiving the application.** The UGC will grant its approval (with or without conditions) within 60 days of receiving the recommendations.

▪ **Admission and Fees:**

- A foreign HEI will decide its own fee structure, which must be transparent and reasonable. They are required to make their prospectus available on their website 60 days before the commencement of admission.
- The prospectus should include details such as the fee structure, refund policy, number of seats in a programme. Foreign HEIs may also offer: (i) **merit-based or need-based scholarships**, or (ii) **concessions to Indian students**.

▪ **Appointment of Faculty:**

- A foreign HEI may decide the qualifications, pay and other conditions of service for its faculty and staff. However, the qualifications of the appointed faculty and curricula must be on par with those in the main campus in the country of origin.

▪ **Online Mode/Distance Learning:**

- Foreign HEIs cannot offer their programmes through **Open Distance Learning modes**. However, up to 10% of lectures may be offered online.

Comments Invited on the Draft National Pharmacy Commission Bill, 2023

The **Ministry of Health and Family Welfare** released the draft National Pharmacy Commission Bill, 2023 for public feedback. The draft Bill seeks to regulate and improve access to pharmacy education. It seeks to repeal the Pharmacy Act, 1948. **Key features include:**

▪ **Functions:**

- Functions of the **National Pharmacy Commission** include: (i) **regulating standards of governance of pharmacy education and training**, (ii) **regulating pharma institutions and professionals**, and (iii) **providing a uniform mechanism for admissions into pharmacy institutions**.
- **Three Boards will be instituted to carry out these functions under the supervision of the Commission**. An Advisory Council will also advise the Commission on these matters.

▪ **Composition:**

- The Commission will consist of **28 members in total**. The chairperson must be a pharmacy academician and a registered pharmacist with experience of at least 15 years in pharmacy.
- Ex-officio members of the Commission include:

(i) the [Drug Controller General of India](#)

(ii) **Presidents of the three Boards under the Commission**

(iii) **a representative of the Ministry of Health and Family Welfare, not below the rank of joint secretary**

- Part-time members of the Commission include:

(i) **six chairpersons of State Pharmacy chapters**

(ii) members of eminence in the pharmacy sector

▪ **Boards:**

- Three Boards will be constituted under the supervision of the Commission. These include:

(i) the **Pharmacy Education Board** – to regulate standards of education and practice of pharmacy

(ii) the **Pharmacy Assessment and Rating Board** – to assess pharmacy institutions and grant permission for establishing new institutions

(iii) the **Pharmacy Ethics and Registration Board** – to maintain the National Register for all pharmacy professionals, review applications for registration, and regulate professional conduct in pharmacy.

▪ **Pharmacy Advisory Council:**

- The Council will advise the Commission on measures to enhance equitable access to pharmacy education, services, training, and research.
 - It will also be the primary platform through which the states/union territories can raise concerns before the Commission.
- The Council will be chaired by the Chairperson of the **National Pharmacy Commission**.

Cabinet Approves Continuation of Scheme for Fast Track Special Courts for Three Years

The Cabinet approved the continuation of the [Centrally Sponsored Scheme](#) for [Fast Track Special Court \(FTSCs\)](#) until March 2026.

▪ **Key Features of the Scheme Include:**

- Over the next three years, the scheme will have a total outlay of Rs 1,952 crore with the central share being Rs 1,207 crore and the state share being Rs 745 crore. The central share will be funded from the [Nirbhaya Fund](#).
- FTSCs were implemented to provide dedicated court machinery to victims of sexual crimes. The Scheme commenced in October 2019 and was extended until March 2023.
- Expected outcomes of the scheme include: (i) **reduced burden of cases**, (ii) **significantly decreased pending cases of rape and offences under the [Protection of](#)**

[Children from Sexual Offences Act, 2012](#), and (iii) **prompt access to justice for victims of sexual crimes through expedited trials.**

Cabinet Approves the Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan

The Cabinet approved the [Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan \(PM JANMAN\)](#), with a total outlay of Rs 24,104 crore. The central share will be Rs 15,336 crore, while the state share will be Rs 8,768 crore.

▪ **Key Features of the PM JANMAN:**

- PM JANMAN aims to improve the socioeconomic conditions of the [Particularly Vulnerable Tribal Groups \(PVTGs\)](#). Based on the 2011 Census, India has a Scheduled Tribe population of around 10.5 crore, of which, 75 communities located in 19 states and UTs have been categorised as PVTGs.
- PMJANMAN aims to provide essential facilities such as **safe housing, clean drinking water, road connectivity, and sustainable livelihood opportunities for PVTGs.**
- PM-JANMAN will focus on **11 critical interventions**, including: (i) connecting roads, (ii) provision of pucca houses, (iii) piped and community water supply, (iv) vocation education, and (v) the construction of hostels.

