

F. No. 11-63/ 2012-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi - 110 510.
 Dated: 7th January, 2013

To

The Principal Secretary (Forests),
 All State / Union Territory Governments

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - Modification in para 4.4 and 2.2 (iii) thereof.

Sir,

I am directed to say that the Central Government has received representation from various Ministries and user agencies to relax para 4.4 and para 2.2 (iii) of the guidelines issued under the Forest (Conservation) Act, 1980 in respect of linear projects involving use of forest land falling in a portion of their length falling in several Forest Divisions/States.

The issue has been examined in its entirety in considerable depth by this Ministry and after careful considerations; this Ministry hereby takes the following decisions:

1. The following shall be added in para 4.4 of the guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980:

In the case of linear projects involving use of forest land falling in a portion of their length, pending consideration of approval under the Act, work on non-forest land may only be executed upto such point (to be selected by the user agency) on either side of forest land if it is explicitly certified by the user agency that in case approval under the Act for diversion of forest land is declined, it is technically feasible to execute the project along an alternate alignment without involving diversion of forest land. Details of all such stretches along with alternate alignments identified to bypass the forest land should be explicitly provided in the proposal seeking approval under the Act. It is specifically clarified in terms of the Lafarge judgment that commencement of work on non forest land will not confer any right on the user agency with regard to grant of approval under the Act.

The projects involving widening/ upgradation of existing roads will only be allowed to be executed on the entire stretch located in non- forest land, provided the user agency submits an undertaking that execution of work on non-forest land

shall not be cited as a reason for grant of approval under the Act and in case approval under the Act for diversion of forest land is declined, width of the portion of road falling in the forest land will be maintained at its existing level. This will also be incorporated as specific condition of the Environment Clearance. This clarification will not apply to the roads falling in Protected Areas and the eco-sensitive zones around Protected Areas.

2. Similarly, para 2.2 (iii) of the said guidelines shall read as below:

The proposals for linear projects such as roads, railway line, transmission lines etc. may be processed in their entirety. However, to facilitate phased preparation and processing, the proposals seeking prior approval of the Central Government under the Act for such projects may be prepared Forest Division/ state-wise starting from one end from which work on the project is proposed to be initiated. However, a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up on salient features of the entire project and details of approvals already obtained and/ or sought under the Act for other sections of the project, if any, shall be provided in each of such proposals. Wherever the project passes through the forest land, the user agency shall indicate an alternate alignment which may be used if approval under the Act is declined. This will be a specific condition of the Environment Clearance to the project.

Provided further that to prevent occurrence of fait accompli situations, proposals prepared Forest Division/ state-wise shall be considered only if it is certified by the user agency that in case approval under the Act for diversion of forest land required for the remaining portions/stretches falling in other Forest Divisions/states is declined, it is technically feasible to execute the project along an alternate alignment without involving diversion of forest land. Details of alignments identified to bypass the forest land in these stretches should explicitly be provided in the proposal seeking approval under the Act.

In case of proposals involving widening/ upgradation of existing roads, it shall be certified by the user agency that grant of approval under the Act to the extant proposal shall not be cited as a reason for grant of approval under the Act for diversion of forest land required for other stretches of the project and in case approval under the Act for diversion of forest land is declined, width of the portion of the road falling in the forest land will be maintained at its existing level. This will be a specific condition in the Environment Clearance to be accorded to the project, and this clarification

will not apply to roads located within the Protected Areas and eco-sensitive zones around the Protected Areas where impacts upon wildlife have also to be considered.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/UT Governments.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
3. All Regional Offices, Ministry of Environment & Forests.
4. Joint Secretray in-charge, Impact Assessment Division, MoEF.
5. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
6. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
7. Sr. PPS to the Secretray, Environment and Forests.
8. Sr. PPS to the Director General of Forests & Special Secretray, MoEF.
9. Guard File.
10. *Monitoring Cell*

(H.C. Chaudhary)

Assistant Inspector General of Forests