

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

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated: 01st June 2006.

To

Shri Chaitanya Murti,
Joint Secretary to Government of Tripura,
O/o the Principal Chief Conservator of Forests,
Aranya Bhavan, Pandit Nehru Complex,
Kunjaban, Agartala.

Sub: Imposition of additional conditions by the State Government in respect of diversion of forest land granted by the Central Government under the Forest (Conservation) Act, 1980.

Sir,

I am directed to refer to your letter No. F.6-259/FC/For-05/Pt-I/708 dated 17.02.2006 on the subject mentioned above, and to say that the matter has already been critically examined in detail by the Forest Advisory Committee, and on the basis of the recommendations of the Committee, decision of the Ministry was conveyed in the matter vide its letter of even number dated 27.10.2005 to the effect that there was no scope for imposing any additional conditions by the State Government once the proposal had finally been cleared by the Central Government. Intention of the Central Government is not to curtail the powers and prerogative of the State / Union Territory (UT) Governments in the matter of imposing reasonable conditions to compensate for the loss of forest land / cover, but to ensure that such stipulations are within the limits of reasonability. It is in this spirit that the instructions issued by the Ministry, inter-alia, provide that the State / UT Government should intimate the Central Government, alongwith the original proposal submitted for diversion of forest land for non-forestry purposes, about the conditions to be imposed by them (State / UT Government). While examining the proposal, the Central Government shall also examine the conditions proposed by the State/UT Government, and include such conditions as it shall deem fit. This mechanism has been put in place to remove possibilities of similar condition(s) being imposed twice, as well as of non-examination of condition(s) by the Authority competent to grant approval which might, otherwise, lead to contradictions / undue hardship and affect the viability of the project subsequent to grant of forestry clearance by the Central Government.

2. Your request has been examined again in the Ministry whereupon it is informed that if, subsequent to the approval granted by the Central Government under the Forest (Conservation) Act, 1980, the State / UT Government feels that exceptional/unforeseen situation warrants imposition of any additional condition(s), prior approval of the Central Government must be sought by the concerned State / UT Government justifying imposition of such additional condition(s).

Yours faithfully,

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(Sandeep Kumar)
Assistant Inspector General of Forests

Copy to: -

1. Principal Secretary/Secretary (Forests), All State/Union Territory Governments.
2. Principal Chief Conservator of Forests, All States/Union Territories.
3. Nodal Officer, O/o the PCCF, All States/Union Territories.
4. All Regional Offices, Ministry of Environment and Forests.
5. Director(FC)/AIGs(FC)/ MoEF, New Delhi.
6. RO (HQ), MoEF, New Delhi.
7. Monitoring Cell, FC Division, MoEF, New Delhi.
8. Guard File.



(Sandeep Kumar)
Assistant Inspector General of Forests