

19

F. No. 5-3/2007-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
Dated : 05.02.2009.

To

The Principal Secretary / Secretary (Forests),
All State / UT Governments.

Sub: Guidelines for diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 - Guidelines for collection of Net Present Value (NPV).

Sir,

The Ministry of Environment and Forests, Government of India has been receiving representations from different States seeking detailed clarification and guidelines on the above mentioned subject in the light of the Supreme Court Judgment dated 28.03.2008 revising the general rates of NPV and various other orders defining differential rates for various categories of projects.

After careful examination of the issue, I am directed to inform that the Hon'ble Supreme Court of India vide its judgement dated 28.03.2008, has re-fixed the rates of Net Present Value (NPV) on the basis of scientific data taking in view the ecological role and value of the forests. The 16 major forest types have been re-grouped into 6 ecological classes depending upon their ecological functions.

- | | |
|---------------|---|
| Eco-Class I | Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests |
| Eco- Class II | Consisting of Littoral and Swamp Forests |
| Eco-Class III | Consisting of Tropical Dry Deciduous Forests |
| Eco-Class IV | Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests |
| Eco-Class V | Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests |
| Eco-Class VI | Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub |

Based on the ecological importance of forest falling in different eco-value and canopy density classes, relative weight age factors have also been taken into consideration. By using these relative weight age factors, the equalized forest area in eco-value Class-I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. The net present value per hectare of forest has been fixed based on this data. For calculating the average net present value per hectare of forest in India, the following monetary value of goods and services provided by the forest have been considered:-

<p>90</p>	<p>(v) Over-head tanks</p> <p>(vi) Village tanks</p> <p>(vii) Laying of underground drinking water pipeline up to 4" diameter and</p> <p>(viii) Electricity distribution line upto 22 KV in rural areas.</p>	<p>nature and is part of the Plan/Non-Plan Scheme of Government; and</p> <p>(d) the area is outside National Park/Sanctuary.</p>	
<p>2.</p>	<p>Relocation of Villages from the National Parks / Sanctuaries to alternate forest land</p>	<p>Full exemption</p>	<p>-do-</p>
<p>3.</p>	<p>Collection of boulders / silts from the river belts in the forest area</p>	<p>Full exemption provided: -</p> <p>(a) area is outside National Park/Sanctuary;</p> <p>(b) no mining lease is approved/signed in respect of this area;</p> <p>(c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee;</p> <p>(d) the activity is necessary for conservation and protection of forests; and</p> <p>(e) the sale proceeds are used for protection/ conservation of forests</p>	<p>-do-</p>
<p>4.</p>	<p>Laying of underground optical fibre cable</p>	<p>Full exemption provided:</p> <p>(a) no felling of trees is involved; and</p> <p>(b) areas falls outside National Park/Sanctuary</p>	<p>-do-</p>
<p>5.</p>	<p>Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages</p>	<p>Full Exemption provided these are strictly in accordance with MOEF's Guidelines dated 18.09.1990.</p>	<p>-do-</p>

65

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL) No. 202/95 & 171/96)

Third Floor, Chanakya Bhawan, Chanakya Park, New Delhi 1100021, Tel. 26884921, 26884923, 24101926, FAX No. 24101925

File No. 1-26/CEC/SC/2008-Pt.XXIX

Dated 22nd December, 2008

To

The DGF & SS
Ministry of Environment & Forests
Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi 110003

Sub: Clarification on NPV for the minimum rate in case of Wind Energy as per the Hon'ble Supreme Court's order dated 24.4.2008.

Sir,

Please refer to FC Division letter No. 7-17/2008-FC(Pt.) dated 16.12.2008 on the above subject. Pursuant to the order of the Hon'ble Supreme Court, for the Wind Energy Projects NPV is payable at the rate of the 50% of the minimum rate of the NPV, irrespective of the eco-class in which the project lies.

Urgent please.

[Signature]
22.12.08

IGF (FC)

ALGP (CDS)

[Signature]
23/12/08

Yours faithfully,

[Signature]

(M.K.Jiwrajka)
Member Secretary

22/12/08

23/12/08

24.4.2008

D.NO. 597/1995/SC/PI

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address :- "SUPREMECO"

Please read it with the order dated 28.3.08

SUPREMI

INDIA
NEW DELHI

51

FROM: Assistant Registrar (PILL CELL)

DATED: 28th April 2008

AGRO/CRS

AGURBS

Central Empowered Committee,
Through Member Secretary,
Ministry of Environment & Forests,
IInd Floor, Chanakya Bhawan,
Chanakya Puri,
New Delhi 110021

May kindly see at-Dok. Hage.

