

I No. 11/306/2014 FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Lodi Road
New Delhi - 110 001
Dated: 15th January, 2015

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

Sub: Guidelines for diversion of forest land for non forest purpose under the Forest (Conservation) Act, 1980: Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects: reg.

Sir,

I am directed to refer to this Ministry's letter of even number dated 8th August 2014 on the above mentioned subject wherein this Ministry communicated a simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects, and to say that it has been brought to notice of this Ministry that in the said letter, it is not clear as whether the project authorities can suo moto start the works after depositing the statutory funds, or some authority has to issue permission in this regard.

After careful examination of the matter, for the sake of clarity, I am directed to say that State Governments may authorize an officer not below the Rank of the Divisional Forest Officer having jurisdiction over the forest land proposed to be diverted to issue permission for felling of trees once, amount in compliance to conditions stipulated in the Stage-I FC are realized from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected.

This issues with approval of the competent authority.

Yours faithfully,

(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (Kind attn: Shri Santosh D. Valdia, Director), North Block, New Delhi.

Write to GOM for
authorizing Sec. Auth
write for approval of
Huff. Write.

F. No. 11-317/2014-FC (pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 001
Dated: 25th August, 2014

To

The Chief Secretaries
All State / Union Territory Governments

Subj: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Non-availability of non-forest land for creation of compensatory afforestation- reg.

Sir,

I am directed to refer to this Ministry's letter No. 11-423/ 2011-FC dated 13th February 2012 on the above mentioned subject, wherein it has *inter-alia* been stipulated that certificate regarding non availability of non-forest land for creation of compensatory afforestation shall be accepted only from States having area of forest land more than 50 % of their geographical area.

The Ministry has received requests from various States and Ministries in the Central Government that certificate of non-availability of non-forest land for Compensatory afforestation may be accepted from Chief Secretaries of States and Union Territories having area of forest land more than 33 % of their geographical area.

After careful examination of the matter, I am directed to say that in partial modification of this Ministry's said letter 11-423/2011-FC dated 13th February 2012, certificate regarding non availability of non-forest land for creation of compensatory afforestation will be accepted from the States having area of forest land more than 33 % of their geographical area.

I am further directed to say that to ensure that certificate regarding non-availability of non-forest land/ revenue forest land in a State/ Union Territory is issued by the Chief Secretary in an informed and objective manner, such certificate regarding non-availability of non-forest or revenue forest for compensatory afforestation shall be issued in the format enclosed on the personal Stationary of the Chief Secretary.

This issues with approval of the competent authority.

Encl.: As above.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (Kind attn.: Shri Santosh D. Valdia, Director), North Block, New Delhi.

F. No. 11-306/ 2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jorbagh Road
New Delhi - 110 003
Dated: 7th October, 2014

To

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

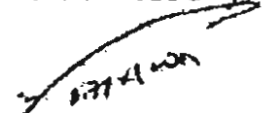
Subj: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Enumeration of trees available on the forest land proposed to be diverted for non-forest purpose- reg.

Sir,

I am directed to say that boundary of forest land required to be diverted for non-forest purpose is normally finalized jointly by the user agency and the local forest officials before a proposal seeking approval under the Forest (Conservation) Act, 1980 (FC Act) is submitted to the Nodal Officer, FC Act in the State/ Union Territory. Enumeration of trees available on the forest land proposed to be diverted is however, undertaken after the proposal is received by the Divisional Forest Officer from the Nodal Officer.

After careful examination of the matter, I am directed to say that to expedite processing of proposals seeking prior approval of Central Government under the FC Act for diversion of forest land for non-forest purpose, once the boundary of forest land proposed to be diverted is framed up/finalized, the user agency, if so desires, may provide, in advance, a copy of map of the forests land proposed to be diverted to the concerned Divisional Forest Officer and request him to undertake enumeration of tree available on the forest land proposed to be diverted. The concerned Divisional Forest Officer, in such cases, without waiting for receipt of the proposal, may after realizing appropriate fee, as the State Government may stipulate in this regard, authorize concerned officers having jurisdiction over the forest land proposed to be diverted to enumerate, in advice, trees available on the forest land proposed to be diverted.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn:* Shri Santosh D. Vaidya, Director), North Block, New Delhi.
2. Secretary, Ministry of Coal, Government of India, New Delhi.

F. No. 11-09/98-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi - 110 003
Dated: 7th November, 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 the Forest (Conservation) Act, 1980-reg.

Sir,

I am directed to refer to this Ministry's letter of even number dated 13th February 2014 read with letter of even number dated 21st August 2014 on the above-mentioned subject wherein this Ministry accorded general approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of not more than 1 hectare of forest land in each case, for creation of critical development and security related infrastructure of 13 categories by Government Departments/ Undertakings, Boards, Corporations etc. subject inter-alia to the following condition:


"Project should not involve felling of more than fifty trees per hectare. Corresponding permissible limits of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area."

