

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003
Dated: 26th October, 2021

To
The Secretary (Forests),
All State Governments/UT Administrations

Sub: Clarification on applicability of Forest (Conservation) Act, 1980 over RoW of Roads - regarding.

Sir,

The undersigned is directed to refer to the meeting of Group of Infrastructure held on 24.08.2021 under the chairmanship of Hon'ble Minister, RT&H and MSME wherein it has been desired to clarify the applicability of Forest (Conservation) Act, 1980 in respect of lands within the RoW, ownership of which rests with the NHAI or State Government. The matter with regard to the applicability of the Act in such lands was examined in the Ministry and after due deliberation following is clarified:

"if the ownership of land vests with MoRT&H/NHAI/State road constructing agency, it is not a 'forest' as per Government records and the same land is under 'non-forest use' before 25th October 1980, then provisions of Forest (Conservation) Act 1980 would not apply".

This issues with the approval of competent authority.

Sd/-
(Sandeep Sharma)
Assistant Inspector General of Forests

Copy to:

1. The Secretary, Ministry of Road Transport & Highway, Transport Bhawan, Parliament Street New Delhi-110001
2. PCCF (HoFF), Department of forests, all States/UTs
3. DDG (F), MoEF&CC's all IROs
4. APCCF cum Nodal Officer (FCA), Department of forests, all States/UTs.
5. PPS to Secretary, (EF&CC)/PPS to DGF&SS, MoEF&C

Signed by Sandeep Sharma
Date: 26-10-2021 18:52:00
Reason: Approved