Ministry of Environment & Forests,
Through The Secretary,
Banyan Bhawan, C.G.O. Complex,
Lodi Road, New Delhi.

AGF&SS.
1 GFI/FC

INTERLOCUTORY APPLICATION NOS. 826 in 566 with 1019, 1135, 1136, 1164, 1223, 1227, 1224, 1225, 1229, 1233 in 1135, 1136, 1248, 1249, 1253, 1312, 1313, 1314, 1364, 1371 in 1253, 1384, 1385-1386, 1435-1437, 1438 in 1135-1136 in 566, 1639 in 1135-1136, 1664, 1671 in 1135-1136, 1707, 1770 in 1164 in 566 and 2008 in 1223 in 1135, 1136, 1387, 1438 and 1667

IN
WRIT PETITION (CIVIL) NO. 202 OF 1995
(Under Article 32 of the Constitution of India)

500/AD(Claws)/CR
02/05/08

Dr. Godavarman Thirumulpad

... Petitioner

Union of India & Ors

Verma

Respondents

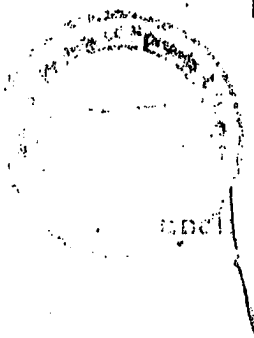
Sd/-

890/ADG/C
05/0

I am directed to forward herewith for your information, compliance and necessary action a certified copy of the order of the Supreme Court as contained in the Record of Proceedings of the Court dated 24th April, 2008 passed in the Interlocutory Applications in Writ Petition above-mentioned.

Please acknowledge receipt.

Yours faithfully,



4.5.08

As above.

ADG/FC

5/5

1 GFI/FC

1723/ADG/FC/08
6/5

28/4/08
for Assistant Registrar

177183

144 NOS. 301

COURT NO. 1

SECTIONS PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

NPV MATTERS

I.A. Nos. 826 in 566 with 1019, 1135-1136, 1164, 1222-1223, 1224-1225, 1229, 1233 in 1135-1136, 1248-1249, 1253, 1312, 1313, 1314, 1364, 1371 in 1253, 1384, 1385-1386, 1435-1437, 1438 in 1135-1136, 1639 in 1135-1136, 1664, 1671 in 1135-1136, 1707, 1779 in 1164 and 2098 in 1233 in 1135-1136, 1387, 1434, 1665 in W.P. (C) No. 202/1995

T. N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(Recommendation of CMC in IA No. 566 and application for modification of court's order/directions/permission to file appn. for modification/impediment/exemption from filing C.T.)

Date: 24/04/2008 This Petition/appns. was/were called on for hearing today

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE Dr. JUSTICE ANIL K. PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Certified to be true copy

[Signature]
Assistant Registrar (C.T.)

24.04.2008

Mr. Harish N. Salve, Sr. Advocate, Govt. of India
Mr. Uday D. Lalit, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.) (W.P.)
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)

Mr. P.K. Manchhat, Adv.

For Applicant(s)/
Respondent(s)
GOI

Mr. G.B. Vahanavati, S.G.
Mr. A. Marimutham, Adv.
Mr. P. Parmeswaran, Adv.
Mr. Uttam Bhatnagar, Adv., Mr. Devdutt Khanna, Adv.
Ms. Alka Sharma, Adv., Mr. D.H. Malhotra, Adv.

I.A. 1779

Mr. R.R. Dubeey, Adv.
Mr. Shantilal Mishra, Adv.
For Ms. Sharmila Upadhyay, Adv.

IA 1435-1437

M/s. Pallav Sisodia, Malankar, S.C. Patel,
Tejus Patel, Subhashish Bhowmick, Advs.

I.A. 566

M/s. K. Nobin Singh, David Rao, Tarun Jamwal,
S. Biswas, Meital, Vijay Prakash, Advs.
Mr. Riku Sarma, Adv.
For M/s. Corporate Law Group, Advs.

