

**F.No.11-79/2005-FC**  
**Government of India**  
**Ministry of Environment & Forests**  
**(FC Division)**

Paryavaran Bhawan  
CGO Complex, Lodhi Road  
New Delhi-110 003

Dated : 27<sup>th</sup> October 2005

To

1. **The Principal Secretary (Forests),**
2. **The Principal Chief Conservator of Forests,**  
(All States)/UTs.

**Sub: Issue related to imposition of additional conditions by the State Government in respect of proposals involving forest land where permission for diversion of such forest lands has been granted by the Ministry of Environment and Forests.**

Sir,

While granting the final approval for diversion of forest land for non-forestry use under Forest (Conservation) Act, 1980, the Central Government stipulates various conditions. These conditions inter-alia, include a general condition which states that "*Any other condition which the State Government or Chief Conservator of Forests (Central), Regional Office, may stipulate from time to time in the interest of afforestation and protection and improvement of flora and fauna of the area shall also be applicable*". This stipulation more often than not has been used by the State/UT Governments in imposing additional unreasonable conditions.

The Committee of Secretaries (CoS) while discussing the issues related to Central-State and Inter-Ministerial bottlenecks in the ongoing National Highway Development Programme Projects also took note of the issue related to additional conditions imposed by the State/UT Governments. CoS felt that the State Forest Departments impose further conditions, in addition to the conditions imposed by the Central Government, and these additional conditions are sometimes very unrealistic and affect the financial viability of the project. It was decided by the CoS that Ministry of Environment and Forests should examine the issue of unreasonable conditions subsequently imposed by the State/UT Governments in case of forestry clearances and develop a uniform instructions to be followed by the State/UTs in the matter.

The above issue was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980. The Committee noted that the Central Government, while granting forestry clearances, imposes certain conditions to mitigate the adverse effects arising out of diversion of forest land for non-forestry use. Although, the State Governments, being the custodians of the forest lands, are competent to impose conditions for protection and conservation of forests, but, the Committee observed that such conditions should, at the same time, cannot be allowed

to affect the viability of the project after it has been granted forestry clearance by the Central Government.

After examining the whole issue in great detail and on the recommendations of the Advisory Committee, it has been decided by the Central Government that while forwarding any proposal for diversion of forest land, the State/UT Government should state and include all the conditions, which it desires to be imposed, in the original proposal itself, for compliance by the user agency. The Central Government after considering the conditions proposed by State/UT Government shall stipulate such conditions as it deems fit. No additional conditions thereafter can be imposed by the State/UT Government. Such a mechanism will obviate any contradictions and undue hardships that may affect the viability of the project subsequent to grant of forestry clearance, and will also facilitate consolidation of stipulations at one place (in the approval letter of the Central Government).

All the State/UT Governments are requested to ensure compliance of the above instructions.

Yours faithfully,



(Pankaj Asthana)

Assistant Inspector General of Forests

Copy to:

1. The Nodal Officers-All States/UTs.
2. All Regional Offices of this Ministry.
3. Director (FC)/AIGs (FC).
4. File No. 2-1/2003-FC.
5. Guard File.

(Pankaj Asthana)

Assistant Inspector General of Forests