Economy

Cabinet Approves Terms of Reference of the 16th Finance Commission

The Union Cabinet approved the terms of reference for the [16th Finance Commission](#).

- The terms of reference require the Commission to **make recommendations on the following matters:**
 - Distribution of the net proceeds of taxes between the central government and the states,
 - Allocation of these proceeds among states,
 - Principles that should govern and the sums paid as grants-in-aid to states,
 - Measures needed to augment state revenues to supplement the resources of local governments.
- Additionally, it may review the arrangements in **financing disaster management initiatives.**
- The recommendations will be applicable for a five-year period starting **April 1, 2026**. The Commission will submit its report by **October 31, 2025**.

RBI Releases Directions on Information Technology Governance and Risks

The RBI released the RBI (Information Technology Governance, Risk, Controls and Assurance Practices) Directions, 2023.

▪ **Key Provisions:**

- The directions provide the framework for IT governance, risk, controls, and business continuity/disaster recovery management.
- These will apply to entities such as banks, non-banking financial companies, credit information companies, the [National Bank for Agriculture and Rural Development \(NABARD\)](#), and the National Bank for Financing Infrastructure and Development. Regulated entities must establish a board-level **IT Strategy Committee (ITSC)** headed by an independent director with IT expertise.
- An **Information Security Committee (ISC)** must be formed for managing cyber/information security. The **Business Continuity Plan and the Disaster Recovery Policy** must adopt best practices to reduce the likelihood as well as the impact of disruptive incidents.

SEBI Approves Changes to Framework for Index Providers and Social Stock Exchanges

The [Securities and Exchange Board of India \(SEBI\)](#) took certain decisions at its board meeting.

▪ **Key Decisions Include:**

◦ **Social Stock Exchange:**

- The [Social Stock Exchange \(SSE\)](#) allows non-profit and for-profit social enterprises to raise funds. [Not-for-profit organisations \(NPOs\)](#) can raise funds by issuing [zero coupon zero principal \(ZCZP\)](#) instruments on the SSE.
- The ZCZP instrument has no coupon payment or principal repayment at maturity. SEBI has decided to halve the minimum issue size for these instruments from **one crore rupees to Rs 50 lakh**.
- The minimum application size for public issuance of such instruments will also be **reduced from two lakh rupees to Rs 10,000**. Entities must be registered as charitable trusts under the relevant statute or a Section 8 company (company for a charitable purpose).
- SEBI has allowed more nonprofits to be eligible for registration on the SSE. These include educational and medical institutions.

◦ **Introduction of Regulatory Framework for Index Providers:**

- SEBI has **approved a regulatory framework for index providers**. An index is made of a group of securities and measures the change in the value of those securities.
- Under the framework, **index providers who licence significant indices will be notified by SEBI based on objective criteria**. Notified index providers will be required to register with SEBI.

Cabinet Extends Free Foodgrain Scheme by Five Years

The Union Cabinet approved the extension of [Pradhan Mantri Garib Kalyan Anna Yojana \(PMGKAY\)](#) by five years.

▪ **Key Features:**

- PMGKAY provides about 81 crore beneficiaries with free foodgrains. These include rice, wheat, and coarse grains/millet. The duration of the scheme has been extended by five years, **beginning from January 1, 2024**.
- It is expected to cost the central government Rs 11.8 lakh crore over the five-year period. Between April 2020 and March 2023, the central government has incurred a subsidy expenditure of Rs 3.4 lakh crore under PMGKAY.
- PMGKAY was introduced in March 2020, under which beneficiaries of the [National Food Security Act \(NFSA\)](#) are provided an additional five kg of foodgrains above their monthly entitlements.
- Under NFSA, beneficiaries are provided subsidised foodgrains. In December 2022, the central government decided to provide these foodgrains free of cost to all NFSA beneficiaries for one year, until January 2024.

Guidelines on Support for R&D to Startups and MSMEs in the Mining Sector Notified

The Ministry of Mines has issued guidelines for the 'Promotion of Research and Innovation in Startups and MSMEs in Mining, Mineral Processing, Metallurgy, and Recycling Sector'. These Guidelines provide for financial support to [startups and Micro, Small and Medium Enterprises \(MSMEs\)](#) in the mining and metal industry for initial phases of technology development.