I.A. 1164

Dr. Rajiv Dhawan, Sr. Adv.
Mr. Ajit Poddhery, Adv.

L.A. Nos. 1707

Mr. Mukul Rohlaqi, Sr. Adv.
Ms. Tasleem Ahmadi, Adv.
Mr. Ajay Sharma, Adv.

Ms. Suparna Srivastava, Adv.
Ms. Hildi Minocha, Adv.
Mr. Rajesh Srivastava, Adv.

LA 826:

Mr. Manjit Singh, Adv.
Mr. T.V. George, Adv.

M/O Defences:

Mr. Vikas Singh, ASG
Mr. Wasim A. Qadri, Adv.
Mr. B.K. Prasad, Adv.

LA 1233

Mr. V.N. Gangule, Sr. Adv.
Mr. Dattatray Vyng, Adv.
Mr. Chirag M. Shroff, Adv.

LA 1248-49:

Mr. V.A. Mohla, Sr. Adv.
Mr. Jugalkishore Gilda, Adv.
Mr. Manish Pillale, Adv., Mr. Hilkamla Nayak, Adv.
For Mr. C.S. Ashri, Adv.

State of MP:

Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv.

Mrs. Asha G. Nair, Adv.

Ms. Sangeeta Kumar, Adv.

State of Uttarakhand Ms. Rachna Srivastava, Adv.

Mr. Sanjeev Kumar, Adv.

Ms. Sarla Chandra, Adv.

L.A. 1229

Mr. Arvind Sawant, Sr. Adv.
Mr. Jugalkishore Gilda, Adv.
Mr. A.P. Mayee, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. Raj Kumar Mehta, Adv.
Mr. Mragank, Adv., Ms. Nalini Dal, Adv.

Mr. Gopal Singh, Adv.

L.A. 1135-36

Mr. Rajiv Datta, Sr. Adv.
Ms. Rajni Ohri, Adv., Ms. Seema Jain, Adv.
For Mr. Himinder Lal, Adv.

Ms. Anil Katiyar, Adv. (H.P.)
Mr. V.B. Joshi, Adv.
Mr. J.K. Das, Adv.

L.A. 1137

Mr. G. Parkash, Adv.

UPON hearing counsel the Court made the following
O R D E R

1.A.NO.1137

Taken on Board.

Listed on 9.5.2008.

1.A.NO.1019

State of Uttaranchal has filed application for exemption for certain projects such as drinking water supply, hospitals, dispensaries, schools, transmission lines, small hydro-electric projects etc. Most of these projects are exempted as per our order dated 28.3.2008. If there are any specific prayer for exemption from requirement of paying NPV, then the State to seek exemption regarding that project and file a separate application. 1.A. is disposed of accordingly.

1.A.NOS.1135 & 1136, 1224 & 1225, 1233, 1385-1386 AND 1438 with 1639, 1671, 2098

These applications have been filed by Indian Wind Turbine Manufacturers' Association and other applicants who are engaged in the production of Wind Energy by developing of wind farming on forest land. Ms. Kanchan Committee Report recommended that these sort of wind projects be given exemption from payment of Net Present Value (NPV) to the extent of 90% and they may be allowed to start these projects on payment of 10%. CEC has examined the matter and suggested that these Wind Energy Projects be given exemption to the extent of 30% of the Net Present Value at the minimum rate, provided no tree felling is involved. Learned counsel appearing for the applicants contended that these Wind Energy Projects should have been completely exempted as they are producing electricity by Non Conventional Energy Sources and they are not causing damage to the forest. It is also argued that for similar projects CEC has recommended exemption and this Court has

accepted. Learned Solicitor General and also learned amicus curiae supported recommendation of CEC that there should be payment of 50% of the NPV at the minimum rate provided no tree felling is involved. All these wind farming projects producing electricity are profit motive projects. In order to have these projects, they have to erect various components namely turbine, corridors, transmission lines, sub-stations and erection platforms in the forest land. All these activities have to be carried out in the forest, so naturally forest land is being used for non-forest purposes. It is also to be understood that after use of wind farming for generation of electricity, the said forest cannot be restored to in its original form and there cannot be forest activities in these areas. Of course, for production of electricity, the Wind Energy Projects should be encouraged as they are using non-renewable energy sources like fossil fuels for production of energy.

Nevertheless, these forest areas are being used, they shall be given exemption for 50% NPV. We accept the recommendations of CEC that these projects should pay 50 % of the NPV at the minimum rate charged, provided minimal tree felling is involved.

