

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

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated: November, 2024

To

Addl. Chief Secretaries (Forests)/Principal Secretary (Forests),
All State Government/UT Administrations

Sub: Clarification on the extent of preparatory works permissible under the provisions of working permission in respect of railways projects - reg.

Sir,

I am directed to refer to the Ministry of Railways, Government of India's DO No. 2020/W-1/Genl/Forest& Wildlife dated 15.11.2024 on the above subject requesting this Ministry to reconsider the definition of working permission in context of railway projects which involves, captive roads for transportation of materials and machinery, construction of bridges, tunnel works, etc.

It is to clarify that the definition of working permission included in the Van (Sanrakshan Evam Samvardhan) Rules, 2023 is with an intent that preliminary or preparatory works before the final stages of completion of work can be carried out such as up to blacktopping or concretisation in road projects, laying of railway tracks in projects of laying railway lines, and charging of transmission lines in transmission projects. Divergent interpretation of the working permission by various authorities in the States/UTs is resulting into delay in the project commencement work or imposing conditions which are not applicable in such cases. Therefore, keeping in view the larger national interests involved and bring uniformity in the implementation of the provisions of the working permission, the matter was examined in the Ministry.

2. After careful, examination of the provisions of the working permission, as provided under rule (2) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the Central Government, in accordance with the provisions of section 3C of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, hereby clarifies the following:

- i. **Black topping of roads** : The roads only for captive use of railway, included in the diversion proposal submitted for prior approval under the Van (Sarnakshan Evam Samvardhan) Adiniyam, 1980, provide access to adit of tunnels, transportation of material and machineries and hence such captive road are ancillary to construction of railway projects and not for public use. Therefore, construction of such captive road with WBM (Water Bound Macadam) configuration may be allowed for access and

transportation of machineries during the working permission. However, in cases where WBM roads may not be useful due to the limitation poses by the topographical and edaphic factors, black topping of roads may be allowed on a case to case basis provided the road will be used only for captive purpose and transportation of machinery and materials.

- ii. **Concretization works in railway projects:** Laying of foundation, erection of pillars, construction of tunnels are preliminary or preparatory works for the construction of railway lines. As per definition of working permission, as far as railway projects, in particular, are concerned, it includes all preliminary and preparatory works other than laying of railway tracks, which is a final stage of commissioning and implementation of the project. Therefore, all preparatory works before laying of railway tracks will be allowed under the working permission.
- iii. **Laying of railways tracks:** Laying of railway tracks entails the completion of railway track works and hence can be undertaken only after obtaining the final approval under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. However, preliminary works such construction of formation (track bed) for railway tracks, laying of track ballast may be considered under the regime of working permission.

3. In view of the above, I am directed to request the State Government/UT Administrations to take into consideration the above clarifications, while considering the working permission of railway projects, under the provisions of Van (Sanrakshan Evam Samvarshan) Rules, 2023.

4. This issues with the approval of the competent authority of the Ministry

Yours faithfully

(Charan Jeet Singh)
Scientist E

Copy to:

1. Chairman, Railway Board, Ministry of Railways, Government of India, Rail Bhawan, New Delhi - 01
2. PCCF & HoFF, all States/ Union territories Administrations
3. The Dy. DGF (Central), all Regional Offices of MoEF&CC
4. The Nodal Officer (Van Sanrakshan Evam Samvardhan), all States/ Union territories Administration
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.

6. Guard File.