

F. 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: 29th January, 2015

To

The Principal Secretary (Forests),
All States/ UTs

Sub: General approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land required for creation of border security related infrastructure within five kilometers aerial distance from the International Border by Paramilitary organizations of the Ministry of Home Affairs-reg.

Sir,

I am directed to say that the Ministry of Home Affairs has brought to notice of this Ministry that due to the lengthy processes involved in grant-of approval under the Forest (Conservation) Act, 1980, creation of border security related infrastructure along the International Border is getting delayed.

2. The matter has been examined in this Ministry and after careful consideration, with a view to expedite creation of strategic infrastructure along the International Border, this Ministry hereby decides to accord general approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of forest land required for creation of border security related infrastructure such as, Border Roads, Fencing, Border Outposts, Floodlights, Surveillance Infrastructure, and Power Infrastructure, within five kilometers aerial distance from the International Border by paramilitary organizations of the Ministry of Home Affairs, such as Border Security Force (BSF) and Sashastra Seema Bal (SSB) from funds provided by the Ministry of Home Affairs, subject to 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 five kilometer aerial distance from the International Border;
- (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;

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- (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;
- (vi) User agency shall explore all feasible alternatives to minimize use of forest land. Forest land to be used for creation of border infrastructure 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;
- (vii) Nodal Officer, the Forest (Conservation) Act, 1980 shall submit monthly report to the concerned Regional Office by 5th 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;
- (viii) State Government shall realize 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;
- (ix) 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;
- (x) 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;
- (xi) Permission accorded by the State Government shall be subject to the monitoring by the concerned Regional Office of this Ministry;
- (xii) Forest land utilised for creation of the border infrastructure projects shall not be used for any purpose other than that specified in the approval accorded by the State Government. Any change in the land use without prior permission of the Central Government shall amount to violation of the Forest (Conservation) Act, 1980. Request of such changes shall be made to this Ministry by the Nodal Officer (Forest Conservation) of the concerned State;
- (xiii) State Forest Department /State Government or the concerned Regional Office of this Ministry may impose from time to time any other condition in the interest of conservation, protection and /or development of forests; and
- (xiv) This general approval shall be valid till 31st December 2019.

2/11/2019

3. I am further directed to say that this approval will also be applicable in all the proposals presently under examination in the State Government and in this Ministry on the date of issue of this letter

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 Home Affairs, Government of India, New Delhi.
3. Secretary, Ministry of Defence, Government of India, New Delhi.
4. Secretary, Ministry of Road Transport and Highways, Government of India.
5. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
6. The Member-Secretary, Planning Commission, Government of India New Delhi.
7. Director General, Border Roads Organization, New Delhi.
8. Principal Chief Conservator of Forests, all States/ UTs.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all States/ UTs.
10. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
11. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
12. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
13. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
14. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of the letter on website of this Ministry.
15. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC.
17. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC.
18. PS to the Inspector General of Forests (Forest Conservation), MoEFCC.
19. Guard File.

(H.C. Chaudhary)
Director