L.As are disposed of accordingly.

L.A.NO.1222-1223

The question raised in these applications are covered by Order of this Court dated 28.3.2008. L.As. are disposed of as having become infructuous.

L.A.NOS.1229, 1248-1249, 1253 & 1371, 1435-1437, 1313, 1164, 1779, 1707, 1364 AND 1664.

List the applications on 9.5.2008.

L.A.NO.1384

Learned counsel for the Northern Railway is not present.

Adjourned.

I.A. NO. 1312

State of Uttaranchal has filed application for exemption for use of forest land for construction of rural roads in the State of Uttaranchal particularly 'katcha' roads in hilly area. Most of these projects are exempted as per our order dated 28.3.2008. If there are any specific prayer for exemption from payment of NPV, then the State to seek exemption regarding that project and file a separate application. I.A. is disposed of accordingly.

I.A. NOS. 1314 & 1316

State of Bihar has filed applications for exemption for certain projects regarding the construction of schools, dispensaries, hospitals, electric and telecommunication lines, drinking water, minor irrigation canals etc. Most of these projects are exempted as per our order dated 28.3.2008. If there is any specific prayer for exemption from payment of NPV, then the State seek exemption regarding that project and file a separate application. I.A.s are disposed of accordingly.

I.A. NOS. 1437, 1439 & 1465

These are applications filed by Ministry of Defence through Director, Military Training. The Defence Ministry wants to make use of some forest area for the purpose of field firing ranges for training their members and submitted that no felling of trees are involved and there is no likelihood of destruction of forest, so exemption may be granted from payment of NPV. Exemption is granted. I.A.s are allowed.

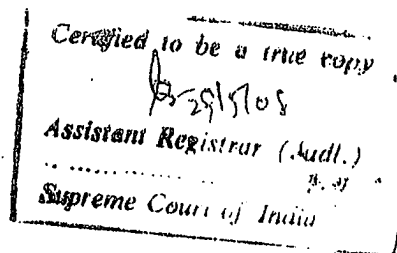
R. K. Dhawan
(R. K. Dhawan)
Court Master 25/4/08

V. V. V. V.
(V. V. V. V.)
Court Master 25/4/08

181177

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION



I.A. Nos 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

T.N. Godavarman Thirumulpad

...Petitioners

Versus

Union of India & Ors.

...Respondents

ORDER

On 28th March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from

payment of NPV, the last part of that order reading "We are of the view..... (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children's play ground of non commercial nature iv) Community centres in rural areas v) Over-head tanks vi) Village tanks, vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas.	Full exemption upto 1 ha. of forest land provided : (a) no felling of trees is involved; (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) the area is outside National Park/Sanctuary
Relocation of villages from the National Parks/Sanctuary to alternate forest land	Full Exemption
Collection of boulders/silts from the river belts in the forest area	Full exemption provided:- (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area;

	<p>(c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking, or through the Economic Development Committee or Joint Forest Management Committee;</p> <p>(d) the activity is necessary for conservation and protection of forests; and</p> <p>(e) the sale proceeds are used for protection/conservation of forests</p>
Laying of underground optical fibre cable	<p>Full exemption provided :</p> <p>(a) no felling of trees is involved; and</p> <p>(b) areas falls outside National Park/Sanctuary</p>
Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages	<p>Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.</p>
Underground mining	<p>50% of the NPV of the entire area</p>

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

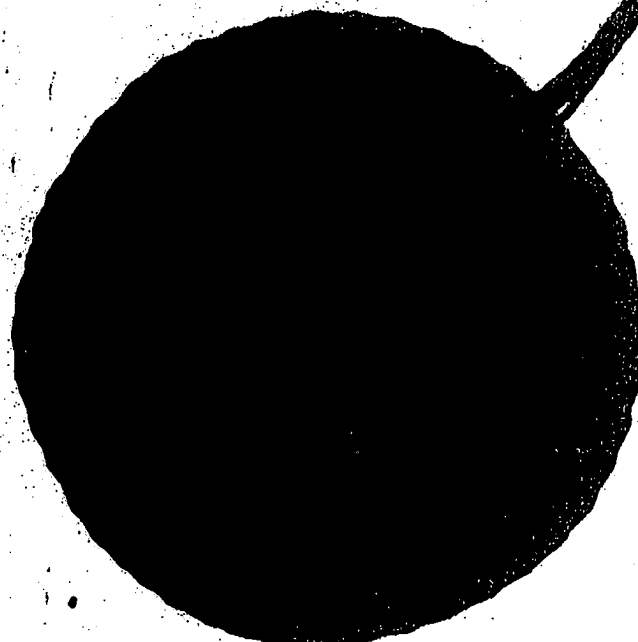
.....CJI
(K.G. BALAKRISHNAN)