Key Features of the Guidelines Include:

▪ **Applicability:**

- Startups and MSMEs in the specified areas will be eligible to receive up to two crore rupees as grants.
- These include: (i) **exploring rare minerals**, (ii) **technologies for mineral exploration on land and in the deep sea**, (iii) **improving mining methods for safety**, and

environmental protection, (iv) extracting value added products from mine waste and plant tailings, and (v) environmental sustainability and use of recycled materials.

- Grants will be available to support research which may be translated into practical technologies and products. Grant will be provided to those projects which have reached at least proof of concept level.
- Grant can be spent on **R&D, prototyping, testing, and commercialisation**. Incubation centres supporting startups in the specified areas will be eligible for **grants up to Rs 10 crore**.

▪ **Implementation:**

- The implementation will be overseen by an Inter-Ministerial Committee, headed by the Secretary of the Ministry of Mines. Other members include: (i) **secretaries of Ministries of Earth Science, and Science and Technology**, (ii) **the Controller General of the [Indian Bureau of Mines](#)**, (iii) **the Director General of the [Geological Survey of India](#)**, and (iv) **representatives from academia**.
- A **Technical Expert Committee** will be constituted to select beneficiaries and recommend release of grants. This Committee will consist of representatives from academic institutions, public sector undertakings, and eminent persons from the mining sector.

Comments Invited on Amendments to Mining Rules Concerning Exploration Licence

The Ministry of Mines invited comments on the draft amendments to Rules framed under the [Mines and Minerals \(Development and Regulation\) Act, 1957](#). The 1957 Act was amended in August 2023 to **introduce an exploration licence for specified critical and strategic minerals**. These include lithium, gold, silver, nickel, and cobalt.

Key Features of the Draft Amendments are:

▪ **Identification of Blocks for Exploration:**

- The state government will form a committee to identify and recommend blocks for exploration. **The State Mining and Geology Secretary will chair the Committee**. The state government must obtain approval of the central government before notifying the blocks.

▪ **Auction Process:**

- The exploration licence for a notified block will be **awarded through competitive bidding**. The state government will specify a ceiling price, which will be in terms of the maximum percentage share in the **auction premium payable by the future holder of the mining lease for that block**.
- The ceiling price must not be set below 25%. The licence will be awarded to the lowest percentage quoted below the ceiling price.

▪ **Obligations of Licencee:**

- The licensee must present a **plan for exploration within 90 days** of obtaining the licence. The plan should outline how they intend to conduct exploration in the designated area.
- They **must** submit a modified plan after three years, if they retain any area for further exploration. The licensee must also **submit a half-yearly progress report**.
- The licensee will be prohibited from disclosing information or findings related to exploration. **Prior approval from the central government will be required for any disclosure** to persons other than the government and authorities specified under the Rules.

Guidelines for Regulating Dark Patterns in E-commerce Notified

The [Central Consumer Protection Authority \(CCPA\)](#) notified Guidelines for Prevention and Regulation of [Dark Patterns, 2023](#). **Dark patterns refer to practices or deceptive design patterns in user interface** or user experience (UI/UX) interactions of platforms, designed to mislead or trick users into

performing unintended actions. These patterns impair consumer autonomy, decision making or choice, and amount to misleading advertisement, unfair trade practices, or violation of consumer rights. **Key features of the Guidelines are:**

▪ **Engaging in Dark Patterns Prohibited:**

- The guidelines prohibit engaging in any dark pattern practices. These will apply to: (i) all platforms offering goods or services in India, (ii) advertisers, and (iii) sellers.
- The CCPA, established under the Consumer Protection Act, 2019, will be **responsible for settling ambiguities or disputes related to the interpretation of dark patterns.** Under the Act, failure to comply with the direction of the CCPA is punishable with imprisonment up to six months, a fine of up to Rs 20 lakh, or both.

▪ **Types of Dark Patterns:** The Guidelines define various dark patterns. Certain key patterns are listed below-

◦ **False Urgency:**

- Falsely stating or implying the sense of urgency or scarcity of a product/service. **For Ex-** Falsely describing a sale as 'exclusive' for a limited set of users.

◦ **Confirm Shaming:**

- Using a phrase, video, audio or any other means to create a sense of fear, shame, guilt, or ridicule in the mind of the consumer. **For Ex-** A platform for booking flight tickets uses the phrase 'I will stay unsecured' if the user does not add insurance to the cart.

