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No.RW/NH-11052/1/97-DO.I***Dated, the 6th March, 1998*****To**

The Secretaries, PWD of all States/UTs, (dealing with National Highways), Director General Border Roads, Director General (Works), Central Public Works Department, Chairman, National Highways Authority of India

Subject: Revised guidelines for applicability of Forest (Conservation) Act, 1980 on linear plantations for widening/modernisation

I am directed to send herewith a copy of letter No.4-1/97-FC dated 18th February, 1998 from the Ministry of Environment & Forests, New Delhi on the subject mentioned above alongwith its enclosures for your information and necessary action.

Enclosure to letter No.RW/NH-11052/1/97-DO.I dated the 6th March, 1998

Copy of letter No.4-1/97-FC dated 18.2.1998 from the Ministry of Environment & Forests, New Delhi addressed to Secretary, Ministry of Surface Transport

I am directed to refer to your D.O. No. RW/NH-11052/1/97-DO(I) dated 29.1.98 regarding Item No. 4.1 of the record of discussions of the meeting taken by Prime Minister on 15.12.97 to review the performance of the Ministry of Surface Transport. The necessary instructions have been issued regarding widening/modernisation of the national highways, etc. to all the State Govts. and the Regional Offices of this Ministry for immediate implementation. A copy of the instructions issued is enclosed for your kind information.

Copy of letter No. 4-1/97-FC dated 18.2.98 from the Ministry of Environment & Forests, New Delhi addressed to Secretary (Forests) of all All States/UTs regarding revised guidelines for applicability of Forest (Conservation) Act, 1980 on linear plantations for widening/modernisation.

I am directed to refer to Para 2.5 of the existing guidelines issued under the Forest (Conservation) Act, 1980 for diversion of forest land widening/expansion of roads, rail lines and canals. After careful consideration, and taking into account the difficulty faced by the concerned departments for undertaking widening/modernisation on lands primarily acquired by these departments for these purposes, the Ministry has decided to substitute the existing Para 2.5 with the new guideline as enclosed.

Applicability of Forest (Conservation) Act, 1980 on linear plantations for widening/modernisation.

This Ministry has been receiving large number of proposals under Forest (Conservation) Act, 1980 which pertains to widening/expansion of roadsides/railsides/canalsides. Large scale plantations along these linear strips have been taken up by different state governments under social forestry and other programmes. In order to have a better control and management of these linear patches, in many places these have been notified as protected forests. Recently, the Union Cabinet has taken a decision that in case of widening/modernisation of existing roads, forest and environmental clearance should not be required.

The main spirit behind Forest (Conservation) Act, 1980 is conservation of natural forests whereas most of the linear plantations have been done on the land belonging to either Road or Irrigation or to the Railway Department using ornamental and shade bearing trees. According to the definition of "forests" by the Hon'ble Supreme Court, these plantations could come under the purview of Forest (Conservation) Act, 1980. There are certain statutory provisions under the Rules and Guidelines which have to be followed for granting approval under the Forest (Conservation) Act, 1980. Of late there has been a spurt of activity in improving infrastructure. A delay in granting clearance/approval under Forest (Conservation) Act, 1980 would lead to time and cost escalation.

Keeping this preamble in view the following guidelines are, therefore, promulgated with immediate effect which will substitute the existing provision in para 2.5 of the guidelines as under :-

Para 2.5

- (i) Such lands which had been acquired by Government Departments like Railway, Irrigation, PWD, etc., for specific purposes like laying of roads, railway lines and canals and the vacant area was planted up with trees and these lands are not yet notified as protected forests will not attract the provisions of Forest (Conservation) Act, 1980 for the purposes of widening or expansion or re-alignment. However, the concerned agency will seek permission under local laws, if any, from appropriate authority.
- (ii) Such lands which were acquired by the above departments and the vacant areas were subsequently planted and notified as protected forests for management purposes will need approval from the Central Government under Forest (Conservation) Act, 1980. The user agency will submit the proposal in the prescribed format through the State Forest Department to the concerned Regional Office of the Ministry. The Regional Offices shall be competent to finally dispose of all such proposals irrespective of the area, preferably within 30 days from the date of receipt of the proposal. While issuing the approval, in place of normal provision for compensatory afforestation, the Regional Offices will stipulate a condition that for every tree cut at least two trees should be planted.
- (iii) However, if the decision is not accorded by the concerned Regional Office within 30 days of the receipt of fully completed application, the Central Government/State may proceed with the widening/expansion under intimation to the local State Forest Department and Central Government.