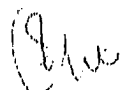


OFFICE MEMORANDUM

Sub: Committee constituted in the Ministry of Environment and Forests (MoEF) for formulation of suitable guidelines under the Forest (Conservation) Act, 1980 in respect of preparation of projects for construction of roads.

A copy of the Minutes of the meeting of the Committee constituted for revisiting the guidelines issued under the Forest (Conservation) Act, 1980 in respect of preparation of projects for construction of roads held on 06.07.2006 under the Chairmanship of IGF (FC), MoEF, is enclosed for information and necessary action.


(Sandeep Kumar)
Assistant Inspector General of Forests

Distribution:

1. Shri R. Kemp, CF (Cons.) & Nodal Officer, Arunachal Pradesh.
2. Shri A. Kumar, CCF(P) & Nodal Officer, Tripura.
3. Shri Khazan Singh, CCF(C), NE(RO), Shillong.
4. Shri R.P. Mishra, S.E., M.P. PWD, Bhopal.
5. Shri P.K. Pathak, Director (Biv-II), MIHA.
6. Shri D.C. Jain, S.E., PWD, Dehradun, Uttaranchal.
7. Shri V.K. Sharma, GM (Env.), NHAI, New Delhi.
8. Smt. Anuradha Shukla, Senior Scientist, CRRI, New Delhi.
9. Shri D.V. Negi, CCF (Central), Bhopal.

Copy forwarded to DGP&SS/IGF(FC)/AIG(P)/AIG(C)/Dir(FC), MOEF.

Minutes of the meeting of the Committee constituted for revisiting the guidelines issued under the Forest (Conservation) Act, 1980 in respect of preparation of projects for construction of roads held on 06.07.2006 under the Chairmanship of IGF (FC), MoEF.

A meeting was held under the Chairmanship of the Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests (MoEF), Government of India, on 06.07.2006, wherein the guidelines issued by MoEF under the Forest (Conservation) Act, 1980 for preparation of projects for construction of roads were revisited. List of the participants who attended the meeting is enclosed as Annexure.

2. The Chairman welcomed the participants and briefly explained the agenda of the meeting. He stated that the Ministry had received representations from the User Agencies (e.g., NHAI) as well as State Governments regarding the difficulties being faced by them in preparing single consolidated project for the roads passing through a number of Forest Divisions/Districts/States.

3. The representative of National Highways Authority of India (NHAI) stated the following—

- (i) Upgradation of roads undertaken by NHAI generally involves only widening of the existing roads.
- (ii) For upgradation of roads, NHAI gives responsibility to various Consultants for different stretches of roads. The Consultants prepare Sub-Projects, and each Consultant is responsible for execution of the Sub-Project assigned to him/her.
- (iii) The Consultants are also responsible for obtaining forest clearance, if required, for any stretch of the road covered in the Sub-Project.

4. (i) The representative of the Ministry of Home Affairs (MHA) raised the issue of feeder roads, which are required to be constructed to link the border roads to internal points to provide the support needed for construction of border roads. Earlier, one time permission was granted by MoEF for construction of patrol roads and fencing along Indo-Bangladesh Border. It was informed by the representative of MHA that the State of Meghalaya has refused permission for construction of such feeder roads on forest land (on the grounds that it is not covered under the said one time approval of the MoEF). It was agreed that the Ministry of Home Affairs shall

send details of the feeder roads required to be constructed in North-Eastern Region for consideration of Shillong Regional Office of MoEF.

[Action : MHA]

(ii) The Nodal Officer, Tripura, desired that the points/locations at which 65 feet width for the border roads shall be required, should be decided in consultation with the State Forest Department. This was agreed to by MHA representative. It was decided that MHA will issue suitable instructions to the User Agencies for compliance of the decision.

[Action: MHA and concerned State Government]

(iii) It was also made clear that prior approval of the National Board for Wildlife (NBWL) and Supreme Court shall be required for construction of the border roads passing through National Parks and/or Sanctuaries.