◦ **Trick Question:**

- The deliberate use of confusing or vague language to misguide a user from taking desired action. **For Ex-** Confusing options such as 'Yes I would like to receive updates' and 'Not Now' are provided to discontinue an update service

Environment and Ecology

The Van (Sanrakshan Evam Samvardhan) Rules, 2023 Notified

The Ministry of Environment, Forest, and Climate Change notified the Van (Sanrakshan Evam Samvardhan) Rules, 2023. **These Rules replace the [Forest \(Conservation\) Rules, 2022](#).** The Rules have been notified under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (i.e., the Forest Conservation Act, 1980).

Key features of the Rules include:

▪ **Process for In-Principle Approval:**

- The central government **will provide approval in two stages:** (i) in-principle approval, and (ii) final approval. It will set up Regional Offices for in-principle approval for certain types of projects.
- These include: (i) linear projects, (ii) hydro-electric power projects up to 25 MW capacity subject to certain other conditions, and (iii) forest land up to 40 hectares.

▪ **Final Approval:**

- The central government will provide the final approval after receiving a compliance report from the state government.
- The report will ascertain the payment of compensatory levies and award for land for compensatory afforestation under the **[Compensatory Afforestation Fund Act, 2016](#).**

▪ **Proceedings Against Offences:**

- For filing complaints of violation of the Act in the Court, the central government may authorise an officer of the rank of Divisional Forest Officer, or Deputy Conservator of Forests of the state government, and above.

Guidelines to Specify Forest Land Exemptions Issued

The Ministry of Environment, Forest and Climate Change issued guidelines to specify lands that will be exempt from the purview of the Van (Sarakshan Evam Samvardhan) Adhiniyam, 1980 (i.e., the **[Forest \(Conservation\) Act, 1980](#)**).

Key features include:

▪ **Security Related Exemptions:**

- The Act exempts specified forest land to be used for construction of security infrastructure or public utility projects. The Guidelines specify that this exemption must be considered exclusively for [left-wing extremism \(LWE\)](#) affected districts notified by the central government.
- Exemptions for strategic linear projects concerning national security is allowed only in areas notified as such. **The central government in consultation with the respective state government/UT** will notify such areas as strategic and concerning national security.

▪ **Exemptions for Projects in LWE Areas:**

- The Act exempts specified forest land to be used for construction of public utility projects in LWE affected areas. The Guidelines limit public utility projects to twelve projects such as schools, educational institutes, hospitals.

▪ **Conditions for Examining Project Proposals:**

- The state government must consider following criteria for examining project proposals: (i) **use of forest land is for site- specific use, and not for agriculture, office, or residential purposes,** (ii) **all other alternatives have been considered and no other alternative is feasible,** (iii) **the required area is the minimum needed,** (iv) **the direct and indirect impact of diverting the forest land is considered by the authorities,** (v) **the user agency undertakes to provide the land and cost of compensatory afforestation,** and (vi) **conformance to the [National Forest Policy](#).**

Conditions for Surveys on Forest Lands Notified

The Ministry of Environment, Forest and Climate Change notified an Order under the Forest Conservation Act, 1980.

Key features of the Order are as follows:

▪ **Conditions for Excluding Surveys from Nonforest Purposes:**

- Under the Act, a non-forest purpose refers to breaking up or clearing of any portion of a forest land for any purpose other than reforestation. As per the Order, seismic, mining, and exploratory drilling of petroleum mining surveys, that fulfil specified conditions will be excluded from non-forest purposes.

▪ **Survey Parameters:**

- Survey activities must be carried out temporarily, and permanent change in the land use is prohibited. After completing the survey, the forest land will be reclaimed and restored to its original state. Building new roads for transporting machinery and materials into forests is prohibited.
- Mineral mining surveys prohibited in protected areas such as [National Parks](#), [Tiger Reserves](#), and [Wildlife Sanctuaries](#). Surveys for development projects in such areas will require approval from the Standing Committee of the [National Board for Wildlife](#) or as per central government guidelines.

▪ **Compensation for Damage:**

- Survey induced damage such as felled trees or dug holes must be compensated through afforestation. For instance, user agencies must pay for 100 trees for each bore hole dug, and the maintenance costs of the plants for 10 years.
- These funds will be directed to the **State Compensatory Afforestation Fund Management and Planning Authority**.

▪ **Timeline for Survey Completion:**

- User agencies must commence and complete the surveys within two years. In case no work is undertaken during this period, the approval acquired will stand rejected and possession of forest land will be taken over by the local Forest Department.