It has been brought to notice of this Ministry that area required for entry/exit roads for fuel stations is very small, and it will not be feasible for States to grant approval, in exercise of the said general approval, for diversion of forest land for entry/ exit of fuel stations in case it involves felling of even a single tree. The said condition thus defeats the very purpose of grant of general approval, and all such proposals will continue to be forwarded to the Regional Offices of the Ministry for approval.

I am directed to say that after careful consideration of the matter, this Ministry has decided that the said conditions stipulated in the general approval accorded under the Forest (Conservation) Act, 1980 shall be read as "Project should not involve felling of more than 50 trees per hectare or ten trees, whichever is higher".

This issues with approval of the Competent Authority.

Yours faithfully,


(H.C. Chaudhary)
Director

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.

F. No. 11-306/2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 001
Dated: 7th May, 2015

To

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

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects: *reg.*

Sir,

I am directed to refer to guidelines on the afore-mentioned subject issued by this Ministry vide letters of even number dated 8th August 2014 and 15th January 2015 on the above-mentioned subject wherein this Ministry communicated a simplified procedure for grant of permission for tree cutting and commencement of work of linear project in forest land, and to say that the said guidelines were examined by the Hon'ble National Green Tribunal (NGT) in the Original Application No. 52 of 2015 in the matter of Milind Pariwakam & Anr. versus Union of India.

2. The Hon'ble NGT in their order dated 13th March 2015 disposed of the said O.A. by issuing certain directions.

3. In compliance of directions issued by the Hon'ble NGT in the said O.A. and in supersession of this Ministry's said letters/ guidelines of even number dated 8th August 2014 and 15th January 2015, I am directed to say as below:

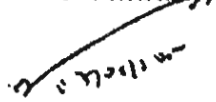
- (i) With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines *etc.*, in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, net present value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected;
- (ii) After the afore-mentioned compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land

proposed to be diverted, duly authorized in this behalf by the State Government, shall pass an order for tree cutting and commencement of work of a linear project in forest land;

- (iii) No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever unless an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with;
- (iv) For the purpose of Section 2A of the FC Act and Section 16 (e) of the National Green Tribunal Act, 2010 (NGT Act) the Order for tree cutting and commencement of work of linear project in forest land, order specified in para (ii) above, shall be an order under Section 2 of the FC Act;
- (v) An appeal as per provisions of section 2 (A) of FC Act and/or Section 16 (e) of the NGT Act can be filed against any such order specified in para (ii) above for tree cutting and commencement of work of linear project in forest land;
- (vi) In the event of filing of such appeal, it would be open for the person aggrieved, to assail the order/clearance granted by the Central Government under Section 2 of the FC Act which forms an integral part and sole basis of the order specified in para (ii) above;
- (vii) The State Government and the project proponent shall take further action as has been stipulated by the Hon'ble National Green Tribunal in their Judgment dated 7th November 2012 in Appeal No. 7/2012 to accord publicity and to ensure availability in public domain of in-principle approval under the FC Act accorded by the Central Government and the order specified in para (ii) above. State Government and the project proponent shall also ensure strict compliance of other direction(s) contained in the said judgment; and
- (viii) The State Governments, in such cases shall seek and obtain from the Central Government final/formal approval under the FC Act for diversion of such forest land at the earliest, and in any case not later than five years from the date of grant of the in-principle approval.

This issues with approval of the Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.: Shri Santosh D. Vaidya, Director*), South Block, New Delhi.

F. No. 11-306/ 2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 001
Dated: 7th May, 2015

To

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

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects: *reg.*

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I am directed to refer to guidelines on the afore-mentioned subject issued by this Ministry vide letters of even number dated 8th August 2014 and 15th January 2015 on the above-mentioned subject wherein this Ministry communicated a simplified procedure for grant of permission for tree cutting and commencement of work of linear project in forest land, and to say that the said guidelines were examined by the Hon'ble National Green Tribunal (NGT) in the Original Application No. 52 of 2015 in the matter of Milind Pariwakam & Anr. versus Union of India.

2. The Hon'ble NGT in their order dated 13th March 2015 disposed of the said O.A. by issuing certain directions.

3. In compliance of directions issued by the Hon'ble NGT in the said O.A. and in supersession of this Ministry's said letters/guidelines of even number dated 8th August 2014 and 15th January 2015, I am directed to say as below:

- (i) With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines *etc.*, in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, net present value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected;
- (ii) After the afore-mentioned compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land

22/5/15

proposed to be diverted, duly authorized in this behalf by the State Government, shall pass an order for tree cutting and commencement of work of a linear project in forest land;

