

C.No.TS3/39367/2021

Office of the Principal Chief Conservator
of Forests (Head of Forest Force),
Forest Head Quarters Building, Guindy-
Velachery Main Road, Guindy, Chennai-32.

Dated: 17.03.2023.

Sub Forest (Conservation) Act, 1980 - Proposal for diversion of 0.0476 ha of forest land in Anjur RF and Sengundram RF for relaying and periodical maintenance of Singaperumalkoil-Reddikuppam road to Chengalpattu-Thiruporur via Anjur Pattaravakkam Thenur road km 0/0-0/285 in Chengalpattu District - Proposal forwarded through online - Regarding.

- Ref 1 Online forest clearance proposal uploaded by the Divisional Engineer, Highways Department, Rural Roads, Chengalpattu - Proposal No. FP/TN/Road/148718/2021, dated 05.12.2021 and Re-submission of revised proposal on 03.01.2022, 21.02.2022 and 24.04.2022
- 2 Principal Chief Conservator of Forests letter No. TS3/39367/2021 dated 11.05.2022
- 3 Part-II of Form-A uploaded by the District Forest Officer, Kancheepuram Division on 14.10.2022
- 4 Part-III of Form-A uploaded by the Conservator of Forests, Chennai Circle on 16.02.2023

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Attention of the Conservator of Forests is invited to the references cited.

1) In the reference 1st cited, online forest clearance proposal has been uploaded by the Divisional Engineer, Highways Department, Rural Roads, Chengalpattu under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.20 ha of forest land in Anjur RF for relaying and periodical maintenance of Singaperumalkoil-Reddikuppam road to Chengalpattu-Thiruporur via Anjur Pattaravakkam Thenur road km 0/0-0/285 in Chengalpattu District

i) In the Principal Chief Conservator of Forests reference 2nd cited, the proposal has been forwarded to the District Forest Officer, Kancheepuram Division for necessary follow up action under Forest Conservation Act, 1980.

ii) In the references 3rd cited above, the District Forest Officer, Kancheepuram Division has forwarded the proposal along with the recommendation to the Conservator of Forests for diversion of 0.0476 ha of forest land of Anjur RF (25.58 sq.m in Stretch-I) and Sengundram RF (449.90 sq.m for stretch-II) for the project proposal.

3) Following shortcomings have been noticed/details required for processing the forest clearance proposal.

i) For the diversion of 0.0476 ha of forest area, compensatory afforestation has been proposed by planting of 100 number of saplings in 0.10 ha degraded forest area in Sengundram RF.

In the compensatory afforestation scheme, digging of 100 Nos staggered trench to the plants has been proposed to an amount of Rs. 68984/- and water harvesting trench along the boundary of Sengundram RF to a length of 150m has been proposed to an amount of Rs. 42690/- in addition to the catch water drains proposed for all the 100 plants in the plantation raising estimate.

Justification for providing above works in the CA scheme has not been furnished. Compensatory afforestation scheme estimate should contain the essential items required for the successful planting activity. Water harvesting structures if any required in the degraded forest area may be proposed in other schemes.

ii) In the site inspection report and recommendation of the proposal the District Forest Officer has reported that, on inspection, it was found that the road was already laid long time back in forest area and there is no proper records available on when the road was formed. Also, the requested forest stretch is in continuation of the already existing Singaperumalkoil-Reddikuppam Road to Chengalpattu-Thiruporur Road via Anjur, Pattaravakkam, Thenur Road. The Forest Range Officer, Chengalpattu reported based on enquiry with village people that, this road was formed 20 years before and also reported that, this road has no right of way as per the Anjur and Sengundram RF notification.

