

No. 11-246/ 2014-FC (pt.)  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi - 110 001  
Dated: 28<sup>th</sup> October, 2014

To

**The Principal Secretary (Forests),**  
Government of Arunachal Pradesh,  
Himachal Pradesh, Uttarakhand and Sikkim

**Sub:** General approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for construction and widening of two lane roads by the Border Road organization and other road construction agencies entrusted with the job by the Ministry of Defence, in the area falling within the 100 Km aerial distance from the Line of Actual Control-reg.

Sir,

I am directed to refer to the Government of Arunachal Pradesh's letter no. FOR.433/Cons/86/Vol-II/ 6057-60 dated 29<sup>th</sup> August 2014 on the above-mentioned, and to say that reply of this Ministry on clarification sought by the Government of Arunachal Pradesh in the said letter are as below:

Sl. No.	Clarifications sought by the Government of Arunachal Pradesh	Reply of the MoEFCC
(i)	Whether Line of Actual Control (LAC) involves international boundary with China only OR with Bhutan and Myanmar also?	Line of Actual Control (LAC) involves international boundary with China only.
(ii)	Further, few road proposals which are within 100 km aerial distance from the Line of Actual Control have already been approved "in principle" by the Ministry of Environment and Forests and user agencies are yet to submit the compliance reports to his office. After getting compliance reports from them, whether such cases are to be intimated to Ministry for according stage-II OR state government can accord Stage II approval/ forest clearance?	State Government after satisfying itself that conditions stipulated in the in-principle approval have satisfactory been complied with, may accord stage-II approval to such proposals.

*[Handwritten signature]*

(iii)	If some portion of proposed road falls outside 100 Km aerial distance and substantial portion falls within 100 Km aerial distance, then such cases are to be dealt by state government or by Ministry of Environment & Forests.	General approval is limited to the portion of roads falling within 100 Km aerial distance from the LAC.
(iv)	In the above letter dtd. 04/07/14, it was mentioned that state Govt. can impose any other additional conditions in the interest of conservation, protection and/or development of forests on the project against which general approval accorded. But in the letter F. No. 1 I - 306/2014-Fc dtd. 08/08/2014, it has been stated that state Government shall not impose any additional conditions over and above the same stipulated by the central Govt. in the in-principle approval. What should be done here?	Provision of this ministry's letter F. No. 1 I -306/2014-Fc dtd. 08/08/2014 are applicable to the cases where approval under the Forest (Conservation) act, 10980 is accorded by this Ministry or its Regional Offices. These provisions are thus not applicable to the approvals accorded by the State Government in accordance with the General approval accorded by this Ministry vide letter No. 11-246/2014-FC dated 4 <sup>th</sup> July 2014.
(v)	If violation of FC Act'80 is occurred in case of the project which is within the 100 km of aerial distance from the Line of Actual Control, what action will be initiated by this Department. The proposal is to be sent to MoEF or accord forest clearance by the State Govt. by imposing penalty if the road was constructed in defence interest?	In case violation is of the Assam Forest Regulation, 1891 as applicable to Arunachal Pradesh, appropriate action shall be initiated by the State Government. However, in case the violation is of the Forest (Conservation) Act, 1980, a self-contained report giving full details of the nature and extent of violation along with name and designation of the officers prima facie responsible for the violation shall be submitted to the concerned Regional Office for their necessary action.
(vi)	The Sl. No. of conditions mentioned vide your letter dtd.04/0712014 is not correct, it was	There is one set of conditions from

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	shown as (i) to (v) and again (i) to (ix) on page 2. This may please be clarified, whether there are two sets of condition i.e (i) to (v) and (i) to (ix) or one set of condition from (i) to (xiv).	sl. No. (i) to (xiv).
(vii)	Some of the roads which are within the 100km of aerial distance from the Line of Actual Control, Stage-I approval accorded and compliance reports were submitted to MoEF for Stage-II approval, but these are pending due to some queries made by MoEF such as wildlife conservation Plan & transfer of fund thereof, EIA/EMP, photograph of CA area etc. Whether such cases can be dealt at the state Govt. level after queries are replied fully and satisfactorily?	Stage-II approval to such proposals may be accorded by the State Government after satisfying itself that all conditions stipulated in the in-principle approval and queries made by the MoEF or Regional Office have satisfactorily been complied with.
(viii)	Some of the roads which are within the 100 km aerial distance from the Line of Actual control, stage-I approval accorded and compliance reports were submitted to MoEF for Stage-II approval, but these are pending due to EIA/EMP though BRO roads are exempted from compliance of EIA/EMP?	Specific details of such proposals along with specific comments of State Government on each of such proposals may be provided to this Ministry or its concerned Regional Office, as the case may be, for their necessary action to amend/ modify such conditions to make these conditions in consonance with the concerned provisions of the EIA, Notification, 2006 as amended from time to time.

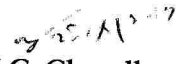
The following is also clarified for information and necessary action of all concerned:

- (i) The State Governments before granting stage-I approval under the Forest (Conservation) Act, 1980 should ensure that a certificate to the effect that the proposed defence road falls within 100 km aerial distance from the LAC or proposed road is indentified as link road between border road, in the area within 100 km aerial distance from LAC and NH/SH state Roads is obtained from Ministry of defense or any other agency authorized by it.
- (ii) The State Government should prepare a list of such proposals which have been submitted to this Ministry and its Regional Offices for approval or which have been granted stage -I

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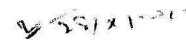
approval and are pending for Stage -II approval but now these proposal are covered under general approval granted vide 4<sup>th</sup> July 2014 guideline and submit to this Ministry and the concerned Regional Office so that process of clearance of such proposals is complied with without any ambiguity.

Yours faithfully,

  
(H.C. Chaudhary)  
Director

**Copy to:-**

1. The Principal Chief Conservator of Forests, Governments of Arunachal Pradesh, Himachal Pradesh, Uttarakhand and Sikkim.
2. The Nodal Officer, the Forest (Conservation) Act, 1980, O/o the Principal Chief Conservator of Forests, Governments of Arunachal Pradesh, Himachal Pradesh, Uttarakhand and Sikkim.
3. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (North Eastern Zone), Shillong and the Regional Office (North Central Zone), Lucknow.
4. Guard File.

  
(H.C. Chaudhary)  
Director