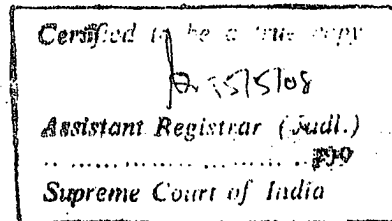
.....
(DR. ARIJIT PASAYAT)

.....
(S.H. KAPADIA)

New Delhi;
May 9, 2008.

SEALED IN MY PRESENCE





25/5/08

-184026

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2092 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

T.N. Godavarman Thirumulpad

...Petitioners

Versus

Union of India & Ors.

...Respondents

ORDER

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted.

comprising of three experts including Mrs. Kanchan Chopra was appointed and this Court gave the following directions:-

- (i) to identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
- (ii) To formulate a practical methodology applicable to different biogeographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.
- (iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each biogeographical zone in the country.
- (iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.
- (v) Which projects deserve to be exempted from payment of NPV

further grouped into 6 ecological classes depending upon their ecological functions.

Eco-Class I - Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests

Eco- Class II -Consisting of Littoral and Swamp Forests

Eco-Class III -Consisting of Tropical Dry Deciduous Forests

Eco-Class IV -Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests

Eco-Class V -Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests

Eco-Class VI -Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

- (iv) Value of Eco-tourism
- (v) Value of bio-prospecting
- (vi) Value of Ecological services of forest
- (vii) Value of Flagship Species
- (viii) Carbon Sequestration Value

Based on this, the NPV was fixed and the following recommendations have been made:-

- (i) for non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:-

Eco-Value class	(in Rs.)			
	Very Forest	Dense	Dense Forest	Open Forest
Class I		10,43,000	9,39,000	7,30,000
Class II		10,43,000	9,39,000	7,30,000
Class III		8,87,000	8,03,000	6,26,000
Class IV		6,26,000	5,63,000	4,38,000
Class V		9,39,000	8,45,000	6,57,000
Class VI		9,91,000	8,97,000	6,99,000

- (ii) the use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest projects and after obtaining

may be asked to provide an amount of Rs.1.0 crore to the Forest Survey of India out of the interest received by it.

Ministry of Environment and Forests also has filed its response and has accepted the recommendations made by CEC. Various user agencies have filed its objections. We heard the learned senior Counsel Mr. Nariman and other learned senior Counsel who appeared before us. The main contention raised is that the NPV value was fixed on the basis of the net flow accruing over 20 years at a 5% social discount rate. This, according to the applicants, is too low. It has been contended that the Economic and Research Department of the Asian Development Bank is of the view that a survey of the social discount rate policies of individual countries show significant variations and the developing countries apply higher social discount rate. The paper published by Asian Development Bank shows that India should have a social discount rate of 12%. It may be noted that the Expert Committee under the leadership of Mrs. Kanchan Chopra recommended 5% social discount rate but the CEC has reduced further and accepted 4% social discount rate. It may be noted that the CEC had made consultation with eminent

- projects such as community centres in rural areas which require forest land upto 2 ha;
- (ii) rural infrastructure and basic services such as the construction of the overhead tanks, village roads, etc.
 - (iii) the minor irrigation projects upto 10 ha. of storage area, municipal water supply projects, drinking water supply pipelines;
 - (iv) activities necessary for the ecological management, relocation of the villages from the sacruaries and the national parks, regularization of pre-1980 eligible encroachers;
 - (v) housing for the rehabilitation of tribals; laying of the underground optical fibre cables;
 - (vi) laying of the pipelines for the underground gas transportation;
 - (vii) the district and rural roads;
 - (viii) shifting cultivation;
 - (ix) roads constructed by Defence in border areas;
 - (x) construction of the transmission lines.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(DR. ARIJIT PASAYAT)

.....J.
(S.H. KAPADIA)

New Delhi;
March 28, 2008.