

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 1304
TO BE ANSWERED ON 09.02.2018

Relaxation in Forest Laws

1304. SHRI MANSUKHBHAI DHANJIBHAI VASAVA:
SHRI VIJAY KUMAR HANSDAK:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether the Government proposes to relax forest laws to construct pucca roads, develop irrigation facilities and construct school buildings in tribal dominant villages located in forest; and
- (b) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

- (a) & (b) No Madam. However, to facilitate smooth processing, the Central Government has granted general approval under section 2(ii) of the Forest (Conservation) Act, 1980 to the State Government to undertake various activities to be undertaken on forest land for development works by the State Government agencies involving forest land, having 50 trees per hectare, upto 1.00 ha which includes construction / widening of roads including construction of approach roads to road side establishment and drinking water projects, water / rainwater structure and minor irrigation facilities. For the districts affected by Left Wing Extremism (LWE), which has predominantly tribal population, this general approval has been granted for area up to 5.00 ha and all two lane roads irrespective of the forest land involved.

The guideline issued in this regard dated 13.02.2014 is enclosed as **Annexure-A**.

F. No. 11-9/98-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510
Dated: 13th February, 2014

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- General approval under Section-2 of Forest (Conservation) Act, 1980.

Sir,

I am directed to say that to facilitate creation of certain critical developmental and security related infrastructure, this Ministry vide letter of even number dated 3rd January 2005 accorded general approval under the Forest (Conservation) Act, 1980 for diversion of not more than 1.00 hectares of forest land in each case for 11 categories of public utility and security related infrastructure projects. The said general approval was valid for initial period of two years ending 31.12.2006.

On receipt of requests from various States/ Union Territories and Ministries in the Central Government, this Ministry vide letter of even number dated 24th September 2007 extended the said general approval up to 31st December 2008 or until the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 is brought into force, whichever is earlier. This Ministry vide letter of even number dated 11th September 2009 extended the said general approval for a further period of five years i.e. upto 31st December 2013.

This Ministry has received representations to extend the validity period of the said general approval. Representations have also been received by this Ministry to extend the said general approval to certain other activities.

Accordingly, I am directed to say that after careful consideration of the matter, the Central Government has agreed to accord general approval under the Forest (Conservation) Act, 1980 for diversion of not more than one hectare of forest land, in each case, for creation of critical development and security related infrastructure of following categories by Government Departments:

1. Schools;
2. Dispensaries/hospitals;

13/02/2014

3. Electric and telecommunication lines;
4. Drinking water projects;
5. Water/rainwater harvesting structures;
6. Minor irrigation canals;
7. Non-conventional sources of energy;
8. Skill up-gradation/ vocational training centres;
9. Power sub-stations;
10. Communication posts;
11. Construction/ widening of roads including approach roads to road side establishments;
12. Upgradation/ strengthening/ widening of existing bridges by the Border Roads Organization (BRO); and
13. Police establishments like police stations /outposts /border outposts /watch towers, in sensitive areas identified by the Ministry of Home Affairs.

The general approval shall be subject to fulfillment of following conditions:

- (i) The forest land to be diverted for above-mentioned specified activities should be less than one hectare in each case.
- (ii) The clearance of such developmental projects shall be subject to the condition that the same is need based.
- (iii) The legal status of the land shall remain unchanged i.e. shall remain Reserved/Protected/Village/Unclassed/other types of forests/forest as the case may be.
- (iv) The user agency shall submit the project proposal to the state/UT Government in the prescribed i.e. Form -A as provided in Rules -6 of the Forest (Conservation) Rules, 2003.
- (v) The project should not involve felling of more than fifty trees per hectare. Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.
- (vi) The project site should be outside National Parks or Wildlife Sanctuaries or Protected Areas.
- (vii) The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect.

13/02/2017

- (viii) The user agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests, from the State/UT Government.
- (ix) The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
- (x) The User Agency shall plant and maintain two times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (Preferably within or in the surrounding area of the project). Only indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department, Trees planted in surrounding area, will belong to State Department.
- (xi) The User agency shall be responsible for any loss to the flora/fauna in the surroundings and therefore, shall take all possible measures to conserve the same.
- (xii) The User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates stipulated by the Ministry of Environment and Forests from time to time.
- (xiii) In case of roads, this general approval shall be applicable only if the requirement of forest land for construction/widening of the entire stretch of the road is not more than one hectare. Additional diversion of forest land for extension/ strengthening of such roads shall not be permitted within next five years.
- (xiv) The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request of such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State/UT.
- (xvi) Entire process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 shall be completed before grant of approval for diversion of such forest land.
- (xvii) Except for linear projects, consent of gram sabha shall be obtained for diversion of the forest land;
- (xviii) Project shall not affect recognised rights of the primitive tribal communities and pre-agricultural communities; and

12/04/2017

- (xix) The State Forest Department /State Government or the concerned Regional Office, may impose from time to time any other condition in the interest of conservation, protection and /or development of forests.

This general approval under the Forest (Conservation) Act, 1980 is valid for a period of five years ending 31.12.2018 and will subject to review thereafter.

Yours faithfully

12/04/2017
(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. Secretary, Ministry of Defence, Government of India.
4. Secretary, Ministry of Home Affairs, Government of India, New Delhi.
5. Secretary, Ministry of Rural Development, Government of India, New Delhi.
6. Director General, Border Roads Organization, New Delhi.
7. Principal Chief Conservator of Forests, all State/UT Governments.
8. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
9. All Regional Offices, Ministry of Environment & Forests.
10. Joint Secretray in-charge, Impact Assessment Division, MoEF.
11. All Assistant Inspector General of Forests/ Director in the Forest Conservation Division, MoEF.
12. Director R.O. (HQ), Ministry of Environment and Forests, Government of India, New Delhi.
13. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
14. Sr. PPS to the Secretary, Environment and Forests.
15. Sr. PPS to the Director General of Forests & Special Secretray, MoEF.
16. St. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF.
17. PS to the Inspector General of Forests (Forest Conservation), MoEF.
18. Guard File.

12/04/2017
(H.C. Chaudhary)

Assistant Inspector General of Forests