- (iii) No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever unless an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with;
- (iv) For the purpose of Section 2A of the FC Act and Section 16 (e) of the National Green Tribunal Act, 2010 (NGT Act) the Order for tree cutting and commencement of work of linear project in forest land, order specified in para (ii) above, shall be an order under Section 2 of the FC Act;
- (v) An appeal as per provisions of section 2 (A) of FC Act and/or Section 16 (e) of the NGT Act can be filed against any such order specified in para (ii) above for tree cutting and commencement of work of linear project in forest land;
- (vi) In the event of filing of such appeal, it would be open for the person aggrieved, to assail the order/clearance granted by the Central Government under Section 2 of the FC Act which forms an integral part and sole basis of the order specified in para (ii) above;
- (vii) The State Government and the project proponent shall take further action as has been stipulated by the Hon'ble National Green Tribunal in their Judgment dated 7th November 2012 in Appeal No. 7/2012 to accord publicity and to ensure availability in public domain of in-principle approval under the FC Act accorded by the Central Government and the order specified in para (ii) above. State Government and the project proponent shall also ensure strict compliance of other direction(s) contained in the said judgment; and
- (viii) The State Governments, in such cases shall seek and obtain from the Central Government final/formal approval under the FC Act for diversion of such forest land at the earliest, and in any case not later than five years from the date of grant of the in-principle approval.

This issues with approval of the Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director), South Block, New Delhi.

F. No. 11-09/98-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 7th September, 2015

To

The Principal Secretary (Forests)
All States// UTs.

Sub.: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – General approval for underground laying of optical fibre cables, telephone lines, drinking water supply pipelines, CNG/PNG pipelines within existing right of way of roads and petroleum pipelines.

Sir,

I am directed to say that this Ministry vide letter of even number dated 16th October 2000 accorded general approval under the Forest (Conservation) Act, 1980 for a initial period of two years for laying of underground optical fibre cables, telephone lines, drinking water supply pipelines, electricity cables along the roads within existing right of way not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where the maximum size of the trench is not more than 2.00 meter depth and 1.00 meter width, subject to following conditions:

- (a) The user agency will seek permission from the State Forest Department under local Acts/Rules etc.;
- (b) The user agency agrees to make good the land after use/ maintenance;
- (c) The user agency agrees to make good any loss to forest/ environment;
- (d) The user agency seeks permission from local Forest Department for carrying out any maintenance.
- (e) The State Government/ Union Territories will submit a quarterly progress report on the extent of the forest land diverted for such purpose to the Ministry as well as the concerned Regional Offices.

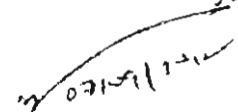
2. This Ministry vide letter of even number dated 31.10.2001 extended the said general approval to laying of underground electricity cables subject to conditions stipulated in the said letter dated 16th October 2000 and additional condition that the State Government/ user agency should ensure that the channels dug for underground laying are duly filled up and compacted so that these do not become source of constant soil erosion.

3. This Ministry vide letter of even number dated 23rd December 2002 extended the said general approval for a period of one year i.e. with effect from 16.10.2002 to 15.10.2003.

4. This Ministry vide letter of even number dated 19.09.2003 further extended the said General approval for a period of two years i.e. from 16.10.2003 to 15.10.2005.
5. This Ministry vide letter of even number dated 21.11.2005 extended the said general approval for a further period of two years ending 15.10.2007.
6. This Ministry vide letter of even number dated 26.12.2007 further extended the said general approval till 31.12.2008.
7. This Ministry vide letter of even number dated 8th April 2009 further extended the said general approval till further orders subject to the parameters and conditions already stipulated in this Ministry's letter dated 16.10.2000 and 21.11.2005.
8. This Ministry vide letter of even number dated 7th November 2014 extended the said general approval to underground laying of CNG/PNG pipelines along the roads within existing right of way not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where the maximum size of the trench is not more than 2.00 meter depth and 1.00 meter width subject to fulfilment of conditions stipulated in this Ministry's said letter of even number dated 16th October, 2000.
9. After further examination of the matter, I am directed to say that this Ministry has decided to extend the said general approval to underground laying of optical fibre cables, telephone lines, drinking water supply pipelines, CNG/PNG pipelines **along petroleum pipelines within existing right of way** not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where the maximum size of the trench is not more than 2.00 meter depth and 1.00 meter width, subject to conditions stipulated in this Ministry's said letters of even number dated 16th October, 2000 & 31st October 2001 and the additional conditions the State Government shall realise Net Present Value (NPV) of such forest land, except for those categories of activities/projects which have specifically been exempted from payment of NPV by the Hon'ble Supreme Court.

This issues with approval of the Hon'ble Minister of State (independent Charge) for Environment, Forest and Climate Change.

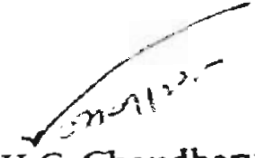
Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Principal Chief Conservator of Forests, all States/UTs.
3. Nodal Officer, the Forest (Conservation) Act, 1980, all States/UTs.
4. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEFCC).
5. PS to the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.
6. All Directors/ Assistant Inspector General of Forests in Forest Conservation Division, MoEFCC.

7. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEFCC.
8. Director, Regional Office (Headquarters), MoEFCC. .
9. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of this letter on website of this Ministry.
10. Sr. PPS to the Secretary, Ministry of Environment, Forest and Climate Change.
11. Sr. PPS to Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change.
12. Sr. PPS to Addl. Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
13. Sr. PPS to Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
14. Guard File.


(H.C. Chaudhary)
Director