As per the report of the user agency, the present road was constructed before 1985 and it was maintained by Rural Department and also informed that the last renewal was carried out prior to 2008 by Rural Department and the road is heavily damaged for the past 14 years in forest portion.

a) In this connection, the details of road portion lies in the forest area, present condition (length and width of carriage way and shoulder width) of the road in forest area and whether the present proposal involves any expansion work of road etc., have not been reported.

b) As per the kml file of the forest area proposed for diversion, area of 0.0476 ha involving a triangle portion of the area only sought for and the existing road portion has not been included in the proposed forest diversion area.

Justification for exclusion of already existing road portion lies in the forest area has not been furnished.

iii) As per the Survey of India topo sheet uploaded (Year not known) by the user agency, the proposed road is in existence and marked in the map.

The District Forest Officer may be informed to ascertain whether the road is existence before 1980 and furnish the relevant map.

iv) This project involve forest land in Anjur RF and Sengundram RF. Hence RF wise length and width of area required for the project has to be reported.

v) The Government of India in Ref No. FC-11/117/2019-FC dated 25.03.2023 clarified as follows (copy enclosed)

“While seeking prior approval under FCA 1980 for use of additional forest land for upgradation/ widening of such roads, the details of existing forest land involved in the carriage way of road constructed prior to 1980 should also be included in the application for diversion of forest land”

The District Forest Officer may be informed to clarify this issue in respect of this proposal.

Sd/- V. Karunapriya,
For Principal Chief Conservator of Forests
(Head of Forest Force)

To
The Conservator of Forests, Chennai Circle, Chennai for necessary follow up action.
Copy to the District Forest Officer, Kancheepuram Division, Kancheepuram
Copy to the Divisional Engineer, Highways Department, Rural Roads,
No. B-75, Alagesan Nagar, Chengalpattu, Pin code 603 001. (User agency)

/ True copy / By order /

P. W. M. 20/03/2023
Senior Draughting Officer.

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 15th March, 2023

To

The Addl. Chief Secretaries/Principal Secretaries (Forests),
All States/ Union Territory Administrations.

**Sub: Upgradation/widening of roads, constructed prior to 1980
in forest areas - reg.**

Sir,

I am directed to refer to above mentioned subject and to inform that the issue related to upgradation/widening of roads, constructed prior to 1980 in forest areas, was considered by the Forest Advisory Committee (FAC) in its meeting held on 27.01.2023. The detailed minutes of the FAC meeting held on 27.01.2023 is placed on the website of this Ministry: www.parivesh.nic.in.

2. Ministry vide its guidelines dated 9.11.2020 provided that the State Forest Department can undertake repair, maintenance and upgradation of roads constructed in the forest area prior to 1980 without attracting the provisions of the Forest (Conservation) Act, 1980. There is an apprehension among the various processing authorities in the State as well as in the IRO regarding applicability of the Forest (Conservation) Act, 1980. Many processing authorities are insisting for obtaining approval of forest land located in the carriage way of road constructed prior to 1980 thereby resulting into a situation of ambiguity among the filed functionaries.

4. Based on the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the following is clarified:

- i. While seeking prior approval under the Forest (Conservation) Act, 1980 for use for additional forest land required for upgradation/widening of such roads, the detail of existing forest land involved in the carriageway of road constructed prior to 1980 should also be included in the application for diversion of forest land.
- ii. As the non-forestry use of forest land involved in the carriage way constructed prior to 1980 has already been allowed before 1980, the provision of raising compensatory afforestation and payment of

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- NPV should not be insisted for such portion of forest land involved in the upgradation/widening of forest land.
- iii. The guidelines dated 9.11.2020 issued by the Ministry accordingly, stands modified to the above extant .

This issue with the approval of Competent Authority of the Ministry.

Signed by Charan Jeet
Singh

Date: 16-03-2023 12:53:49

Yours faithfully

Sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The PCCF, All States/ Union Territories Administration.
2. The Regional Officer, All Integrated Regional Office of MoEF&CC
3. The Nodal Officer, O/o the PCCF, All States/ Union Territories Administration.
4. Monitoring Cell of FC Division, MoEF&CC, New Delhi
5. Guard file.