

**No. 11-246/ 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: 4<sup>th</sup> July, 2014

To

**The Principal Secretary (Forests),**  
Governments of Arunachal Pradesh,  
Himachal Pradesh, Uttarakhand and Sikkim

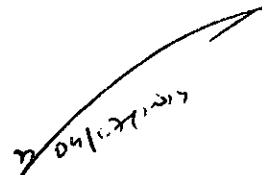
**Sub:** General approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for construction and widening of two lane roads by the Border Road organization and other road construction agencies entrusted with the job by the Ministry of Defence, in the area falling within the 100 Km aerial distance from the Line of Actual Control-reg.

Sir,

I am directed to say that the Ministry of Defence has brought to notice of this Ministry that due to the lengthy processes involved in grant of approval under the Forest (Conservation) Act, 1980, many important Defence Projects, especially the border roads in areas close to Line of Actual Control (LAC) are getting delayed. It has also been informed by the Ministry of Defence that delay in grant of approval under the afore-mentioned Act for diversion of forest land required for these road projects is adversely affecting defence preparedness of the country. Ministry of Defence has therefore, requested this Ministry to expedite clearance process.

2. The Ministry of Defence has also requested this Ministry to accord general approval for diversion of Forest land for widening of roads (by the Border Road Organization (BRO) and other road construction agencies) which are identified, by the Ministry of Defence as link roads, between Border Roads from the LAC and National Highways/State Highways/Other State Roads falling in the area located within 100 kilometers aerial distance from the LAC.

3. The matter has been examined in this Ministry and after careful consideration, with a view to facilitate creation of requisite road network along the LAC, this Ministry hereby decides to accord general approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of forest land required for (i) construction and widening of two lane roads by the BRO and other road construction agencies entrusted with the job by the Ministry of Defence, in the area falling within 100 kilometers aerial distance from the LAC and (ii) widening of roads (by the BRO and other road construction agencies) which are identified by the Ministry of Defence as link roads, between Border Roads in the area within 100 kilometer aerial distance from the LAC and

  
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National Highways/State Highways/Other State Roads, subject to fulfillment of the following conditions:

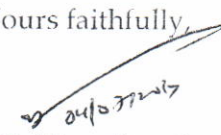
- (i) Legal status of the forest land shall remain unchanged;
- (ii) This general approval shall be valid for the area located within 100 kilometer aerial distance from the LAC;
- (iii) The user agency shall submit the project proposal to the State Government in the prescribed i.e. Form -A as provided in Rules -6 of the Forest (Conservation) Rules, 2003;
- (iv) State Government shall accord approval to the proposal duly recommended by Principal Chief Conservator of Forests;
- (v) Forest land proposed to be diverted shall be located outside the Protected Areas notified under the Wild Life (Protection) Act, 1972;
- (i) User agency shall explore all feasible alternatives to minimize use of forest land. Forest land to be used for construction/ widening of the roads shall be restricted to the bare minimum and shall be used only when it is unavoidable. The concerned Divisional Forest Officer shall certify to this effect;
- (ii) Nodal Officer, the Forest (Conservation) Act, 1980 shall submit monthly report to the concerned Regional Office by 5<sup>th</sup> of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted;
- (iii) State Government shall realise from the user agency funds for creation of compensatory afforestation over degraded forest land equal in extent to the area of forest land utilised for construction/ widening of the roads;
- (iv) 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;
- (v) User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates stipulated by this Ministry from time to time;
- (vi) Permission accorded by the State Government shall be subject to the monitoring by the concerned Regional Office of this Ministry;
- (vii) Forest land utilised for construction or widening of the road shall not be used for any purpose other than that specified in this approval. 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/Union Territory;
- (viii) 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.

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(ix) This general approval shall be valid till 31<sup>st</sup> December 2019.

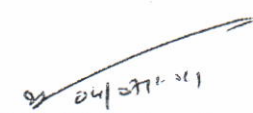
This issue with the approval of the Competent Authority.

Yours faithfully,

  
(H.C. Chaudhary)  
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Defence, Government of India, New Delhi.
3. Secretary, Ministry of Road Transport and Highways, Government of India.
4. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
5. The Member-Secretary, Planning Commission, Government of India New Delhi.
6. Director General, Border Roads Organization, New Delhi.
7. Principal Chief Conservator of Forests, Government of Arunachal Pradesh, Himachal Pradesh, Uttarakhand and Sikkim.
8. Nodal Officer, the Forest (Conservation) Act, 1980, Government of Arunachal Pradesh, Himachal Pradesh, Uttarakhand and Sikkim.
9. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
10. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
11. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
12. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
- ✓ 13. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of the letter on website of this Ministry.
14. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
15. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC.
16. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC.
17. PS to the Inspector General of Forests (Forest Conservation), MoEFCC.
18. Guard File.

  
(H.C. Chaudhary)  
Director