5. The representative of NHAI raised the issue that some State Governments, quoting para 4.4 of the guidelines issued under the Forest (Conservation) Act, 1980, have refused to allow the works for upgradation of roads on non-forest land although a small area of forest land was involved in the Sub-Project. He cited the example of Maharashtra where, despite clarification from MoEF, tree felling on non-forest lands was not allowed by the State Forest Department (SFD). It was decided to re-examine the issue separately and in proper perspective.

6. The Nodal Officer of Arunachal Pradesh explained that the time-frame of one month stipulated by the Central Government for preparation of project proposals at the State Government level for construction of Indo-China Border roads is not sufficient in view of adverse climatic conditions during rainy season, and because of shortage of funds and manpower etc. It was decided that the State Government of Arunachal Pradesh shall submit a proposal to the Ministry of Home Affairs, giving details for any support required for expeditious preparation of project proposals. A copy of the same may also be marked to local ITBP unit and the MoEF.

[Action: State of Arunachal Pradesh]

7. The representative of National Road Research Institute (NRRI) said that technical solutions are available to construct under-passes or over-bridges to avoid surface disturbances in protected areas. The representative of NHAI agreed that wherever possible such structures would be constructed in due consultation with SFD.

8. It was agreed that for preparation of projects to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980 for construction of roads passing through a number of Divisions/Districts/States, following criteria should be adopted –

- (i) All completed proposals of Sub-Projects (of NHAI) shall be submitted to MoEF or its Regional Offices, as the case may be, for obtaining forestry clearance in the form of single consolidated proposal.
- (ii) Entire forest land involved in all such Sub-Projects shall be considered in the consolidated proposal for diversion by the Central Government.
- (iii) Each consolidated proposal for forestry clearance shall be essentially accompanied with a detailed Route Map of roads intended to be upgraded in the entire State, and also in the adjoining States (wherever possible). The Route Map shall be depicted on a Survey of India toposheet of 1:50,000 scale, or in case of non-availability of Survey of India toposheet, on a detailed map of suitable scale. This map should be essentially superimposed (preferably using GIS technology) on forest cover map of the area, showing clearly the road route through different forest areas, e.g., Reserved Forest/Protected Forest/Deemed Forest/National Parks/Sanctuaries/other wildlife areas, etc. The category (i.e., natural forest, plantation, etc.), density, species, etc. of the forest areas should be clearly indicated on the map.
- (iv) An undertaking shall be furnished by the User Agency alongwith each Sub-Project to the effect that in case of the road passing through any National Park/Sanctuary, prior permission of NBWL and Supreme Court shall be obtained before placing the proposal for clearance under the Forest (Conservation) Act, 1980, and that in case the Supreme Court, in its order, directs the User Agency to avoid use of forest land in a particular National Park/Sanctuary, the User Agency shall forthwith comply with the Court directions by immediately effecting the change in alignment of the proposed road to detour the National Park/Sanctuary. The User Agency shall also give an undertaking that forestry clearance of other stretches of the same or other Sub-Projects shall not be cited as reason for clearance of any particular stretch in future.

9. Contents of para 8 above shall be placed before the Forest Advisory Committee of the Ministry of Environment and Forests for its consideration to facilitate issuance of proper guidelines on the subject.

10. **The meeting ended with a vote of thanks to the Chair.**

LIST OF PARTICIPANTS

1. Shri Jagdish Kishwan, IGF (FC), MoEF – Chairman.
2. Shri Pankaj Asthana, AIG, MoEF.
3. Shri Sandeep Kumar, AIG, MoEF.
4. Shri S.K. Chadha, AIG, MoEF.
5. Shri R. Kemp, CF (Cons.) & Nodal Officer, Arunachal Pradesh.
6. Shri A. Kumar, CCF(P) & Nodal Officer, Tripura.
7. Shri Khazan Singh, CCF(C), NE(RO), Shillong.
8. Shri R.P. Mishra, S.E., M.P. PWD, Bhopal.
9. Shri P.K. Pathak, Director (BM-II), MHA.
10. Shri D.C. Jain, S.E., PWD, Dehradun, Uttarakhand.
11. Shri V.K. Sharma, GM (Env.), NHAI, New Delhi.
12. Smt. Anuradha Shukla, Senior Scientist, CRRI, New Delhi.
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